TOWN OF DOVER
MAYOR & TOWN COUNCIL

ORDINANCE NO. 51-2025

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AMENDING CHAPTER 236, LAND USE AND DEVELOPMENT, OF THE CODE OF THE TOWN OF DOVER, BY ESTABLISHING A HISTORIC PRESERVATION COMMISSION

BE IT ORDAINED, by the Mayor and Town Council of the Town of Dover, County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 236, Land Use and Development, is hereby amended by the addition of Article VIIIA, Historic Preservation, as follows:

§ 236.96.1 Purpose and objectives.

The purpose of this article is to establish a Historic Preservation Commission pursuant to N.J.S.A. 40:55D-107, et seq., to provide guidance in achieving preservation of historic resources in designated historic districts and sites and to advance the following public purposes:

A. To promote the use of historic districts for the education, pleasure and welfare of the citizens of the Town and its visitors and to promote civic pride in the Town's historic resources.

B. To foster private reinvestment in the historic district and sites and balance the purposes of historic preservation with current needs.

C. To encourage preservation of sites of historic, archaeological, cultural, social and architectural significance.

D. To encourage the continued use of historic sites and to facilitate their appropriate reuse.

E. To maintain and promote an appropriate and harmonious setting for existing historic resources within the Town.

F. To recognize and preserve historic resources in the Town as an essential element of municipal character and identity which contributes to the reputation of Dover as a place of beauty and architectural value.

G. To encourage appropriate alterations to historic sites and new construction which is in keeping with the character of historic districts and sites.

H. To assist implementation of the historic preservation element of the Master Plan.

§ 236-96.2. 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

For purposes of this article, the Town Engineer shall be the administrative officer. This definition is separate and apart from the definition set forth in **§ 236.5**. The same person may or may not be designated herein as in **§ 236.5**.

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.

CERTIFICATE OF APPROPRIATENESS

A document issued by the Administrative Office at the direction of the Historic Preservation Commission confirming its review of any alteration or addition to a site or a property within the Historic District. Such review is based upon 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.

CYCLICAL MAINTENANCE

That type of maintenance that is performed less frequently than annually and involves replacement or major mending of the fabric of a historic property, an example of which would be a complete re-roofing of a building.

DEMOLITION

The partial or total razing, dismantling or destruction of any historic site or any improvement within the Historic District.

DESIGNATED SITE

A site that has been designated per **§ 236-96.4** herein.

GUIDELINES

The guidelines for both the Historic Preservation Commission and applicants for Certificate of Appropriateness shall be "The Secretary of the Interior's Standards for the Treatment of Historic Properties," addressing preservation, rehabilitation, restoration, and reconstruction (codified as 36 CFR Part 68 in the July 12, 1995, Federal Register, Vol. 60, No. 133, and as may be subsequently amended), are adopted by reference, and design guidelines developed specifically for the Dover Historic Preservation Commission are set forth here in **§ 236-96.7** and may take precedence over the Secretary of the Interior's Standards for the Treatment of Historic Properties where more specifically applicable to the buildings and sites with Dover.

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.

IMPROVEMENT

Any structure or any part thereof installed upon public or private property and intended to be kept at the location of such construction or installation.

IN KIND

Same material, color, shape, quality, and appearance, based on historic research and physical evidence of essential form and detailing of historical materials, or features. All changes must maintain integrity. Historic components must be documented in place ("in situ") as required by the Historic Preservation Commission (with photos, measurements, profiles, and drawings) prior to in kind treatment, repair or replacement.

INTEGRITY

The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

INVENTORY

A list of historic sites or districts determined to meet criteria of designation specified herein.

LANDMARK

A building, structure, site or object which has a special character or special historical or aesthetic interest as part of the development, heritage, or cultural characteristics of the city, state, or nation, and which has been designated as a landmark pursuant to the provisions of this ordinance. [N.J.S.A. 40:55D-112] Any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has ben 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. The designation of an historic site or landmark shall be deemed to include the Tax Map lot on which it is located as well as the right-of-way contiguous thereto.

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. 'Ordinance maintenance and repair' shall include 'routine maintenance' and 'cyclical maintenance'.

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's materials.

PROTECTION

The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from det 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 building, structure or object, or any part thereof, as it appeared at a specific period of time.

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 or accurately recovering the form and details or 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.

ROUTINE MAINTENANCE

Minor repairs such as in-kind replacement or a broken windowpane or in-kind patching of a new roof shingles.

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, curing and landscaping.

STRUCTURE

Any combination of materials used to form a construction for the purposes of occupancy, use, or ornamentation, having a fixed location, above, or below the surface of land, or attached to something having a fixed location on, above, or below the surface of the land. For the purposes of this ordinance only, the word "structure" shall also include, but not be limited to, bridges, signs, fences, walls, and paving materials.

§ 236.96.3. Historic Preservation Commission

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

(1) To identify, record and maintain a system for survey and inventory of all buildings, sites, places, improvements and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification), and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.

(2) To make recommendations to the 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) To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.

(4) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.

(5) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation.

(6) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Town.

B. Establishment.

(1) Members. The Historic Preservation Commission shall consist of five regular members and two alternate members. Members shall serve without compensation. The Mayor shall appoint all members of the Historic Preservation Commission and shall designate at the time of appointment the regular members by class and the alternate members as 'Alternate No. 1' and 'Alternate No. 2'. At least one member shall be designated of each of the following classes:

(a) Class A. A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.

(b) Class B. A person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.

(c) 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.

(d) 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 'Alternative No. 2'. Of the five regular members, a total of at least one less than a majority shall be of Classes A and B.

(2) Terms.

(a) The terms of the members first appointed under this article shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years, and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the terms of membership on the Planning Board, and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.

(b) A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only.

(3) Alternates. The alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

(4) Budget.

(a) The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission.

(b) The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriate, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

(5) Rules of Commission.

(a) The Commission shall elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Commission or a municipal employee.

(b) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of historic review and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this article and shall include but not be limited to rules pertaining to all notices and hearings required herein.

(c) 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 Commission, shall maintain complete files and records, including but not limited to data used in the classification of buildings, places and structures, minutes of Commission meetings, applications for certificates of historic review, 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 the proceedings shall be kept and made available, but a formal verbatim record shall not be required.

(d) The Commission Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, decisions and applications. Copies of all minutes shall be delivered promptly to the Town Clerk.

(e) Attendance of Historic Commission members at meetings regarding number of absences; termination; replacement and requirements to advise the Mayor and Town Council of same shall be in accordance with Chapter 40 of the Code of the Town of Dover.

(6) Conflict of Interest.

No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Mere ownership of residence in a designated historic district and/or ownership or a designated historic site of a non-designated site shall not be deemed a personal or financial interest unless a member resides or owns property within 200 feet of property which is the subject of an application.

(7) Meetings; quorum.

(a) The Historic Preservation Commission shall establish and post in Town Hall a regular schedule of a minimum of 10 meetings per year. Additional meetings may be called by the Chairman or Vice Chairman 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) Three members shall constitute a quorum. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a Certificate of Appropriateness. Not less than a majority of the appointed membership shall be required to grant or change a historic site or district designation.

§ 236.96.4. Designation of Historic Sites and Districts.

A. Survey. The Commission shall perform a comprehensive survey of the Town of Dover to identify historic districts, sites and improvements which are worthy of protection and preservation.

B. Criteria for designation. The survey shall be used as a basis for identifying sites and districts worthy of designation. The criteria for evaluating and designating historic districts and sites shall be guided by the National Register of Historic Places criteria established in accordance with National Historic Preservation Act (80 Stat. 915, as amended). **[1]* The Commission 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 Town, state or nation.

(2) Association with events that have made a significant contribution to the broad patterns of our history.

(3) Association with the lives of persons significant in our past.

(4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture or engineering.

(5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Town, state or nation.

(6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.

(7) Unique location or singular physical characteristics that make a district or site an established visual feature.

(8) That have yielded, or may be likely to yield, information important in prehistory or history.

**[1]* *Editor's Note: See 16 U.S.C. § 470 et seq.*

C. Procedure for designation.

(1) Interested parties shall contact the administrative officer regarding consideration of a proposed historic site or district. The Commission may also initiate the designation of a historic site or district. The administrative officer will schedule a hearing before the Commission 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; black-and-white photographs 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 black-and-white photograph, a Tax Map of the property and a physical description 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 Historic Preservation Commission, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nomination to the Planning Board for consideration as an amendment to the Historic Preservation Element of the Master Plan. Municipal Land Use Law **[2] procedures shall be followed for any amendment to the Historic Preservation Element of the Master Plan.

**[2] *Editor's Note: See N.J.S.A. 40:55D-1 et seq.*

(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 Mayor and Town Council for adoption to amend and supplement this article with said designation.

(5) All other requirements of the Municipal Land Use Law ***[3] regarding adoption of development regulations shall be followed, and the owner of the proposed site(s) or the owners within a proposed historic district shall receive notice, at least 10 days prior to the hearing, by certified mail, return receipt requested, of the hearing by the Town Council of the adoption of an ordinance designating the proposed historic site or district.

***[3] *Editor's Note: See N.J.S.A. 40:55D-1 et seq.*

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

(1) Blackwell Street Historic District. The designated historic district in the Historic Preservation Element of the Master Plan of the Town of Dover, which is incorporated herein by reference.

(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 article in accordance with procedures provided for under Municipal Lan Use Law, N.J.S.A. 40:55D-1 *et seq.*, and the procedures set forth herein.

§ 236-96.5. Referral from Municipal Agencies for Development Applications.

A. The Planning Board and Zoning Board of Adjustment shall refer to the Commission every application for development, variance or zone change request submitted to either Board for development in historic districts or on historic sites designated herein. 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 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.

B. On all matters referred to the Commission which require approval by the Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only.

C. Approval by the Planning Board or Zoning Board of Adjustment, as the case may be, does not relieve the applicant of the requirements to obtain a certificate of appropriateness for properties within the Historic District.

§ 236-96.6. Certificate of Appropriateness.

A. When required. A certificate of appropriateness issued by the Administrative Officer required before a permit is issued or before work can commence for any of the following activities within the historic district:

(1) The demolition of any building, improvement, site, place or structure. When considering applications involving demolition as defined herein, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

(2) Addition to or new construction of a principal or accessory building or structure. When considering applications involving new construction as defined herein the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

(3) Change in the exterior appearance of any building, improvement, site, place or structure by addition, reconstruction, alteration or ordinary maintenance and repair. Exterior change for all primary and accessory buildings shall include special consideration of character-defining features visible from the public right-of-way. When considering applications involving change in exterior appearance, the Commission's report shall contain advice and recommendations for the applicant in regard to the appropriateness of the proposed action, and the report may contain mandatory conditions. The administrative officer shall include the advice, recommendations and mandatory conditions of the Commission in the permit. All mandatory conditions shall be adhered to by the applicant and made a condition of said permit.

B. When not required.

(1) A Certificate of Appropriateness review shall not be required:

(a) For the issuance of a building permit by the Construction Official for changes only to the interior of a structure.

(b) For ordinary maintenance and repair to the exterior of a building, as long as existing materials are not removed or replaced with other than in-kind material,

and the maintenance or repair does not necessitate of construction permit in accordance with the Uniform Construction Code.

(c) For ordinary maintenance and repair to the exterior of a building, provided that new materials/features are not being added (excluding a layer of paint, so long as it is a color compliant with this ordinance), and the maintenance or repair does not necessitate a construction permit in accordance with the Uniform Construction Code.

(2) Should the administrative officer determine that the nature and/or extent of the maintenance or repair outlined in Subsection B(1)(b) or (c) above is not in keeping with the purpose and objectives of this article, the approval of said maintenance or repair shall be referred to the Historic Preservation Commission for a determination as to whether a Certificate of Appropriateness shall be required.

C. Procedures.

(1) All applicants shall complete an application form and pay the required fee and escrow deposit. Application forms shall be made available in the office of the administrative officer. Completed applications shall be filed with and fees/escrow deposits paid to the administrative officer. The administrative officer will have 40 days to deem the application complete and submit same to the Commission for a hearing.

(2) Each application shall be accompanied by sketches, drawings, photographs, descriptions and other information to show the proposed alterations, additions, changes or new construction. The Commission may require additional materials as it reasonable requires to make an informed decision.

(3) The Commission 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. Failure to report within a forty-five-day period shall be deemed to constitute a report in favor of the issuance of a permit and without recommendation of conditions to the permit. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.

(4) Informational meetings. Persons considering action that requires Certificate of Appropriateness, as set forth in this section, are encouraged to request an informal informational meeting with the Commission and/or its Chairman. There shall be no fees or escrow deposits required for informal informational meetings. Requests for such informational meetings shall be made to the administrative officer, who will contact the Chairman of the Commission. The Commission may hold such informational meetings within 15 days of receipt of such request. The purpose of an informational meeting is to review with the applicant the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness.

(5) Application review.

(a) In addition to complying with the requirements of the Open Public Meetings Act (see N.J.S.A. 10:4-6 et seq.) and except in the event of an emergency, at least 10 days prior to such meeting notice shall be given to the applicant of the time, date, place and specific subject of the meeting.

(b) A Certificate of Appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission.

(c) The owner shall post the Certificate of Appropriateness on a conspicuous spot on the site visible to the public during the entire process of work.

(d) An applicant is encouraged to attend the Historic Preservation Commission meeting when the project is to be reviewed. However, the applicant shall not be required to appear or to be represented at the meeting to consider the application for Certificate of Appropriateness, and the Commission may take action in the absence of the applicant.

(e) When an application is approved, the administrative officer shall forthwith issue a Certificate of Appropriateness, which shall be forwarded to the applicant.

(6) Emergency procedures.

(a) When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with construction codes without first obtaining a Certificate of Appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure.

(b) A request for the Commission's review shall be made 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. Upon notice to the full Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible, and such convening members shall proceed to review the Certificate of Appropriateness application as provided in this article. Subsequent to such review, a Certificate of Appropriateness may be issued upon a majority vote of the members convened.

(7) Procedure for granting certification of appropriate municipal actions.

(a) It is recognized that the intent and purposes of this article would not be fully served if the municipality were to control the actions of others but fail to apply similar constraints to itself. Accordingly, a Certificate of Appropriateness shall be required before final approval of any municipal actions on public as well as private lands, streets, easements and rights-of-way within the Historic District or listed in the Historic Sites Inventory of the Master Plan. This requirement shall be deemed to include any action by any party which requires the approval or concurrence of the municipality or any municipal agency and which is not otherwise covered by the revisions of this article. There shall be no fee or escrow deposit required for a certification of appropriate municipal actions.

(b) In those circumstances where the municipality cannot require compliance, as in certain cases involving the county, state and federal governments, the Town urges, most

strongly, the voluntary cooperation of such agencies in seeking a Certificate of Appropriateness and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable state and federal regulations regarding historic preservation.

§ 236-96.7. Standards for Review.

The purpose of this section is to provide uniform standards, design guidelines and criteria for the regulations of the Historic District for use by the Historic Preservation Commission. All projects requiring a Certificate of Appropriateness and all applications for development in the Historic District shall be guided by the principles of the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings.

A. Secretary of Interior's Standards for Rehabilitation. In carrying out all of its duties and responsibilities, the Commission shall be guided by 'The Secretary of the Interior's Standards for the Treatment of Historic Properties', addressing rehabilitation (codified as 36 CFR Part 68 in the July 12, 1995, Federal Register, Vol. 60, No 133, and as may be amended). Those standards are as follows:

(1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be

compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. Visual compatibility factors. In assessing the design of any proposed additions or new construction, the following visual compatibility factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above.

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

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

(3) Proportion of openings within the facility. The relationship of the width of windows to the height of 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 in front facades. The relationship of solids to voids in the front façade 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 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 entrance and 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, texture and color or the façade and roof of a building shall be visually compatible with the predominate materials used in the buildings to which it is visually related.

(8) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

(9) Walls of continuity. Appurtenances of a building, such as walls, open-type fencing and evergreen 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, its mass in relation to open spaces and its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.

(11) Directional expression of front elevation. 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 nondirectional character.

(12) Exterior features. A building's related exterior features, such as lighting, fences, signs, sidewalks, driveways and parking areas, shall be compatible with the features of those buildings and places to which it is visually related and shall be appropriate for the historic period for which the building is significant.

§ 236-96.8. Demolition and Relocation.

A. As set forth in **§ 236-96.6A(1)** hereinabove, a Certificate of Appropriateness and compliance is required for the demolition of any building, improvement, site, place or structure.

B. Criteria. In regard to an application to demolish or move an historic building site, place or structure, the following matters shall be considered:

(1) Its historic, architectural, cultural and aesthetic significance in relation to the criteria of **§ 236-96.4B**.

(2) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.

(3) Its importance to the municipality and the extent to which its historical value is such that its removal would be detrimental to the public interest.

(4) The extent to which it 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 its retention would increase property values, promote business, create positions, attract tourists, students, writers, historians, artists and artisans, attract new residents, encourage study and interest in American history, stimulate interest and study in architecture, educate citizens in American culture and heritage or make the municipality a more attractive and desirable place to live.

(6) The probable impact of its removal upon the ambience of the Historic District.

(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.

(8) The compelling reasons for not retaining the structure or improvement at its present site, the proximity of the proposed new location and its accessibility to residents of the municipality and the probability of significant damage to the structure or improvement as a result of the relocation.

(9) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this article and

whether the proposed new location is visually compatible in accordance with the standards of structure.

(10) A discussion with the applicant regarding the applicant's consent to the removal, reuse, and relocation of certain important features of the historic building or structure.

C. Procedure.

(1) Applications for a demolition permit must be made to the Building Construction Official. For all properties within the Historic District, a copy of the application will be forwarded to the Historic Preservation Commission within 40 days of receipt of the complete demolition application by the Building Code Official.

(2) When considering applications for demolition permits, the Commission's report may contain mandatory conditions, in which event the administrative officer shall include the conditions contained in the certificate of historic review in any permit which is issued.

(3) 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.

(4) The Commission's review of a demolition application may take up to 30 days from receipt of completed application, just as in the case of a development application.

(5) Demolition notice posting and publication. Notice of proposed demolition shall be posted on the premises of the building, place or structure in a location that is clearly readable from the street. In addition, the applicant shall publish a notice in the official newspaper of the Town within 10 days of an application for a demolition permit.

(6) Review of application. The Historic Preservation Commission will review the application for demolition based on the criteria outlined above. Its report may:

(a) Approve demolition without conditions.

(b) Stipulate conditions, including but not limited to documentation of the building prior to demolition and/or confirmation of the applicant's consent to the removal and reuse of certain important features of the historic building or structure.

(7) All new construction on the site of a building demolished within the Historic District is subject to mandatory review by the Historic Preservation Commission. The new construction shall be in the character of the historic site or district, and all comments of the Commission in these circumstances are binding upon the applicant. The Certificate of Appropriateness will be issued only when the Historic Preservation Commission is satisfied that the facades of the replacement structure meet all the criteria of the design guidelines deemed applicable and fit appropriately within the Historic District.

(8) When a Certificate of Appropriateness 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 Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

§ 236-96.9. Enforcement.

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 and activity which should also be the subject of an application for a Certificate of Appropriateness. If it should, the municipal official shall inform both the administrative officer and the applicant, as well as the Historic Preservation Commission.

§ 236.96.10. Violations and penalties; injunctive relief.

A. Violations.

(1) If any person shall undertake any activity regarding an historic site or improvement within an historic district without first having obtained and posted a Certificate of Appropriateness, such person shall be deemed to be in violation of this article.

(2) Upon learning of the violation, the Chief Code Enforcement Officer or his designee 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 10 days to abate the violation by seeking review of the extent and proposed work by the Historic Preservation Commission.

(3) If the owner cannot be personally served with the municipality with said notice, a copy shall be posted on the site and a copy sent by certified mail, return receipt requested, to the owner at the last known address as it appears on the municipal tax rolls.

B. Penalties. If any shall undertake demolition or removal or new construction affecting an historic site or improvement within an historic district without first having obtained Certificate of Appropriateness or without subsequent review by the Commission following discovery of the omission, he may be required to restore same to the previous condition. In addition, there shall be imposed upon such person the fines and penalties set forth in **§ 236.103A** of the Land Use Code of the Town of Dover.

C. Injunctive relief. In the event that any action which would permanently and adversely change an historic site or historic district, such as demolition or removal, is about to occur without a Certificate of Appropriateness having been issued, the Town Attorney may apply to the Superior Court or New Jersey for such injunctive relief as is necessary to prevent the destruction of such site or landmark.

§ 236.96.11. Appeals.

Appeals to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-70.2 and N.J.S.A. 40:55D-72 may be taken by any interested party affected by any order, requirement, decision or refusal of the administrative officer pursuant to a report submitted by the Historic Preservation Commission, including a denial of a Certificate of Appropriateness, in accordance with N.J.S.A 40:55A-111. Such appeal shall be taken within 20 days by filing a notice of appeal with the officer from whom the appeal is taken, upon completing the

appeal application form, paying required fees and escrow deposits, and specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed form was taken. No public notice shall be required for the hearing of said appeal.

§ 236.96.12. 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."

SECTION 2. Severability. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 5. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 6. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

Attest:

Tara M. Pettoni, Municipal Clerk

James P. Dodd, Mayor

INTRODUCED: 11/25/2025

ADOPTED: 12/30/2025