

Rev. 9/24/99

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1313

**AN ORDINANCE TO AMEND ORDINANCE NO. 1062 AND
TO AMEND THE CODE OF THE TOWNSHIP OF MAHWAH
REGARDING THE HISTORIC PRESERVATION
COMMISSION OF THE TOWNSHIP OF MAHWAH**

WHEREAS: The Township Council of the Township of Mahwah has determined:

1. The Township of Mahwah has previously established in and for the Township of Mahwah a commission known as the Historic Preservation Commission, and
2. In adopting this Ordinance it is the intention of the Township of Mahwah to have the Commission work with and advise the Planning Board and the Board of Adjustment on the effect of development applications on designated historic sites and in addition to review all permit applications involving the historic sites, and
3. This Ordinance does not require or prohibit any particular architectural style; rather its purpose is to preserve the past by making the past compatible with and relevant to the present. To that end, new construction upon a historic site should not necessarily duplicate the exact style of the historic site; it must be compatible with and not detract from the historic site.

BE IT ORDAINED by the Township Council of the Township of Mahwah that the code of the Township of Mahwah be amended as follows:

Sect. 1. Section 2-13.5 is amended to read:

2-13.5 Historic Preservation Commission. There shall be a Historic Preservation Commission. For administrative purposes the Historic Preservation Commission is assigned to the Department of Zoning and property maintenance.

Sect. 2. All references in any section of the Township Code, including but not limited to Sec. 22-4.2(a)1(l) and 26-5.3(a)1(k), to "Historic Sites Committee shall be deemed changed to "Historic Preservation Commission".

- Sect. 3. A. Section 2-13.10 entitled "Historic Preservation Commission" is hereby redesignated in its entirety as new Section 21-6.1.
- B. Section 2-13.10.b, (New 21-6.1.b) entitled "DEFINITIONS" is amended by the addition of a new definition as follows:

Section 21-6.1.b.

3. **Minor Application.** Any application for a permit not in conjunction with an application for development to the Planning Board or Board of Adjustment shall be considered as a minor permit if: (a) there is no change to the structural members of the building, and (b) the estimated cost of the proposed work is less than \$5,000.00, and (c) less than 5% of the historic structure is affected by the proposed work. A demolition permit shall not be a minor application.
4. **Ordinary Maintenance** shall mean repairing any deterioration, wear or damage to a structure, or any part thereof, in order to return the same as nearly practicable to its condition prior to the occurrence of such deterioration, wear or damage. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs, using the same materials having the same appearance.
5. **Repair** shall mean any work done on any improvement which:
- (a) is not an addition to the improvement; and
 - (b) does not change the exterior architectural appearance of any improvement.

- Sect. 4. The Township Code shall be amended by the addition of a new Section 21-6.2 to read as follows:

21-6.2 Advice on Applications for Development:

The planning board and board of adjustment shall refer to the historic preservation commission every application for development submitted to either board for development on historic sites designated on the zoning or official map or identified in any component element of the master plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The historic preservation commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff

to testify orally at the hearing on the application and to explain any written report which may have been submitted.

Sect. 5. The Township Code shall be amended by the addition of the new Section 21-6.3 to read as follows:

21-6.3. Reports on permit applications:

- (a) Except for aspects of historic preservation determined by a municipal agency in conjunction with an application for development under the preceding Code Section 21-6.2, all applications for issuance of permits pertaining to historic sites shall be referred to the historic preservation commission for a written report regarding the application of the zoning ordinance historic preservation provisions to the changes proposed in the permit application.
- (b) The historic preservation commission shall submit its report to the administrative officer within 45 days of the referral of the permit application to the historic preservation commission. If within the 45-day period the historic preservation commission recommends to the administrative officer against the issuance of a permit or recommends conditions to the permit to be issued, the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.
- (c) In the case of a minor application for the issuance of a permit pertaining to a historic site, the chairman of the historic preservation commission (or in his absence the vice chairman) may act in the place of the full commission for purposes of this Section 21-6.3. The chairman shall submit his report within 21 days of the referral of the minor permit application.

Sect. 6. The Township Code is amended by the addition of a new Section 21-6.4 to read as follows:

21-6.4 Exceptions. Review by the Historic Preservation Commission shall not be required:

- a. When a historic site requires immediate emergency repair to preserve the continued habitability of the landmark and/or health and safety of its occupants or others. Emergency repairs may be performed in accordance with town codes, without the necessity of first obtaining

the Commission's review. Under such circumstances, the repairs performed shall only be such that are necessary to maintain the habitability of the structure. A request for the Commission's review shall be made as soon as possible and no additional work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this ordinance. All work done under this section shall conform to the criteria set forth in Section 24.18.4.

- b. For changes to the interior of structures except for structures containing more than 10,000 sq. ft.
- c. For ordinary repairs and maintenance which do not constitute a change to the appearance of the structure. The following are the only activities which do not require Commission review according to this criteria.
 - 1. Repair of existing windows and doors, using the same material. Installation of storm windows that are compatible with the architectural period or design of the subject structure.
 - 2. Maintenance and repair of existing roof material, involving no change in the design, scale, material or appearance of the structure.
 - 3. Repair of existing roof structures, such as cupolas, steeples, dormers and chimneys, using the same materials, which will not alter the exterior architectural appearance of the structure.
 - 4. Replacement in kind of existing shingles, clapboards, or other siding maintaining the architectural integrity of the structure.
 - 5. Maintenance and repair of existing shingles, clapboards or other siding, using the same materials that are being repairs or maintained.
 - 6. Exterior painting of existing structures.
 - 7. Repairs to existing signs, shutters, outdoor display, fences, hedges, street furniture, awnings, off street driveway and parking materials and sidewalks, using the same material of those items noted above being repairs.

Sect. 7. Section 21-2.7(a) is amended to read.

- (a) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the Township affected by any decision of the administrative officer. Each appeal shall be taken within twenty (20) days by filing a notice of appeal with the officer from whom the appeal was taken, together with three (3) copies of the notice with the Secretary of the Board of Adjustment. The notice of appeal shall specify the grounds for appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Sect. 8. Section 21-2.10(a) is amended to read.

- (a) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of Chapter XXIV, Zoning. If, in the case of an appeal made pursuant to this subsection (a), the board of adjustment determines there is an error in any order, requirement, decision or refusal made by the administrative officer pursuant to a report submitted by the historic preservation commission, then the board of adjustment shall include the reasons for its determination in the findings of its decision thereon.

Sect. 9. The Zoning Code of the Township of Mahwah is hereby amended by the addition of the new Section 24-18 to read as follows:

Section 24-18 Historic Preservation.
24-18.1. Historic sites.

In accordance with the historic preservation plan element of the master plan the following sites are designed as historic sites:

	<u>Site Name</u>	<u>Block</u>	<u>Lot</u>	<u>Location</u>
A	Issac Bogert House	147.02	61	640 Campgaw Rd.
B	Hopper-Van Horn	17	12	398 Ramapo Valley Rd.
C	Garret Garrison	25	39	988 Ramapo Valley Rd.
D	Young House	150	19.07	81 Youngs Road
E	Ramapo Reformed Church	56	65	West Ramapo Avenue
F	Hopper Gristmill	51	8	156 Ramapo Vly. Rd.
G.	William Stivers	18	2	345 Ramapo Vly. Rd.
H.	Quackenbush Barn			Winters Park
I.	Crocker Mansion	21.03	1.02	Crocker Mansion Drive

J.	Masonicus School House	123	8	59 Masonicus Road
K.	Westervelt-Hosey House	123	14	3 Masonicus Road
L.	Erie RR Station Museum	58	29	142 N. Railroad Ave.
M.	Joyce Kilmer House	105	54	162 Airmount Road
N.	Fletcher House	105	123	103 Oweno Road
O.	Oldbrook / P. Messenger	61	37	49 West Airmount Road
P.	Darlington School House	19	7	600 Ramapo Vly. Rd.
Q.	Rodger Baldwin House	1	152.04	40 Stabled Way
R.	Terhune Dodge House	148	45	373 Campgaw Road
S.	Bogert House	147.02	60	636 Campgaw Road
T.	Deepdale	25	14	1174 Ramapo Valley Rd.
U.	Abraham Garrison	25	37	1010 Ramapo Vly. Rd.
V.	Brown-Waite House	95	21	83 Oweno Road

24-18.2. Deleted

24.18.3. Historic Designation Criteria.

In considering whether an individual site, building or structure is of particular historical, archaeological, scenic or architectural significance to the Township, the County of Bergen, the State of New Jersey or the Nation and reflects or exemplifies the cultural, political, scenic, economic or social history of the nation, state, or locality the Historic Preservation Commissions shall give consideration to the following criteria.

- (1) That it is associated with events that have made a significant contribution to the broad patterns of our history: and/or
- (2) That it is associated with the lives of persons significant in our past; and/or
- (3) That it embodies the distinctive characteristics of a type, period or method of construction or that it represents the work of a master, or that it possesses high artistic values, or that it represents a significant and distinguishable entity whose components may lack individual distinction and/or
- (4) That it has yielded or may be likely to yield information important to pre-history or history.
- (5) Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purpose, structures that have been moved from their original locations, reconstructed historic buildings properties primarily commented in nature, and properties that have achieved

significance within the past 50 years shall not be considered eligible for designation as a landmark. However, such properties will qualify if they are integral parts of landmarks that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance or
- (b) A building or structure removed from its original location but which is significant primarily for architectural value or which is the surviving structure most importantly associated with a historic person or even or
- (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building associated with his productive life; or
- (d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age from distinctive design features or from association with historic events; or
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of the restoration master plan, and when no other building or structure with the same association has survived or
- (f) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance or exceptional importance.
- (g) A property achieving significance within the past fifty (50) years, if it is of exceptional importance.

24.18.4. Historic Design Guidelines.

- A. In reviewing matters referred to it under section 24-2, the Historic Preservation Commission shall take into consideration the following specific standards:
 - (1) The impact of the work proposed under an application on the subject site's historic and architectural character.
 - (2) The site's importance to the Township and the extent the historic or architectural interest would be adversely affected to the detriment of the public interest.

(3) The extent to which there would be involvement of textures and materials that could not be reproduced only with great difficulty.

(4) Any change of use of the structure or site involved.

B. The following factors shall be used in determining the visual compatibility of a building, structure, or appurtenance thereof with the buildings and places to which they are visually related and shall be known and "Visual Compatibility Factors."

(1) Height. The height of the proposed building shall be visually compatible with existing or adjacent buildings.

(2) Proportion of the Building's Front Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with the buildings and places to which it is visually related.

(3) Proportion of Openings within the Facility. The relationship of the width of the windows to the height of the windows in a building shall be visually compatible with the buildings and places to which it is visually related.

(4) Rhythm of Solids to Voids on Front Facade. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.

(5) Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.

(6) Rhythm of Entrance and/or Porch Projections. The relationship of the entrance or entrances and the porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.

(7) Relationship of Materials, Texture and color. The relationship of materials, textures and color of the

facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

- (8) Roof Shapes. The roof shapes of a building shall be visually compatible with the buildings to which it is visually related.
- (9) Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, every green landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
- (10) Scale of Building. The size of a building, the mass of a building in relation to open spaces, and to the existing windows, door openings, porches and balconies shall be visually compatible with the existing structure of streets and places to which it is visually related.
- (11) Directional Expression of Front Facade. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.

C. In making its determinations and recommendations, the Historic Preservation Commission shall also take into consideration specific standards, as set forth below.

- (1) Demolitions. In regard to an application to demolish a landmark, the following matters shall be considered:
 - (a) Its historic, architectural, archaeological and/or aesthetic significance;
 - (b) Its use;
 - (c) Its importance to the municipality and the extent to which its historical, architectural or archaeological value is such that its removal would be determined to the public impact;

- (d) The extent to which it is of such old, unusual or uncommon design craftsmanship, texture or material that it could not be reproduced or should be reproduced only with great difficulty.
 - (e) The extent to which its retention would promote the general welfare by maintaining real estate values, generating business, creating new jobs. Attracting tourists student writers, and historical artists. Attracting new residents, encouraging study and importance in American History, simulating interest and study in architecture and design educating citizens in American culture and heritage or making the municipality a more attractive and desirable place in which to live.
- (2) Removals Out of the Township. In regard to an application to move an historic landmark to a location outside of the Township, the following matters shall be considered:
- (a) The historic loss to the site at the original location.
 - (b) The compelling reasons for not retaining landmark at its present location.
 - (c) The proximity of the proposed new location to the Township including the accessibility to the residents of the Township and other citizens.
 - (d) The probability of significant damage to the landmark, as a result of the move.
 - (e) The applicable matters set forth in this ordinance.
- (3) Removals Within the Township. In regard to an application to move an historic landmark, to a location within the Township, the following matters shall be considered in addition to the other matters set forth in this Ordinance.
- (a) The compatibility, nature and character of the

current and of the proposed surrounding areas as they related to the intent and purposes of the ordinance.

(b) The visual compatibility factors as set forth in this ordinance.

Sect. 10. Severability. If any portion of this Ordinance shall be determined invalid in part, the remainder of the Ordinance shall remain in effect.

Sect. 11. Repealer. All ordinances or parts of ordinances, including but not limited to Ordinance 627 are hereby repealed.

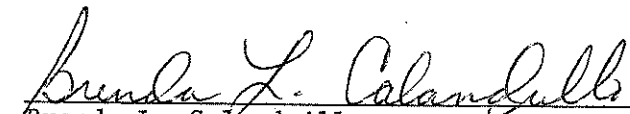
Sect. 12. Effective Date. This Ordinance shall become effective after publication and as provided by law.

Ordinance No.: 1313

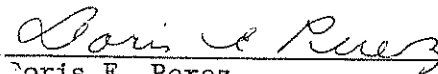
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Dated: October 4, 1999

Attest



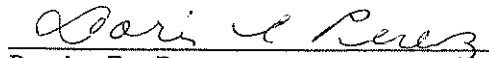
Brenda L. Calandrillo
Council President



Doris E. Perez
Municipal Clerk

CERTIFICATION

I, Doris E. Perez, Municipal Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council, held on the 26th day of August, 1999.



Doris E. Perez
Municipal Clerk