

ORDINANCE 2025-17
AN ORDINANCE AMENDING CHAPTER 255 OF THE CODES OF THE TOWNSHIP OF
RIVERSIDE REGULATING LAND DEVELOPMENT

255-90A-1. Purpose and objectives.

The purpose of this article is to implement the historic preservation element of the Master Plan, to provide guidance to property owners in achieving preservation of historic resources and to advance the following public purposes:

- A. Establish a historic district within the Township that designates buildings, structure and sites of historic significance for preservation and protection from demolition and/or significant modification(s) except in accordance with the standards established by this ordinance;
- B. Encourage the continued use of historic buildings, structures and sites, including their renovation and restoration, to facilitate their appropriate use or reuse;
- C. Encourage the proper maintenance of those buildings, structures and sites, and their appropriate alterations when made in conjunction with the construction permitting process;
- D. Enhance the visual and aesthetic character of the Township;
- E. Promote appreciation of historic sites for the education, pleasure and welfare of the residents of the Township and its visitors;
- F. Encourage private reinvestment;
- G. Promote the preservation of historic buildings, structures and sites outside of the historic district and encourage voluntary compliance;
- H. Foster civic pride and promote historic preservation and restoration through advisory, educational and informational functions;
- I. Develop materials that will aid township residents in their pursuit of maintaining the historic and aesthetic details of buildings, structures and sites; and
- J. Carry out such other advisory, educational and informational functions as will promote historic preservation within the municipality.

§ 255-90A-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ADDITION: An extension or increase in building size, floor area or height.

ADMINISTRATIVE OFFICER: The Township Construction Code Official.

ALTERATION: As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position, to another, or the change in appearance of the exterior surface of any improvement and does not include demolition.

CERTIFICATE OF APPROPRIATENESS (or COA): A document issued by the HPC demonstrating its review of any alteration, addition to or demolition of a designated historic site, or to a property within a historic district per the Standards in § 255-90A-7. Such review is based upon the application and representations of the Applicant and the approved plans presented for the preservation, restoration, rehabilitation or alteration of an existing property, or the demolition, addition, removal, repair or remodeling of any feature on an existing building within the historic district, or for any new construction within the historic district.

DEMOLITION: The partial or total razing, dismantling or destruction of any historic site or any improvement within a historic district.

DEMOLITION BY NEGLECT: The criteria governing emergency repairs are set forth in § 255-90A-8.

DESIGN: Exterior features including mass, height, appearance and the texture, color, nature and composition of materials.

EMERGENCY REPAIRS: The criteria governing emergency repairs are set forth in § 255-90A-5G.

EVALUATION: The process of determining whether identified properties meet defined criteria of historical, architectural, archaeological or cultural significance.

HISTORIC DISTRICT: One or more historic sites and certain intervening or surrounding property significantly affecting or affected by the quality and character of historic site or sites, as specifically designated herein.

HISTORIC PRESERVATION COMMISSION (or HPC): The Historic Preservation Commission as authorized by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

HISTORIC RESOURCE: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register (of Historic Places); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object.

HISTORIC SITE: Any real property, human-made structure, natural object or configuration or any portion or group of the foregoing which has been designated in the Master Plan as being of historic, archaeological, cultural, scenic or architectural significance at the national, state or local level, as specifically designated herein and which is located within the Historic Preservation Overlay Zone, as adopted by ordinance as an amendment to the Township Zoning Map. The designation of a historic site shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto.

HISTORIC STRUCTURE: Any structure situated on property included in the historic district on a historic site.

IMPROVEMENT: Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation.

IN-KIND: Same materials and of the same dimensions, profile, characteristic details, texture and location as existing.

INTEGRITY: The ability of a historic site or element to convey its historic and architectural significance; the retention of those essential characteristics and features that enable a property to effectively convey its significance.

INVENTORY: A list of historic sites determined to meet criteria of significance specified herein.

MASSING: The manner in which a structure's height, depth, and width are proportionate to the height, depth, and width of the immediately adjacent structures that are located on the same street. The overall volumetric shape of a structure is also defined by the exterior walls, roof shapes, and appendages such as porches, projecting bays, towers, and cupolas.

MINOR APPLICATION: Any application for a COA which:

- a. Does not involve demolition, relocation or removal of a historic site;
- b. Does not involve an addition to a site in a historic district or new construction in a historic district;
- c. Is a request for approval of fences, signs, lighting, doors, windows, roofs, paving, exterior sheathing or streetscape work which will not substantially affect the characteristics of the historic site or the historic district.
- d. Is a request for a field change for a COA which has already been issued and which meets the criteria of Subsection C of this definition, above.

NATIONAL REGISTER CRITERIA: The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

ORDINARY MAINTENANCE AND REPAIR: Repair of any deterioration, wear or damage to a structure or any part thereof in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship. Ordinary maintenance shall further include in-kind replacement of exterior elements or accessory hardware, including signs, using the same materials and workmanship and having the same appearance.

PERMIT: Any required approval for exterior work to any improvement or property in a historic district or on a historic site. Permit shall include, but is not limited to, a building permit, a demolition permit, a permit to move, convert, relocate or remodel or to change the use or type of occupancy of any improvement or property in a historic district which involves exterior changes to the structure or the property on which it is located.

PRESERVATION: The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PROSPECTIVE BUYER: Any person or entity negotiating or offering to become an owner or lessee of site or property within the historic district by means of a transfer for value to which this section applies.

PROTECTION: The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

RECONSTRUCTION: The act or process of reproducing by new construction the exact form and detail of a vanished or non-surviving building, structure or object, or any part thereof, as it appeared at a specific period of time when documentary and physical evidence is available to permit accurate reconstruction.

REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

REPAIR: Any work done on an improvement that is not an addition and does not change the exterior appearance of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality.

RESTORATION: The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

SCALE: Scale in architecture is a measure of the relative size of a structure or component in relation to a known unit of measure or customary size for such a component. The perceived scale of any proposed structure or addition is a function of:

- a. The overall size of the proposed new construction relative to existing structure sizes; and
- b. The visual relationship of structural or building wall elements in the new construction relative to the visual relationship of building wall elements in existing structure and buildings.

SELLER: Every person or entity who is an owner, beneficiary of a trust, contract purchaser or lessee of a ground lease, or who has an interest (legal or equitable) in a site or property within the historic district.

STREETSCAPE: The visual character of the street, including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE: A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SURVEY: A process of identifying and gathering data on a community's historic resources. It includes a field survey which is the physical search for and recording of historic resources on the ground, preliminary planning and background research before the field survey begins, organization and presentation of survey data as the survey proceeds, and the development of inventories.

§ 255-90A-3. Historic Preservation Commission (HPC).

A. Responsibilities. The Historic Preservation Commission (HPC) shall have the following duties and responsibilities:

1. Prepare a survey of historic sites of the municipality pursuant to criteria identified in the survey report, as amended.
2. Make recommendations to the Joint Land Use Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
3. Advise the Joint Land Use Planning Board on the inclusion of historic sites in the recommended capital improvement program;
4. Advise the Joint Land Use Planning Board on applications for development pursuant to Section 24 of P.L. 1985, c. 516 (N.J.S.A. 40:55D-110). Based upon the recommendations of the HPC, the Joint Land Use Planning Board shall, at a public hearing, ultimately decide to approve, approve with conditions, or deny an application for a COA.
5. Provide written reports pursuant to Section 25 of P.L. 1985, c. 516 (N.J.S.A. 40:55D-111) on the application of the zoning ordinance provisions concerning historic preservation. The HPC report

as referred to in N.J.S.A. 40:55D-111 shall be submitted to the Joint Land Use Planning Board which in turn shall report to the Administrative Officer.

6. Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.
7. Provide technical assistance upon request to property owners on how to preserve, restore and rehabilitate structures, and to advise property owners upon their request as to the accuracy of historic restoration, including materials, fenestration, architectural detail, environment and color.

B. Establishment.

1. Members.

- a. There is hereby established a HPC to be appointed by the Mayor, which HPC was established by prior ordinance and is hereby continued consistent with N.J.S.A. 40:55D-107 et seq. The HPC shall consist of seven (7) regular members and two (2) alternate members. Members shall serve without compensation. At the time of appointment, at least one (1) member shall be designated from each of the following classes:
 - 1) Class A: A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
 - 2) Class B: A person who is knowledgeable, or with a demonstrated interest in, local history and who may reside outside the municipality; and
 - 3) Class C: Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at minimum a demonstrated interest in history, historic preservation or a related field.
- b. Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the seven regular members, at least one less than a majority shall be of Classes A and B.

2. Terms.

- a. The terms for the members of the HPC first appointed by Township Committee shall be as follows:
 - 1) One (1) member appointed for a one (1) -year term.
 - 2) Two (2) members appointed for two (2) -year terms.
 - 3) Two (2) members appointed for three (3) -year terms.
 - 4) Two (2) members appointed for four (4) -year terms.
 - 5) Thereafter, the term of each regular member shall be for four (4) years.
- b. All terms shall begin on July 1 of the year in which the appointment is made.
- c. Notwithstanding any other provision herein, the term of any member common to the HPC and the Joint Land Use Planning Board shall be for the term of membership on that Board.

- d. A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only.
- 3. Alternates.
 - a. Alternate members shall serve for terms of two (2) years; provided, however, that the initial terms of the two (2) such alternate members shall be one (1) and two (2) years, respectively.
 - 4. Officers. Annually, the HPC shall elect a Chair and Vice Chair from its members and select a recording secretary who may or may not be a member of the HPC or a municipal employee.
 - 5. Budget. The Township Committee shall make provision in its budget and appropriate funds for the expenses of the HPC. The HPC may employ, contract for and fix the compensation of experts and other staff and services, as it shall deem necessary. The HPC shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the Township Committee unless the Township Committee by appropriation provides for separate legal counsel for the HPC. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by Township Committee for the HPC's use. In the event that the HPC receives gifts or grants, they will be placed in a dedicated fund for the exclusive use of the HPC.
 - 6. Finances. The Township Committee shall establish by ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the HPC in its review of applications and development reviews. These fees are in addition to any other required under any portion of this or any other applicable Township ordinance.
 - 7. Rules of HPC.
 - a. The HPC shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of appropriateness and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this section and shall include but not be limited to rules pertaining to all notices and hearings required herein.
 - b. In order to make available to the public information useful to the preservation and protection of historic districts and sites and to provide the basis for consistency of policy, the administrative officer on behalf of the HPC shall maintain complete files and records. The HPC's files shall include but are not limited to data used in the classification of buildings, places and structures, minutes of HPC meetings, applications for certificates of appropriateness along with collateral data, decisions and appeals associated therewith and information, materials and references submitted to the public related to historic preservation. A record of HPC proceedings shall be kept and made available, but a formal verbatim record shall not be required.
 - c. The HPC Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act. Copies of all minutes shall be maintained in the office of the HPC and shall be delivered promptly to the Township Clerk.
 - d. Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Joint Land Use Planning Board refers an application to the HPC, then the Board shall receive a copy of the HPC's report.

- e. The Construction Official shall maintain and display an up-to-date map showing the historic district, as well as a current listing of historic sites. No member of the HPC shall be permitted to act on any matter in which they have, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic site or a non-designated site shall not be deemed a personal or financial interest.
 - f. No person shall act on any matter in which they have, either directly or indirectly, a personal or financial interest. A member of the HPC may, after a public hearing, if requested, be removed by the Township Committee for cause.
8. Meetings; quorum.
- a. The HPC shall establish and post in Township Hall a regular schedule of a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of applications to process. Additional special meetings may be called by the Chair or Vice Chair, or on the request of any two (2) of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
 - b. Four (4) members shall constitute a quorum. Nonmember liaisons are not entitled to vote. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a COA. A majority of the appointed membership shall be required to grant or change a historic site or district designation or to grant a demolition permit.
 - c. The HPC shall prepare an annual report to the Township Committee which shall be available to the public and placed on file in the Municipal Building. The report shall detail all activities, including problem solving, advice and support given.
 - d. The HPC shall hold public hearings to review all applications for permits, referrals of development applications and other business which comes before the HPC.

§ 255-90A-4. Designation of historic sites and districts.

- A. Survey. The HPC shall maintain a comprehensive survey of the Township of Riverside to identify historic districts, sites and landmarks which are worthy of protection and preservation.
- B. Criteria for designation. The HPC shall be guided by the criteria used by the National Register program to evaluate and designate historic districts and sites. The HPC or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:
 - 1. Character, interest, or value as part of the development, heritage or cultural characteristics of the Township, state or nation;
 - 2. Association with events that have made a significant contribution to the broad patterns of our history; or
 - 3. Association with the lives of persons significant in our past; or
 - 4. Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or

5. Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Township, state or nation; or
6. Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
7. Unique location or singular physical characteristics that make a district or site an established or familiar visual feature; or
8. That have yielded, or may be likely to yield, information important in prehistory or history.

C. Procedures for designation.

1. Interested parties shall contact the administrative officer regarding consideration of a proposed historic site or district. The HPC may also initiate the designation of a historic site or district. The administrative officer will schedule a hearing before the HPC to review the proposed historic site or district.
2. The formal historic district nomination shall include a building-by-building inventory of all properties within the district; color and/or black-and-white photographs of all properties within the district; a property map of the district showing boundaries; and a physical description and statement of significance which address the criteria for designation set forth herein. The formal historic site nomination shall include a color and/or black-and-white photograph, a tax map of the property and a physical description and statement of significance which address the criteria for designation set forth herein.
3. Upon review and approval of the proposed site or historic district by the HPC, and after hearing the comments of the public, if any, the HPC shall forward the proposed site or district nomination to the Planning Board for consideration. Notification shall be by public notice in the official paper and by prominent posting in the municipal building at least 30 days prior to the Planning Board hearing. The interested parties or the HPC shall submit to the Planning Board a complete list of involved properties.
4. Upon review and approval of the proposed site or district by the Planning Board, the site or district nomination will be sent to the Township Committee for adoption to amend and supplement this chapter.
5. All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed.

D. Designation of districts. The following historic district is delineated and described in the Master Plan and is hereby a designated historic district for purposes of this article:

1. Downtown Riverside Historic District, i.e.,
 - a. Block 602, Lot 2;
 - b. Block 803, Lots 1.01 and 8-18;
 - c. Block 901, Lot 3;
 - d. Block 902, Lot 1;
 - e. Block 903, Lots 1-23;
 - f. Block 904, Lots 2-11;
 - g. Block 905, Lots 1-32;
 - h. Block 1301, Lots 2-11;

- i. Block 1302, Lots 1-4;
- j. Block 1303, Lots 1-6;
- k. Block 1304, Lots 1-3;
- l. Block 1305, Lots 1 and 13-15;
- m. Block 1401, Lot 1;
- n. Block 1402, Lots 6.02, and 7-8;
- o. Block 1901, Lots 17-18
- p. Block 3105, Lots 19 and 19.01;
- q. Block 3108, Lot 3;
- r. Block 3207, Lots 1-3 and 11-20; and
- s. Block 3208, Lots 15-27.

2. Additional districts. Any additional designated districts and sites and/or any changes in the designation of historic districts and historic sites shall be effectuated by amendment of this section in accordance with procedures provided for under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the procedures set forth herein.

§ 255-90A-5. Certificate of appropriateness (COA).

- A. When required. A COA issued by the HPC shall be required before a permit is issued, or before work can commence, for any of the following activities within a historic district(s) or on a historic site designated on the Zoning Map:

1. Demolition of any building, improvement, site, place or structure.
2. Change in the exterior appearance of any building, improvement, site, place or structure that is visible at street level from a public right-of-way by addition, reconstruction, alteration or maintenance.
3. Relocation of a principal or accessory building or structure.
4. Any addition to or new construction of a principal or accessory building or structure that is visible at street level from a public right-of-way.

- B. When not required.

1. A COA shall not be required before a permit is issued by the Construction Code Official for changes to the:
 - a. Interior of a structure,
 - b. Exterior of a structure that is not visible at street level from a public right-of-way, such as to the rear of a building in an interior lot, or
 - c. Exterior of a structure that is visible at street level from a public right-of-way which strictly meet the standards for ordinary maintenance and repair as defined in this article.
2. The Construction Official shall review all permit applications to determine if the application proposes work which constitutes ordinary maintenance and repair as defined in this article. The Construction Official may issue a permit if they find that the work strictly meets the standards for ordinary maintenance and repair as defined in this article. The Construction Official shall refer the application to the HPC if he finds that the proposed work does not meet the standards for ordinary maintenance and repair. If the Construction Official has any doubt as to whether the work constitutes ordinary maintenance and repair, then he may, at his discretion, refer the request to the HPC.

C. Procedures.

1. All Applicants shall complete an application form. Application forms shall be made available in the office of the Administrative Officer. Complete applications shall be filed with the Administrative Officer.
2. Each application may be accompanied by sketches, drawings, photographs, descriptions, the property survey, if available, and other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and archival photographs of the interior and exterior of the building and drawings to document the condition of the building. The HPC may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision.
3. The HPC shall reach a decision on an application and submit its report to the administrative officer within 45 days of referral of same by the administrative officer. Nothing herein shall prohibit an extension of time by mutual agreement of the Applicant and the HPC.

D. Informational meetings/conceptual review. Persons considering action that requires a COA, as set forth in this section, are encouraged to request an informal informational meeting with the HPC and/or its Chair prior to submitting a formal application for a COA. Requests for such informational meetings can be made to the Administrative Officer, who will contact the Chair of the HPC. The HPC shall hold such informational meetings within 15 days of receipt of such request. The purpose of an informational meeting is to review the Standards of appropriateness and the procedures for obtaining a COA. Neither the Applicant nor the HPC shall be bound by any informational meeting or conceptual review. Conceptual review shall not apply to any applications for development. The HPC shall not consider conceptual review of an application for development unless specifically referred to it by the Joint Land Use Planning Board.

E. Application review.

1. Notices must comply with the requirements of the Open Public Meetings Act.
2. An Applicant shall be required to appear or to be represented at the meeting to consider the application for a COA, and the HPC may act in the absence of the Applicant.
3. The HPC shall issue a COA to the Applicant if it finds the permit application appropriate to the historic district or site and in conformity with the Standards per § 255-90A-7. The HPC shall issue a denial of a COA to the Applicant if it finds the permit application inappropriate to the historic district or site or not in conformity with the Standards.
4. When an application is approved, the HPC shall forthwith issue a COA. Failure to report within a forty-five-day period shall be deemed to constitute a report in favor of the proposed work and without conditions. In the event that the Applicant has consented to an extension of time to consider the certificate, the extension of time should be transmitted to the Construction Official, and the permit shall not issue during the period of time of the extension.
5. Appeals from determinations of the Construction Official pursuant to referral to the HPC may be made by the Applicant to the Joint Land Use Planning Board meeting as the Zoning Board of Adjustment, according to N.J.S.A. 40:5D-70(a). Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Board. The appellant shall pay all costs for copies of any transcript(s), which shall be a certified court reporter. The appeal shall be heard on the record made before the HPC. A determination by the HPC on issues within its authority shall be entitled to due deference. If, in the case of an appeal made pursuant to this subsection, the Board determines there is an error in any order, requirement, decision or refusal

made by the Construction Official pursuant to a certificate or denial of a certificate submitted by the HPC in accordance with N.J.S.A. 40:55D-111, the Board shall, in writing, include the reasons for its determination in the findings of its decision thereon. The determination of the HPC may be overturned only if the Board finds that the HPC determination was arbitrary, capricious, unreasonable, or contrary to law.

6. The owner shall post the COA on a conspicuous spot on the site visible to the public during the entire process of work.
 7. Issuance of an approval of a permit shall be deemed to be a final approval pursuant to this section. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other ordinance to be made prior to undertaking the action requested concerning the landmark or any building, structure, object, or site located within a landmark district. The denial of a permit shall be deemed to preclude the Applicant from undertaking the activity applied for.
 8. When a COA has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the HPC the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.
 9. A COA shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the Applicant or the HPC.
- F. Minor applications. The Chair of the HPC, or a subcommittee of commissioners appointed by the Chair and acting on the Chair's behalf, and the Construction Official, may review applications for permits for minor work, without holding a public hearing. If the Chair, or such subcommittee, finds the application appropriate per the Standards in § 255-90A-7, they may act in place of the full HPC and issue a certificate for minor work to the Construction Official, who may then issue a building permit. If the Chair, or such subcommittee, does not find the work proposed in the application appropriate or doubts its appropriateness, the application shall be scheduled for a public hearing before the full Board.
- G. Emergency repair.
1. Approval by the HPC is not required prior to immediate and emergency repair to preserve the continued habitability of a site or property within the historic district and/or the health and safety of its occupants or others. Emergency repairs may be performed in accordance with Township codes, without the necessity of first obtaining the HPC's review or a COA.
 2. Procedures.
 - a. Under such circumstances, the repairs performed shall be only those that are necessary to protect the health and safety of the occupants of the site or property or others and/or to maintain the habitability of the structure. Where feasible, temporary measures to prevent further damage should be used, provided that these measures are reversible without damage to the structure. A request for the HPC's approval for a COA shall be made within five days of the emergency event, and no further work shall be performed upon the structure until an appropriate request for approval is made and a COA is obtained.
 - b. The property owner shall make a request to the Administrative Officer for the HPC's review simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the Administrative Officer certifies the immediate necessity for such permit issuance.

c. Upon notice to the full HPC by telephone, e-mail, personal contact, or other appropriate means of communication, at least three members of the HPC shall advertise an emergency meeting in accordance with the Open Public Meetings Act, and such convening members shall proceed to review the COA application as provided for in this chapter. Subsequent to such a review, a COA may be issued upon a majority vote of the members convened.

d. All work done under this section shall conform to the criteria set forth in this article.

H. Requirement of obtaining COAs for government actions.

1. It is recognized that the intent and purposes of this article would not be fully served if the municipality and other governmental agencies were to control the actions of others but fail to apply similar constraints to itself. The Township of Riverside, when it plans an alteration, demolition, construction or change in appearance to any Township-owned property in any historic district or on any historic site, shall submit such plans to the HPC and shall receive an advisory report on the appropriateness per the Standards in § 255-90A-7 of those plans before undertaking the work.
2. In those circumstances where the municipality cannot require compliance, as in certain cases involving the county, state and federal governments, the Township most strongly urges the voluntary cooperation of such agencies in seeking a COA and hereby authorizes the HPC to consider such requests and applications. This does not relieve the property owner from complying with applicable state and federal regulations regarding historic preservation.

§ 255-90A-6. Referral from the Joint Land Use Planning Board.

- A. The Joint Land Use Planning Board shall refer to the HPC every application for development submitted to it for development in historic districts or on historic sites designated on the Zoning 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. The Board must provide a copy of its agendas to the HPC members as soon as it has been prepared and at the same time that it is mailed to the members of the Board. Failure to refer the application to the HPC as required shall not invalidate any hearing or proceeding. The HPC 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.
- B. On all matters referred to the HPC which require approval by the Board, the decision of the HPC shall be a recommendation only. In reviewing applications for development, the HPC may comment on any of the zoning and land use considerations which are relevant to the application. The Board shall not approve exterior building elevations when approving an application for development unless such approval is contingent on subsequent approval of the elevations by the HPC.
- C. An approval by the Board does not relieve the Applicant of the requirement of obtaining a COA for those aspects of the change not approved by the application for development.

§ 255-90A-7. Standards and criteria.

- A. The purpose of this section is to provide uniform standards and criteria for the regulation of historic sites and districts for use by the HPC. All projects requiring a COA and all applications for development in historic districts or on historic sites shall be governed by the principles of the Secretary of the Interior's Standards for Rehabilitation and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic

Buildings, which are adopted as an appendix to this section and which are incorporated herein by reference.

- B. Criteria for finding appropriateness. The HPC may consider the siting, massing, design, arrangement, texture, details, scale, shape, materials, finish, color, and relationship to streetscape of the proposed work and the relationship of those characteristics to the historic, architectural, cultural, archaeological, and aesthetic significance of the historic site or district.
- C. In considering permit applications, the HPC shall not consider use, zoning requirements for setbacks, density, height limitations or lot coverage in finding appropriateness, as these fall within the purview of the Joint Land Use Planning Board.
- D. In considering development applications referred to it by the Board, the HPC may consider use, zoning requirements for setbacks, density, height limitations, and lot coverage, in rendering its advice to the Board on the application of the zoning ordinance provisions concerning historic preservation. The HPC should emphasize the streetscape when reviewing applications for development. The HPC shall not hear applications for development unless referred to it by the Board.

§ 255-90A-8. Demolition or moving of structures.

- A. The HPC and Joint Land Use Planning Board shall consider its demolition or moving of structures within the historic district in relation to its impact on the streetscape and neighborhood, regardless of its historic or architectural significance.
- B. COA required.
 - 1. No structure located in any historic district or on a historic site shall be removed or relocated without a COA.
 - 2. Subject to the criteria set forth in Subsection C below, said approval shall be granted only if the structure cannot be put to reasonable use and its preservation will impose an undue hardship on the Applicant.
- C. Review criteria. In reviewing any demolition or relocation application, the HPC and Board shall consider the following matters:
 - 1. The structure's historic, architectural, cultural and aesthetic significance.
 - 2. The structure's current and potential use for those purposes currently permitted by the Land Use Ordinance or for the use proposed.
 - 3. The structure's importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the integrity of the historic property or district and the public interest.
 - 4. The extent to which the structure is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
 - 5. The extent to which the structure's retention would attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage, or make the municipality a more attractive and desirable place in which to live.

6. The probable impact of the structure's removal upon the ambiance of the historic district or designated historic site.
 7. The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of the applicable building codes.
- D. Relocation criteria. When it is necessary to move a historic structure to another site within the Township to preserve it, upon the recommendation of the HPC and approval of the relocation plans by the Board, said buildings may be relocated, provided that;
1. It fulfills the area regulations of said zone as to lot size, setback, and yard area requirements of the zoning district to which it would be relocated.
 2. The compelling reasons for not retaining the structure or improvement at its present site would be the proximity of the proposed new location and its accessibility to residents of the Township, and the probability of significant damage to the structure or improvement as a result of the relocation;
 3. The proposed surrounding areas are compatible with the surrounding nature and character with the current location, as they relate to the intent and purposes of this chapter; and
 4. The proposed new location is visually compatible in accordance with the standards set forth herein.
- E. Review procedure. On any application for a COA permit to demolish any structure in the historic district or a historic site, the Joint Land Use Planning Board acting as the Zoning Board of Adjustment shall hold a public hearing. At this public hearing, the Board shall hear a report from the HPC, after their review and determination at a regularly scheduled HPC meeting and any other interested party or organization, as to whether the demolition permit shall be issued. In making its determination, the Board shall use the criteria set forth in this chapter. If the Planning Board determines that demolition is not appropriate per the Standards in § 255-90A-7, it may postpone issuance of the permit for a period of six months. During this period of time, the Board may hold other hearings to determine if there is some other means of preserving the building. The Board is empowered to work out with the owner feasible plans for preservation of structures where moving or demolition thereof would be a great loss to the public, the Township, the streetscape and the neighborhood. In the event that it is shown that the owner has a reasonable economic use of the property, and that the structure should be preserved on the basis of the standards set forth in this chapter, the Board may deny the application for a COA permit to demolish the structure.
- F. Demolition by neglect; required maintenance. No structure within a historic district or on a historic site shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this section. The owner, lessee, or other person in actual charge of such structure or site shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of any such structure or site, and the interior portions thereof, when such maintenance is necessary to prevent deterioration and decay of the exterior. All such structures and sites shall be maintained against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:
1. Walls and other exterior features, which may fall and injure members of the public or property.
 2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members, which sag, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building, which renders it not properly watertight or structurally unsafe.

§ 255-90A-9. Enforcement.

- A. It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a COA. If it should, the official shall inform both the Administrative Officer and the Applicant, as well as the HPC.
- B. All work performed pursuant to the issuance of a permit for the construction, alteration, demolition, or moving of a building or site within the historic district or on a historic site subject to the review of the HPC and the Joint Land Use Planning Board shall conform to the requirements of the permit. It shall be the duty of the Administrative Officer to inspect from time to time any work performed pursuant to such permit in order to ensure compliance. In the event that work is not being performed in accordance with the permit requirements, the Administrative Officer shall issue a stop-work order, and all work shall cease until the work is brought into conformity with the requirements of the permit. Approvals expire within one year or at the end of the building permit, whichever is longer.

§ 255-90A-10. Violations and penalties; restoration of property; injunctive relief.

- A. Violations.
 1. If any person shall undertake any activity vis-a-vis on an improvement within a historic district or on a historic site without first having obtained and posted a COA, such person shall be deemed to be in violation of this article.
 2. Upon learning of the violation, the Administrative Officer shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by seeking review of the extent and proposed work by the HPC.
 3. If the owner cannot be personally served within the Township with the said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the Township tax rolls.
- B. Penalties. If any person shall undertake any activity affecting a historic site or improvement within a historic district without first having obtained a COA, or without subsequent review by the HPC following discovery of the omission, in addition to fines and penalties as set forth in § 255-162, the violator may be required to restore same to a condition consistent with its historic character and integrity, as approved by the HPC.
- C. Injunctive relief. In the event that any action, which would permanently and adversely change a historic site or historic district, such as demolition or removal, is about to occur without a COA having been

issued, the Administrative Officer may apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or landmark.

§ 255-90A-11. Other requirements unaffected.

The requirements of this article shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

§ 255-90A-12. Disclosure of historic designation.

- A. Disclosure required. Whenever real property within a historic district or on a historic site within the Township of Riverside the seller thereof shall tender to all prospective buyers a copy of the preprinted information available from the Township that describes certain exterior alterations and construction standards. Said seller shall obtain the signatures of all parties to a sale or lease of such real property showing that the preprinted information has been given and received, indicating thereon the street address and parcel number of the real property being sold or leased.
- B. Time of disclosure. The disclosure required in Subsection A above shall be completed no later than the time the real estate sale or lease contract is executed between the seller and prospective buyer thereof.