

BOROUGH OF CRESSKILL  
ORDINANCE NO. 25-26-1682

AN ORDINANCE AMENDING ARTICLE VII HISTORIC PRESERVATION COMMISSION

BOROUGH OF CRESSKILL ORDINANCE  
Ordinance amending article VII  
Historic Preservation Commission

WHEREAS, the Municipality's Ordinances have conflicting provisions regarding the "Historic Preservation Commission, Historic Committee, Historic Sites and Districts, Historic Structure and other Historic" references throughout the Municipal Code; and

WHEREAS, the Council has directed the consolidation of Ordinances concerning "Historic Properties and Historic Issues"; and

NOW, THEREFORE, BE IT ORDAINED, that the following Ordinance Chapters and/or Sections are rescinded in their entirety:

- 1) Chapter 6 Article VII Historic Preservation Commission;
- 2) Chapter 6 Article VI Historical Committee;
- 3) Section 44-15 Power and Responsibilities as it pertains only to the Borough Historian;
- 4) Section 132-45 Historic Structures;
- 5) Chapter 275-82 Historic Sites and Districts;
- 6) Chapter 275-96 (1)(b)(C) Historic Property.

BE IT ORDAINED, that the Council does hereby consolidate all ordinances referencing Municipal "Historic" issues and introduces and adopts this consolidated ordinance entitled "Cresskill Historic Board"

- 1) Creation of the Board. The Council hereby creates in and for the Borough of Cresskill the "Cresskill Historic Board" (hereafter "CHB")
- 2) Purpose. The legislative purpose of creating CHB is to consolidate all Municipal requirements relating to Historic Properties, and Municipal History and to accomplish the protection, enhancement, and perpetuation of especially noteworthy examples and elements of the Borough's Historic environment:
  - A. To safeguard the heritage of by preserving resources within the Borough which reflect elements of its cultural, social, economic, and architectural history;
  - B. To encourage the continued use of historic and/or noteworthy buildings, structures, objects, and sites and to facilitate their appropriate reuse;
  - C. To maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, and districts within the Borough;
  - D. To stabilize Historic Sites thus improving property values within the Borough;
  - E. To foster civic pride in the history and architecture of the Borough;
  - F. To encourage proper maintenance of and reinvestment in the buildings and structures within the Borough;
  - G. To regulate appropriate alteration of historic sites as well as new construction within or near historic districts to ensure compatibility with the existing environment and the Master Plan of the Borough;
  - H. To discourage the unnecessary demolition or other destruction of historic resources;
  - I. To further the public's knowledge of the history and development of the Borough as well as its appreciation of the Borough's historic sites;

- J. To enhance the visual and aesthetic character, diversity, and continuity, and interest in the Borough and its neighborhoods;
- K. To encourage beautification and private investment in the Borough;

Definitions.

As used in this article:

**ADDITION**

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

**ADMINISTRATIVE OFFICER**

The Construction Code Official.

**ALTERATION**

Any change in the exterior of architectural features or of any improvement or addition.

**APPLICATION**

A request to the CHB made pursuant to this article for the purposes of obtaining a certificate of appropriateness or other action by the CHB hereunder specified.

**APPLICATION FOR DEVELOPMENT**

The application to the Planning Board or the Zoning Board of Adjustment of the Borough for the approval of a major or minor subdivision plat, site plan, planned development, conditional use, zoning variants, or the direction of the issuance of a permit pursuant to (N.J.S.A. 40:55d-34 or 40:55D-36).

**BUILDING**

Any man-made structure, its site and appurtenances created to shelter any form of human activity.

**BOARD**

The CHB pursuant to the provisions of this article.

**CERTIFICATE OF APPROPRIATENESS (or C/A)**

That document issued by the CHB required before work commences on any landmark or building, structure, site, or object located within a landmark district.

**COMMISSION**

The CHB pursuant to the provisions of this article.

**CONSTRUCTION OFFICIAL**

The officer in charge in the granting of building or construction permits in the Borough.

**DEMOLITION**

The partial or total razing, dismantling, or destruction, whether entirely or in significant part, of any building, structure, object or site. Demolition includes the removal of a building, structure or object from its site or the removal or destruction of the facade or surface.

**DESIGNATED PROPERTY or DISTRICT**

An individual building, structure, site, object, or district which has been designated as having historical, architectural, cultural, aesthetic, or other significance pursuant to the provision of this article.

**DEVELOPMENT**

The division of a parcel of land into two or more parcels, construction, reconstruction, conversion, structural alterations, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any

building or other structure, or land extension of use of land for which permission may be required pursuant to the Municipal Land Use Law.

#### DISTRICT

See "Landmark District or Historic District."

#### EVALUATION

The process of determining whether identified properties meet defined criteria of historical, architectural, archeological, 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 PROPERTY

Any historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the United States Secretary of the Interior (in accordance with Section VI.D.1.a.i-v of Nationwide Programmatic agreement codified at 47 CFR Part 1. Appendix C) or established pursuant to State Historic Preservation Law.

#### HISTORIC RESOURCE

Any historic district, site, building, structure, or object included in the Borough Historic Site's Survey, 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 structure

Any real property, man-made structure constructed prior to 1970, natural object, or configuration or any portion or group of the foregoing which maybe designated in the Master Plan as being of historic, archeological, cultural, scenic or architectural significance at the national, state, or local level, as specifically designated herein, or any property which is located in a historic district. The designation of a 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.

Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- c. Individually listed on the State inventory of Historic places in the State with historic that have been approved by the Secretary of the Interior, or
- d. Individually listed on a local inventory of Historic places, with historic preservation programs that have been certified either
  - (1) By an approved State program as determined by the Secretary of the Interior, or
  - (2) Directly by the Secretary of the Interior in states without approved programs
- e. Properties designated by the CHB as Historic

#### HISTORIC structure VARIANCE

A variance to the substantial improvement requirements of this chapter is authorized provided that the repair or rehabilitation of a historic structure is completed according to

NJAC 5:23-6.33, International Building Code and the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of a historic structure as described by this chapter, and the variance is the minimum necessary to preserve the historic character and design of the structure.

#### 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

Construction or construction materials that match construction or construction materials being replaced on a designated structure or object, thereby maintaining historic composition, design, color, texture and other visual qualities.

#### INTEGRITY

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

#### INTERESTED PARTY

Any person whose right to use, acquire or enjoy property is affected by any action taken under this article or whose rights to use, acquire or enjoy property under this article or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this article.

#### INVENTORY

A list of historic properties determined to meet criteria of significance 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 Borough, State, or nation, and which has been designated as a landmark pursuant to the provisions of this article.

#### LANDMARK DISTRICT or HISTORIC DISTRICT

A geographic area with distinctly definable boundaries composed of several buildings or sites which:

- A. Has acquired a unity of character through the interrelationships of the component buildings and sites; and
- B. Has been designated as having historical, archeological, cultural, scenic, architectural or other significance pursuant to the provisions of this article.

#### MASTER PLAN

The Master Plan of the Borough of Cresskill, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

#### MINOR APPLICATION

Any application for certificate of appropriateness which:

- a. Does not involve demolition, relocation, or removal of a historic site;
- b. Does not involve an addition to an individual property or a property in a historic district or new construction in a historic district;
- c. Is a request for approval of fences, signs, lighting, paving, or streetscape work which will comply with the adopted design guidelines for the improvement proposed and which will not substantially affect the characteristics of the historic site or the historic district.

#### MUNICIPAL LAND USE LAW

The Municipal Land Use Law of the State of New Jersey, (N.J.S.A. 40:55D-1 et seq.), as amended from time to time.

## NATIONAL REGISTER CRITERIA

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

## NONCONTRIBUTING BUILDINGS

A building, site, structure, or object that does not add to the historic or architectural qualities, historic associations or archaeological values for which a property is significant because: it was not present during the period of significance; due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period.

## OBJECT

A material thing of functional, aesthetic, cultural, historic, scenic, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

## ORDINANCE

A legislative act of the governing body of a municipality adopted in accordance with statutory requirements as to notice, publicity, and public hearing as required by law.

## ORDINARY MAINTENANCE AND REPAIR

The repair of any deterioration, wear, or damage to a structure or any part thereof in order to return the same as nearly practicable to its original condition prior to the occurrence or such deterioration, wear, or damage with in-kind material and replacement of exterior elements or accessory hardware, including signs, using the same materials and workmanship and having the same appearance.

## OWNER

Any person having a right, title, or interest in any property so as to be legally entitled, upon obtaining such permits and other authorizations as may be required pursuant to law, to perform construction, alteration, removal, demolition, or other work with respect to such property.

## 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 of vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

## PROTECTION

The act or process of applying measures designed to preserve the physical condition of a property by guarding it from deterioration or loss.

## RECONSTRUCTION

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

## REHABILITATION

The act or process of returning a property to its 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 as the existing materials and workmanship of the improvement.

## 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 a later work or by the replacement of missing earlier work.

## SITE

Any real property, whether public or private, with or without improvements, which is the location of a significant event or series of events, a prehistoric or historic occupation or activity, or a building, structure, or object, or any configuration, portion, or group of forgoing, which has been designated by the CHB as having historical, archeological, cultural, scenic, or architectural significance pursuant to the provisions of this article.

## 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, 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. The word "structure" shall also include any building or improvement with a roof.

## 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.

## SURVEY DATA

The raw data produced by the survey; that is, all the information gathered on each property and area investigated.

## VIEW or PUBLIC VIEW

The view by the public of a building, structure, object, or site from any point on a street or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

## Class Qualifications.

The CHB shall consist of five members and may have not more than two alternative members.

Membership shall consist of residents of the Municipality who shall hold no other Municipal office position, or employment with the Borough except for membership on the Planning Board or Board of Adjustment, or the Construction or Zoning Officials whose membership shall be mandatory;

## Appointment of members; terms; vacancies.

- a. The Mayor shall appoint all members of the Board and shall designate at the time of appointment to four years terms the regular members by class and the alternate members, if any, as "Alternate No.1" and "Alternate No.2."
- b. The terms of the first appointed members shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, staggered 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.

- c. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term only.

Chairperson; Vice Chairperson; Secretary.

The CHB shall elect a Chairperson and Vice Chairperson from its members, and select a Secretary who may or may not be a member of the CHB.

Regulations.

The CHB shall create rules and procedures which shall be approved by the Council for the transaction of its business subject to the following regulations:

- a. A quorum for the transaction of business shall consist of three of the CHB members.
- b. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be public records.
- c. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed so 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
- d. Rules and organization of the CHB. The CHB shall have the authority to adopt all rules and regulations necessary to carry out its functions under the provisions of this article, including, but not limited to, maintenance of records and procedures subject to the following:
  - 1) No CHB member shall be permitted to act on any matter in which he or she has, either directly or indirectly, any business interest. Mere ownership of and occupation of an historic residence shall not be deemed a personal or financial interest.
  - 2) The CHB shall establish a regular schedule of meetings. The CHB shall meet not less than once every month to address the current agenda, otherwise the CHB shall meet once every two months. Additional meetings may be called by the Chairperson or Vice Chairperson as required to fulfill its obligations to advise the Planning Board, Zoning Board, or Borough Council as deemed necessary.
  - 3) All CHB minutes and records as kept and maintained by the CHB Secretary shall be public records, and all CHB meetings shall comply with the Open Public Meeting Act (N.J.S.A. 10:4-7 et seq.).
  - 4) A member of the Borough Council and a member of the Planning or Zoning Board shall be designated as liaison between those bodies and the CHB. The role of such liaisons should be informational only, and shall possess no voting rights with regard to action taken by the CHB, intern the planning or Zoning Board member has been approved to the CHB.
  - 5) The CHB shall adopt written rules for the transaction of its business and for the consideration of applications for certificates of appropriateness for the designations of historic districts and sites.
  - 6) When the Planning Board or Zoning Board of Adjustment refers an application to the CHB, then the referring Board shall receive a copy of the CHB 's Report.
  - 7) The Construction Official shall maintain and display an up-to-date map showing the historic districts, as well as a current listing of historic sites.

- 8) A member of the CHB may, after a public hearing, if requested, be removed by the governing body for cause, or for excessive absenteeism, defined above for three or more meetup per year.
- 9) Meetings;
  - a. The Historic Preservation Commission shall establish and post in Borough Hall a schedule of meetings. Regular meetings shall be held as scheduled unless canceled for a lack of applications to process.

Compensation for members.

The CHB members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of official business.

Compensation for experts and other staff services.

The CHB may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary subject to Council approval. The CHB shall obtain its legal counsel from the Borough Attorney at the rate of compensation determined by the governing body. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for CHB's use.

The power and duties of the CHB shall be as follows:

1. To survey buildings, structures, objects, sites, and districts located within the Borough, and to research and evaluate them for their significance in accordance with the criteria established as set forth herein;
2. To maintain and expand when appropriate a comprehensive inventory of such buildings, structures, sites, objects and districts which are worthy of designation under the provisions of this article;
3. To propose to the Borough Council those buildings, structures, objects, sites and districts located within the Borough which it has found to be worthy of landmark or Historic designation and hence should be subject to provisions of this article. Actual nomination to a finding of eligibility for or listing on the National or State Register of Historic Places is not necessary for the provisions of this article to take effect once a property has been designated as significant by the CHB;
4. To nominate buildings, structures, objects, sites and districts for the inclusion in the National and/or the State of New Jersey Registers of Historic Places;
5. To make recommendations to the Planning Board and Borough Council in the preparation and periodic updating of the Historic Preservation Element of the Master Plan for the Borough, including, but not limited to, the addition or deletion of historic sites and districts identified in the Borough's Master Plan;
6. To make recommendations to the Planning or Zoning Board and Borough Council on the historic preservation implications of any proposed or adopted zoning or development ordinance(s) or proposed or adopted elements of the Borough's Master Plan;
7. To advise and assist Borough officers, employees, boards, and other bodies, including those at the county, state or federal levels, on all matters which have potential impact on the historic buildings, structures, objects, sites or districts in the Borough or on the physical character and ambience of any portion of the Borough or region;
8. To approve or disapprove applications for Certificates of Appropriateness and minor applications pursuant to the provisions of this article;
9. To draft and/or recommend to the Borough Council and the Planning Board ordinances or amendments to existing ordinances that would resolve any conflicts which may exist

between the design standards of this article and the building or zoning regulations of the Borough;

10. To advise the Borough Council and the Planning or Zoning Board on the relative merits or proposals involving the use of public funds to restore, preserve and protect historic buildings, structures, objects, and sites, including the preparation of the long-range plan; therefore, to advise the Borough Council and Planning Board on securing state, federal, and/or other grants or assistance in support of such projects; and to monitor such projects once under way;
11. To increase public awareness to the value of historic, architectural, and cultural preservation by developing and participating in public information programs;
12. To cooperate with local, county, state, or national historical societies, governmental bodies, and organizations to maximize the contributions of the CHB in accordance with the intent and purposes of historic preservation;
13. To make information available to residents of historic buildings or districts concerning guidelines for rehabilitations and design criteria for new construction established under this article;
14. To seek any benefits which may be granted under the National Historic Preservation Act, as amended, or any other state or federal legislation, including, but not limited to, the benefits which flow to communities under the Certified Local Government Program with regard to training, grant funding, and technical assistance; and, in furtherance thereof, to take any steps necessary to assist the Borough of Cresskill in the preparation and submission of any documents needed for certification of the Borough as a Certified Local Government under the National Historic Preservation Act.

#### HISTORIAN

Office created.

There is hereby created the office of the Borough Historian.

Service without compensation.

The Borough Historian shall serve without compensation, but the Mayor and Council may annually appropriate such funds as may be necessary to reimburse the Borough Historian for expenses incurred in the performance of the duties and responsibilities set forth in this article.

Appointment.

The Borough Historian shall be appointed by the Mayor, with approval of the Council, and shall serve at the pleasure of the Mayor and Council.

Powers and responsibilities.

The Borough Historian shall have the following powers and responsibilities.

- a. To carry out a historical program in conjunction with the CHB, including but not restricted to collecting, preserving and making available materials relating to the history of the Borough of Cresskill. The Historian shall store such materials in such manner as to ensure their preservation and shall notify the State Archivist, New Jersey Historical Commission, County Historian CHB and the Mayor and Council of any materials or properties which should be acquired for preservation. Upon leaving the position, the Borough Historian shall turn over all materials and records and reports into the possession of the successor, if then appointed, or to the governing body until a successor shall be appointed.
- b. The Borough Historian shall submit an annual report to the Mayor and Council and CHB stating all the work performed and accomplished during that year. The Borough Historian shall transmit a copy of such report to the New Jersey Historical Commission.
- c. The Borough Historian may research, write and cause to have published a Municipal history and may recommend appropriate historical materials for publication.
- d. The Borough Historian shall assist the CHB, as well as advise the Mayor and Council, concerning the acquisition, administration, use and disposition of any landmark or historic

site, including such places in the Borough included on the New Jersey Register of Historic Places.

- e. The Borough Historian shall assist the CHB in projects of commemoration, including the erection of monuments, historic markers and guidesigns.

Clerical assistance.

The Borough Historian may employ such clerical assistance as may be necessary in order to carry out the duties and responsibilities set forth in this article, within the limits of such funds as may be made available by the Mayor and Council for such purpose in the annual budget.

Landmark / Historic sites and districts.

A. Properties designated.

(1) The following properties designated by street address and lot and block numbers are hereby designated historic sites or districts:

Benjamin P. Westervelt House  
235 County Road  
Block 168, Lot 14

Blackledge, Gair House  
111 Madison Avenue  
Block 25, Lots 26-29

Camp Merritt Memorial  
Knickerbocker Road  
Block 14.05, Lot 1

Demarest House  
84 Jefferson Avenue  
Block 59, Lot 36

Old Huyler Homestead  
50 County Road  
Block 92.07, Lot 1

(2) Home Buyer before 1970

(3) The aforementioned properties shall be incorporated into the Zoning Map of the Borough of Cresskill and shall be listed in the Community Facilities Plan Element of the Borough of Cresskill.

Designation.

- A. Criteria for designation shall consider as worthy of designation those buildings, structures, objects, sites, and districts that have integrity of location, design, setting, materials, workmanship, feeling, and association, and that meet one or more of the following criteria:
  1. That are associated with events that have made a significant contribution to the Borough of Cresskill by reflecting or exemplifying the broad cultural, political, economic, or social history of the nation, state, or community;
  2. That are associated with historic personages important in national, state, or local history;
  3. That is the site of an historic event which had a significant effect on the development of the nation, state or community;
  4. That embody distinctive characteristics of a type, period, or method of construction; that represent the work of a master; that possess high artistic values; or that represent a significant distinguishable entity whose components may lack individual distinction;

5. That are otherwise of particular historic significance to the Borough of Cresskill by reflecting or exemplifying the broad cultural, political, economic or social history of the nation, state, or community.

Prohibition.

(1) No work, or any of the following activities, can commence on the property of any landmark, or within any historic sites or districts, including:

- a) Demolition of an historic landmark or of any improvement at an historic site or within any historic district.
- b) Relocation of any historic landmark or of any improvement at any historic site or within any historic district.
- c) Change in the exterior appearance of an existing landmark or of any improvement at an historic site or within any historic district by addition, alteration or replacement.
- d) Any new construction of a principal or accessory structure, or any subdivision of property which would allow new construction of a principal or accessory structure.
- e) Changes in or addition of new signs or exterior lighting, except for one unit sign per premises if the surface area of such sign does not exceed one square foot for an identification sign or four square feet for a commercial sign, provided that either of the same is attached to and parallel to a facade of the building or structure.

(2) Exceptions. The following shall be permitted as an exception to Subsection (1)(C) above: any repainting, repair or exact replacement of any existing improvement, so long as the color or exterior surface material of the improvement shall not be changed as a result of such repainting, repair or exact replacement.

(3) On application to the CHB, that CHB may recommend to the Construction Officer for or against the issuance of a permit for the work specified in Subsection (1)(C) hereof, and may further include such conditions as it may deem appropriate to the issuance of such a permit.

(4) Procedures for designation. Proposals to designate a property as historic pursuant to this article may be made by the Borough Council, the CHB, the Planning or Zoning Boards, or by the verified (sworn) application of the owner(s) or authorized agent(s) of the individual property to be designated, or, in the case of a proposed district, by the verified (sworn) application of 10% of the owners of record or persons residing within the district, or by a verified (sworn) application of any organization with a recognized interest in historic preservation, in accordance with the following procedures:

1. Nomination proposals. The party proposing property for designation under this section shall prepare and submit to the CHB a nomination report for each proposed property, site, or district. For historic district designations, the report shall include a building-by-building inventory of all properties within the district; photographs of representative properties within the districts; a property map of the district showing boundaries and a physical description and statement of significance for the district. For individual landmark designations, the report shall include one or more photographs; the tax lot and block number of the property as designated on the official Tax Map of the Borough; and a physical description and statement of significance and proposed utilization of the site.
2. Moratorium on applications for alteration or demolition during pendency of designation action. No applications for a permit to construct, alter or demolish any structure or any feature of a proposed landmark or property located within a proposed landmark district, filed subsequent to the date that an application has been filed or a resolution adopted to initiate designation of a proposed landmark or landmark district, shall be approved by the administrative officer or other municipal agency without review by the CHB of such applications and the granting of an approval. CHB review of such applications shall be conducted as if the property related to such applications had already been designated as a landmark property or district, and thereby are subject to the same criteria, standards, and procedures which govern similar applications

concerning properties designated as landmarks or properties within a landmark district. After the expiration of 180 days from the date of the initial filing of the designation proposal with the CHB, the permit application may be approved without review in accordance with the relevant provisions of the Municipal Zoning Ordinance of the Borough.

3. Notice. The CHB shall schedule a public hearing on the proposed designation of a landmark or landmark district at least 20 days prior to the hearing and the applicant shall, by personal service or by certified mail:
  - a) Notify the owner(s) of record of a property that has been proposed for designation, or of a property within a district that has been proposed for designation, that the property is being considered for such designation and the reason therefor;
  - b) Advise the owner(s) of record of the significance and consequences of such designation and the rights of the owner(s) of record to contest such designation under the provisions of this article;
  - c) Notify the owner(s) of record of the date, time, and location of the hearing concerning the proposed designation of the property; and
  - d) Serve any notices to all properties owners situate within 200 feet of the site further required under the provisions of the Municipal Land Use Law.
4. Public notice of hearing. Public notice of hearing shall be given at least 20 days prior to the hearing by publication in the official newspaper of the Borough. A copy of the nomination report shall also be made available for public inspection in the Borough Clerk's office at least 20 days prior to the hearing.
5. Hearing. At a public hearing scheduled in accordance with this article, the CHB shall review the nomination report and accompanying documents. Interested persons shall be entitled to comment on the proposed nominations for designation. Those persons who intend to file a formal protest against a proposed designation under of this article must submit their protest in writing to the CHB.
6. Protests. Protests against landmark designation signed by the owner(s) of record of a proposed landmark may be filed with the CHB 10 days prior to the scheduled hearing date of the proposed designation before the CHB.
7. CHB report. Upon CHB review and public hearing, the CHB shall forward the Borough Council its report which shall contain a statement of its recommendations and the reasons therefor with regard to proposed designations considered at the hearing, including a list and map of properties approved for designation.
8. Referral to the Planning Boards. The Borough Council shall refer the report to the Planning Board, which in turn shall report to the Borough Council as soon as possible but within 60 days. Failure of the Planning Board to transmit its report within the sixty-day period provided herein shall relieve the Borough Council of its obligations relating to the referral of such a report to the Planning Board. Borough Council action on a landmark or landmark district designations shall be otherwise subject to those procedures and statutes that apply to a change of a zoning designation and the adoption, revision, or amendment of any development regulation.
9. Final designation. As soon as possible after its receipt of the report of the Planning Board or the expiration of the period allowed for the Planning Board comment on designations pursuant to this article, the Borough Council shall act upon the proposed designation list and map, and may approve, reject, or modify by ordinance any designation recommendations made by the Planning Board. In the event that the Borough Council votes to reject or modify any Planning Board recommendations for a proposed designation, the Borough Council shall record in its minutes the reasons for not following such recommendation. All action taken by the Borough Council on

proposed designations shall become effective upon a favorable vote of a majority of the eligible members of the governing body.

10. Public notice of designation. Notice of designation shall be made public by publication in the official newspaper of the Borough and by distribution to the municipal agencies reviewing development applications and permits. A certificate or letter of designation shall be sent to the owner(s) of record.

11. Incorporation of designated landmarks into Borough records. Upon adoption, the designation list and map shall be incorporated by reference into the Master Plan and Ordinances of the Borough as required by the provisions of the Municipal Land Use Law. Designated properties shall also be noted as such on the records for those properties maintained by the offices of the Borough Tax Assessor and the Borough Clerk.

Review of applications; informal review of concept plans.

A. Actions requiring review.

- 1) All permits and development applications involving the development activities that affect a historic landmark or an improvement within a historic district shall be reviewed by the CHB. Such review shall be required for the following actions:
  - a) Demolition of a historic landmark or an improvement within a historic district.
  - b) Relocation of any structure within a historic district or of any historic landmark.
  - c) All changes in the exterior architectural appearance of any improvement within a historic district or of any historic landmark in the public view as defined in this section of the Code by addition, alteration, or replacement.
  - d) Any new construction of an improvement in a historic district.
  - e) Site plans or subdivisions affecting a historic landmark or an improvement within a historic district.
  - f) Zoning variances affecting a historic landmark or an improvement within a historic district.
  - g) New paint applied to historically unpainted exterior surfaces.
- 2) Within 60 days of receiving an application for review, the CHB shall submit in writing to the Planning Board its recommendation with respect to the application. The report shall include findings and conclusions which are based on evidence in the record. Final determination of the appropriateness of the application shall be made by the CHB, which decision shall be binding on the administrative officer.

B. Actions not requiring review.

- (1) When a historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark and/or health and safety of its occupants or others. Emergency repairs shall be performed only in accordance with the following procedure:
  - a) When, a historic landmark or key or contributing historic district resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with the applicable construction codes immediately upon approval of the Construction Official, who shall certify that a bona fide emergency of the type described herein exists, without first obtaining a certificate of appropriateness from the CHB. Under such circumstances, the repairs performed shall be only such as are necessary to preserve the continued habitability of the building or structure and/or health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure.
  - b) Simultaneously with the commencement of the emergency work, the property owner shall make a request for a certificate of appropriateness from the CHB memorializing the approval of said emergency work. This request shall be made pursuant to the procedures set forth in this article.

- c) It should be noted that the procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Construction Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Construction Official and the CHB.

(2) Changes to the interior of structures.

For ordinary repairs and maintenance which do not constitute a change to the appearance to the structure. The following are the only activities which do not require CHB review according to this criteria:

- a) Repair of existing windows and doors using the same material. Installation of storm windows that are compatible with the architectural period or design of the subject structure.
- b) Maintenance and repair of existing roof material, involving no change in the design, scale, material, or appearance of the structure.
- c) Repair of existing roof structures such as dormers and chimneys using the same materials which will not alter the exterior architectural appearance of the structure.
- d) Replacement in kind of existing shingles, clapboards, or other siding maintaining the architectural integrity of the structure.
- e) Maintenance and repair of existing shingles, clapboards or other siding using the same materials that are being repaired or maintained.
- f) Repairs to existing signs, shutters, outdoor displays, fences, hedges, street furniture, awnings, off-street driveway and parking material and sidewalks using the same material for those items noted above being repaired.
- g) New paint applied to historically painted exterior surfaces.

C. Informal review of concept plan for proposed undertakings. At the request of the applicants considering action that may require CHB review, the CHB shall grant an informal review of a concept plan for the proposed undertaking. Neither the applicant nor the CHB shall be bound by any informal review.

Standards for review.

- A. General criteria for review. In reviewing an application for its effect on a landmark or a building, structure, or site located within the landmark district, the following criteria shall be used by the CHB, the Planning Board, the Zoning Board of Adjustment, the Borough Council and all other officials and agencies of the Borough responsible for the administration of this article. The criteria set forth in this subsection relate to all projects affecting landmarks and any buildings, structures, objects, and sites located within landmark districts; and, with regard to such proposed projects, the following factors shall be considered:

- 1. The impact of the proposed change on the historic, architectural, and/or cultural significance of the landmark or landmark district;
- 2. The importance of the landmark or the building, structure, object, or site to the nation, state, region, or municipality, and the extent to which its historic or architectural interest would be adversely affected to the detriment of public interest;
- 3. The use of any landmark or landmark district involved in the proposed change;
- 4. The extent to which the proposed action would adversely affect the public's view from the street of a landmark, building, structure, object, or site located within a landmark district;
- 5. The impact that the proposed change would have on the architectural or historic significance of the landmark or landmark district and the visual compatibility of the proposed change with adjacent buildings, structures, objects and sites in accordance with the requirements for design compatibility set forth herein.

- B. Rehabilitation of existing buildings, structures, objects, and sites. In reviewing any application, the CHB shall make its recommendation as to whether any application should be approved, approved with conditions, or denied on the basis of the purposes and the provisions of this article and the following standards for review, which are identical to the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as hereafter may be amended:

- 1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, object, or site and its environment, or to use a property for its originally intended purpose.

- 2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 3) All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be treated with sensitivity.
- 6) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 8) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.
- 9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- 10) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Design criteria-new construction.

- 1) In assessing the design of any proposed addition or new construction, the CHB shall consider the following design criteria in conjunction with the standards of rehabilitation and review criteria set forth above. These design criteria shall be used to analyze the appropriateness of new construction in the form of additions and alterations to the landmarks or new construction, additions, or alterations to buildings, structures, objects, or sites located within landmark districts.
  - a) Height. The height of the proposed structure shall be visually compatible with adjacent buildings.
  - b) Proportion of facade. 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.
  - c) Proportion of the openings. The relationship of the width of windows to the height of windows in a building shall be visually compatible with buildings and places to which it is visually related.
  - d) Rhythm of solids. The relationship of solids to voids in the facade of a building shall be visually compatible with buildings and places to which it is visually related.
  - e) Rhythm of spacing. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and places to which it is visually related.
  - f) Rhythm of entrances. The relationship of entrances and porches to the street shall be visually compatible to buildings and places to which it is visually related.
  - g) Relationship of materials. The relationship of materials, texture, and tone to the facade and roof of a building shall be visually compatible with the predominant materials used in buildings to which it is visually related.
  - h) Roof. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

- i) Continuity of walls. Walls and open fencing shall maintain visual compatibility with buildings and places to which it is visually related.
  - j) Scale. The size of a building mass in relation to open spaces, window and door openings, porches and balconies shall be visually compatible with buildings and places to which it is visually related.
  - k) Exterior features. A structure's related exterior features, such as lighting, fences, sidewalks, driveways and parking areas, shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant. New signage shall also abide by any supplemental historic design or graphic standards that may be developed by the CHB for the district.
- 2) It is not the intent of this article to discourage contemporary architectural expression or to encourage new construction which emulates existing buildings or historical architectural interest or of a certain period architectural style, but rather to preserve the integrity and authenticity of a historic preservation district and to ensure the compatibility of new structures therein.

D. Review criteria for demolition. With regard to applications to demolish a landmark or any building, structure, object or site located within a landmark district, the following matters shall be considered:

- 1) Its historical, architectural, cultural, and aesthetic significance in relation to the criteria set forth in this article.
- 2) Its use, its intended use, and/or the use for which the buildings, structure, object, or site was originally designed and the feasibility of the continuation of its designed use.
- 3) Its importance to the Borough and the extent to which its historical or architectural value is such that its removal would be detrimental to the landmark district and/or 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 promote business, create new positions, attract tourists, students, writers, historians, artists, or artisans, 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 Borough a more attractive and desirable place in which to live.
- 6) The probable impact of its removal upon the ambience of the landmark district.
- 7) The structural soundness and integrity of the building, structure, object, or site and the economic feasibility for its restoration or rehabilitation so as to allow for its reasonable use.
- 8) The threat to the public health and safety as a result of deterioration or disrepair of the building, structure, object, or site.
- 9) The technological feasibility of structural rehabilitation.
- 10) The interference with the charitable purposes of any nonprofit or charitable organization if demolition is not permitted.

E. Criteria regarding the relocation of historic buildings or structures. The following factors shall be considered with regard to an application to move to a new location or site any landmark or any building, structure, or object located within a landmark district:

- 1) The impact of the loss of integrity suffered as a result of the removal from the original and/or historic location; and, if located within a historic district, the impact of that loss integrity upon the district as a whole.
- 2) The reasons for not retaining the landmark or structure at its present site.
- 3) The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site as they relate to the protection of historic properties and districts as regulated by this article.
- 4) In the event that a proposed new location is in a historic district, the impact on the visual compatibility of adjacent buildings, structures, objects or sites as set forth herein.
- 5) The likelihood of significant damage to the physical integrity of the building, structure or object itself.

Certificates of Appropriateness.

A. When required. A Certificate of Appropriateness issued by the CHB 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 a 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 by addition, reconstruction, alteration or maintenance. Exterior change for all primary and accessory buildings shall include special consideration of character-defining features visible from the public right-of-way.
- 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.

B. When not required.

- 1) A Certificate of Appropriateness shall not be required before a permit is issued by the Construction Code Official for changes to the interior of structure or 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 or repair as defined in this article. The Construction Official may issue a permit if he/she finds 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 CHB if he finds that the proposed work does not meet the standards for ordinary maintenance and repair.

C. Application procedures.

- 1) The Administrative Officer shall refer all applications for permits pertaining to regulated activities involving landmarks or any buildings, structures, objects, and sites located within landmark districts to the CHB for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the changes proposed which were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law. A Certificate of Appropriateness, issued by the CHB in accordance with the procedures of this article, is required prior to the commencement of any activities involving landmarks or properties within landmark districts which are governed by the provisions of this article.
- 2) Applications shall be made on forms available in the office of the administrative officer in the Cresskill Borough Hall. Completed applications shall be delivered or mailed to the administrative officer at the Cresskill Borough Hall or may be submitted directly to the CHB for review and approval.
- 3) Upon receipt of an application for a C/A, the CHB shall schedule a hearing for the purpose of reviewing said application and shall advise the applicant(s) in writing of the time, date, and place of said hearing.
- 4) Applications shall include a completed application form which contains a precise written description of the proposed work or activity and any of the following as may be required by the CHB:
  - a) Photographs of the existing structure or lot;
  - b) Scaled drawings showing site plan layout, facade elevations, and specifications for materials;
  - c) For new construction applications, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings, structures and sites;
  - d) For large projects, working drawings;
  - e) The Commission may require the submission of additional information reasonably necessary to reach an informed decision on the application.

D. CHB review of applications for permits (N.J.S.A. 40:50D-111).

- 1) The CHB shall review applications for a C/A at a public hearing. The applicant(s) shall not be required to appear or to be represented at any meeting of the CHB at which the CHB will consider his or her (their) application for a C/A, regardless of the ultimate findings and a report of the CHB.
- 2) As soon as practicable but no later than 45 days after the Administrative Officer has referred the application to the CHB, the CHB shall return to the administrative officer its written report recommending granting or denying the application, which report may be stated in resolution form. The CHB shall file a second report with the Planning Board within 10 days of the CHB's decision on the application.

- 3) Appeals from determinations of the Construction Official pursuant to referral to the CHB may be made by the applicant to the Zoning Board of Adjustment, according to N.J.S.A. 40:55D-70a. Nothing herein shall be deemed to limit the right of Judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The Appellant shall pay all costs for copies of any transcript(s) required for Appeal.
  - 4) 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.
  - 5) Issuance of an approval of a permit shall be deemed to be final approval pursuant to this article. Such approval shall neither cause nor prevent the filing of any collateral application. The denial of a permit shall be deemed to preclude the applicant from undertaking the activity applied for.
  - 6) When a C/A 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 CHB the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.
  - 7) Except as hereafter provided, a C/A shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the CHB. In cases where demolition is permitted, the C/A shall be valid for one year from the date of the Historic Preservation CHB approval of the application. The one-year period shall only be extended upon extreme ordinary circumstances.
- E. Minor applications. The Chairman of the CHB, or a committee of CHB appointed by him/her and acting on his/her behalf, may review applications for minor work, without holding a public hearing. If the Chairman finds the application appropriate, he/she may act in place of the full CHB and issue a certificate for minor work to the Construction Official, who may then issue a building permit. If the Chairman does not find the application appropriate, the application should be scheduled for a public hearing before the full CHB.
- F. Assignment. No assignment of the rights granted by a certificate of appropriateness shall be permitted.

Development in historic zoning districts or sites; informational copies of applications from Planning Board or Zoning Board of Adjustment.

The Planning Board and Board of Adjustment shall refer to the CHB every application submitted to either Board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map, or identified in any component element of the Master Plan. The 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 CHB may provide its advice, which shall be conveyed through its delegated members or staff, who shall testify orally at the hearing and explain any written report which may have been submitted by the Commission regarding the application. The CHB shall make available to the applicant a copy of its written report concerning said application for development.

Violations and penalties; enforcement.

- a. Violations defined. Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to the penalties herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person who shall undertake an activity without approvals required by this article shall be deemed to be in violation hereof.
- b. Notice of violations. Upon learning of the violation, the Administrative Officer shall personally serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the building, structure, or site to its condition prior to the violation. If the owner cannot personally be served within the Borough with said notice, a copy shall be posted on the property and a copy shall be sent to the owner at his or her last known address.
- c. Injunctive relief. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the Administrative Officer shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or site, or to prevent any illegal act, conduct, business, or use in or about such premises as follows:

1. If any person shall undertake any activity requiring permit and report of the CHB without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the affected premises pending such approval. If the work is denied, he or she shall immediately restore the building, structure, object, or site to its condition prior to any such activity. The Administrative Officer is hereby authorized to seek injunctive relief regarding a stop work action or restoration in the Superior Court not less than 45 days after the delivery of notice pursuant to the terms herein.
  2. In the event of the threat of imminent action for which the necessary approvals have not been granted, and which action would permanently and adversely change a landmark or any building, structure, object, or site located within a landmark district, the Administrative Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.
- d. Penalties. In addition to the remedies provided above, a person convicted of a violation of this article before a court of competent jurisdiction shall be subject to penalties as follows:
- (1) For each day up to 10 days, not more than \$300 per day.
  - (2) For each day between 11 days and 25 days, not more than \$500 per day.
  - (3) For each day beyond 25 days, not more than \$1.000 per day.

Preventative maintenance; violations.

- A. Priority. Recognizing the need for preventive maintenance to insure the continued useful life of historic buildings, structures, objects, and sites, the Borough Council hereby declares that code enforcement for such designated properties is a high municipal priority.
- B. Notice of violation. In the event that any landmark or any building, structure, object, or site located within a landmark district deteriorates to the point that, in the best estimate of the Administrative Officer, the cost of correcting the outstanding code violations equals more than 10% of the cost of replacing the entire building, structure, object, or site on which the violation occurs, the Administrative Officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement, and the replacement costs of the improvements, and stating that if the owner does not take all necessary remedial action within 60 days, or such extensions as the Administrative Officer shall grant for good cause, the Borough of Cresskill's designated official may, at the expiration of said 60 days, enter upon the property and abate such violations and cause the cost thereof become a lien on the property.
- C. Hearing. Upon receipt of such notice, the owner may, within 20 days after such receipt, notify the Administrative Officer of his or her intentions to have a hearing as to the allegations and estimates set forth in the notice. Such a hearing shall be conducted by the CHB and shall, so far as possible, be a formal adversary proceeding in which the Administrative Officer shall establish matters alleged in the notice by the preponderance of the evidence. If a hearing is requested, the Administrative Officer will, within 10 days following the hearing, serve on the owner an opinion in writing setting forth his or her conclusions and the reasons therefor.
- D. Action without a hearing. If the owner does not request a hearing, the findings of the Administrative Officer set forth in the notice issued in shall be binding, and the Administrative Officer may take such necessary action as granted by the provisions of this article.
- E. Right of abatement. If the owner does not comply with the findings of the Administrative Officer, the Administrative Officer may after serving to the property owner, the notice, enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations.
- F. Costs. The Administrative Officer shall then certify to the Construction Code Officials the cost of such work performed, plus all Administrative, clerical and legal costs and overhead attributable thereto and shall present the same to the Borough Council.
- G. Lien. The Borough Council may, by Resolution, vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes, and, if not then paid, bearing interest at the same rate as delinquent taxes.

Municipal responsibility.

It shall be the duty of all municipal officials of the Borough of Cresskill reviewing all permit applications involving any real property or improvements thereon to determine

whether such application involved any activity which should also be the subject of an application for a permit, and if it should be, to inform the Secretary of the CHB, the Administrative Officer, and the Applicant of the same.

Funds:

Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund

Establishment.

The Cresskill Council adopted Resolution No. 9, which authorized the placement of a public question on the November 4, 2003, General Election Ballot, whereas an affirmative vote would create the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund; and the electorate of Cresskill, New Jersey, approved on November 4, 2003, the creation of the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund; and the ballot question, as approved, permits the Council of Cresskill to raise a sum not to exceed \$0.01 per \$100 of total municipal real property valuation.

Purpose.

The funds received by the imposition of this annual tax levy maybe be used for the following purposes, as it pertains to this Ordinance:

- A. Capital improvements and maintenance of parcels of municipal land and subsequently acquired lands for recreation, conservation and historic purposes;
- B. Historic preservation of historic properties, structures, facilities, sites, areas, or objects, and the acquisition of such properties, structures, facilities, sites, areas, or objects for historic preservation purposes; or
- C. Payment of debt service on indebtedness issued or incurred by the municipality for any of the purposes set forth herein.

Operational guidelines.

- A. Pursuant to the referendum, Cresskill enacted a Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund pursuant to N.J.S.A. 40:12-15.7; and
- B. The amounts raised by this tax levy shall be deposited into a Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund to be used for designated purposes within the municipality and may be disbursed for specific projects pursuant to law; and
- C. The 2003 Council relied upon Resolution No. 9 and never memorialized the creation of the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund by ordinance. Therefore, this Council does hereby ordain the following, which memorializes the 2003 referendum results.

Memorialization; ratification of expenditures as to Historic Sites.

Council does hereby memorialize the Borough of Cresskill Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund and establishes a Trust Fund rate of \$0.01 per \$100 of total Cresskill real property valuation; and that 80% of the monies shall be used for the acquisition or upgrade of qualified historic preservation facilities; and the Council does hereby ratify, from 2003 to the present, all the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund expenditures.

This Ordinance does not annul, amend or modify the Open Space, and Farmland and Historic Preservation Trust Fund and is included herein only for reference purposes.

#### GUIDELINES FOR NEW ADDITIONS AND NEW CONSTRUCTION

The Cresskill Historic Building (CHB) does not seek to prevent change, but rather to manage change so that significant historic and architectural features are preserved and new buildings, additions, structures, and features are compatible with and enhance the historic environment.

A Certificate of Appropriateness (C/ A) is needed for new additions and new construction on Landmark properties and within a Landmark District. During analyses of proposed

changes, the CHB will apply the design criteria for new construction in conjunction with the standards for rehabilitation and the general criteria for review found in the *Introduction* chapter. The objective is not to discourage contemporary architectural expression or to specifically encourage new construction which emulates existing buildings, historical architectural features, or specific architectural styles or types, but rather to preserve the integrity and authenticity of Landmarks and Landmark Districts. New work may be contemporary or may reference design motifs from the historic building or streetscape. The C/A review will focus on features that are visible from the public view.

- Make the height of a new addition less than or the same as the height of principal section of the historic building.
- For an addition to a Non-Contributing Building in a Landmark District, does not exceed the height of adjacent historic buildings in the streetscape.
- For a new principal building, make the cornice and roof heights similar to those of adjacent historic buildings in its streetscape. The height should not exceed the maximum height allowed by Cresskill's zoning.
- Make the height of a new accessory building less than the height of the principal building.

*Portion off facade. 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.*

- Make the width-to-height ratio of the facades visible from public view similar to those of historic buildings in the streetscape.

For a large addition or a large new building, divide the facades that are visible from the public view into smaller units that maintain the building's or streetscape's width-to-height ratio.

- For commercial buildings, maintain a distinction between the first-story storefront and the upper stories.

## GUIDELINES FOR PORCHES AND EXTERIOR TRIM

*Recommended: Retain and maintain historic porches, etc.*

Porches and exterior trim, such as cornices, brackets, friezes, pilasters, railings, and bargeboards, are features that contribute to a building's historic style. Frequently, these architectural details are examples of skilled craftsmanship. They also contribute the rich character of streetscapes within Districts.

When initially constructed, most historic houses in Cresskill had wood porches. Typically decorative exterior trim was wood. The visual character of these porches and other decorative exterior trim varies considerably from the very simple to elaborate wraparound porches with a profusion of ornamentation. The open front porches of many of Cresskill's buildings are among the community's defining architectural features.

Porches and trim of other materials than wood are only historically appropriate if the historic building originally employed such materials and the substitute material is compatible with the historic architecture.

For Landmarks and buildings and structures within Landmark Districts, a Certificate of Appropriateness is not required for the maintenance and repair of existing porches and exterior trim involving no change in the design, scale, material, color, or appearance of the feature and of the building or structure. A C/A is required for work that will change the exterior appearance of the building or structure including removing porches or any decorative features of porches and changing or removing exterior trim. Sandblasting exterior materials of porches and exterior trim also requires a C/A and in most instances will not be allowed. A C/A is required for any work that does not replicate existing materials and workmanship.

A C/A is required for Non-Contributing Buildings in a Landmark District only when the proposed change requires a building permit and will be visible from the public view.

*Recommended: Repair and, when necessary, replace porch features and other exterior trim with ones that match the originals or, when documentation does not exist for original appearance, with ones, such as these, that are compatible with the historic building.*

For Landmarks and Key Contributing and Contributing Buildings in Landmark Districts

*Recommended*

- Retain, maintain, and repair original porches and exterior trim or altered ones with their own architectural or historic significance. Replace only the deteriorated sections rather than the entire feature. Regularly paint previously painted porches and exterior trim.
- Only replace historic porches and exterior trim when too deteriorated to repair. The replacement should be in-kind, matching the historic original in visual characteristics (size, shape, design, decorative details, texture, finishes, and, where possible, materials). Compatible synthetic or substitute materials may be used in some instances. Simplification of detailing may be allowed under special circumstances. Any historic feature should be photographically recorded prior to removal.
- If the building has altered porches and/or exterior trim that do not contribute to its architectural or historic significance, consider replacing them with ones that match the documented originals or which are compatible with the historic building. Restoring altered porches and exterior trim will enhance the historic architectural character of the building. However, altered features may be retained or replaced with ones of matching design.
- Consider installing a new porch to the street facade when the original is missing, when a porch was originally a key contributing architectural feature of the building, and/or when porches are a characteristic of the streetscape. The new porch should not damage or destroy historic fabric. The visual characteristics of the porch should be appropriate to the building and, if in a Landmark District, the streetscape.

*Recommended: Retain and maintain historic exterior trim, such as this cornice, raised panel, and pilaster.*

## GUIDELINES FOR WINDOWS AND ENTRANCES

*Proportion of the openings. The relationship of the width of windows to the height of the windows in the building shall be visually compatible with the buildings and places to which it is visually related.*

- For an addition to a historic building, continue the rhythm established by the principal building in the divisions between the upper and the lower floors and in the alignment, spacing, and dimensions of windows and doors.
- For an addition to a Non-Contributing Building in a District, make the proportion of the openings in the new addition visually compatible with historic buildings in the streetscape.
- For a new building, relate the proportion of openings to historic buildings in the streetscape or other visually related buildings.

*Rhythm of solids. The relationship of solids to voids in the facade of a building shall be visually compatible with the buildings and places to which it is visually related.*

- Organize the new facades that are visible from the public view so that void elements (windows, doors, storefront display windows, etc.) and the solid wall surfaces have similar compositions to the facades of visually related buildings.
- In the commercial area, have the first story storefronts have a high percentage of voids (glass display windows and doors).

*Rhythm of Entrances. 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.*

- Make the side yard setbacks for a new building or addition proportionally similar to the side yard setbacks of other buildings in the streetscape or of other visually related buildings.

*Rhythm of entrances. The relationship of entrances and porches to the street shall be visually compatible with the buildings and places to which it is visually related.*

- When entrance locations are consistent within a streetscape, continue this pattern. Typically in Cresskill, the main entrance faces the street so locating the entrance to the side is not appropriate.
- When open front porches are a characteristic of the streetscape, have an open front porch of similar proportion and scale to porches in the streetscape.
- For a new storefront or facade in a commercial streetscape, continue the entrance location and storefront cornice height and bulkhead height that exist in the historic buildings in the streetscape.

*Relationship of materials. The relationship of materials, texture, and tone of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.*

- For additions to historic buildings that are visible from the public view, use exterior materials that are compatible with the materials of the building. The materials may match those on the building or be different materials that are compatible with the building's architecture. Some historic architectural types and styles in Cresskill have compatible historic additions with exteriors of different materials than the principal section. For instance, a number of the early stone houses have frame additions.
- For additions to historic buildings, consider using traditional materials. Synthetic materials may be allowable if they have the same visual characteristics as traditional materials.
- For additions to Non-Contributing Buildings in Landmark Districts and for new buildings, choose exterior materials that are visible from the public view that are compatible with exterior materials of the streetscape or of the historic buildings if at a Landmark property. While traditional materials are preferable, compatible synthetic materials are acceptable.

## GUIDELINES FOR ROOFS AND WALLS

*Roofs. The roof shape of a building shall be visually compatible with buildings to which it is visually related.*

- For additions to Landmarks and to Key Contributing and Contributing Buildings within Districts, use roof shapes that are compatible with the roof shapes of the historic section(s). Some additions should not have the same roof shape as the principal section, but have a shape that is less visually prominent.
- For roofs of new buildings when visible from the public view, use roof shapes that are compatible with existing roof shapes in the streetscape or on visually related buildings.

*Continuity of walls. Walls and open fencing shall maintain visual compatibility with buildings and places to which it is visually related.*

- Maintain the setback distances from the street that are compatible with adjacent buildings in the streetscape.
- Maintain the visual openness or enclosure of space characteristic of the streetscape or the Landmark property.  
*Scale. The size of a building mass in relation to open spaces, window and door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.*
- For new additions and new buildings, divide the mass using the patterns established by the window and door openings and the projecting and recessing features of visually related buildings.
- For large additions and new buildings, break up the massing and facades visible from the public view into a number of smaller units to maintain a pattern similar to neighboring historic buildings. Use vertical divisions such as setbacks or projections from the wall plane, architectural details such as pilasters, or change in materials to break up an incompatibly long width or an overly large volume.
- Use decorative features that are in scale with the other decorative features on the building or on historic buildings in the streetscape.
- Avoid large areas of blank wall. Use design accents or projections and recesses to create a more human scale.

#### MORTAR FOR HISTORIC MASONRY

**REPOINTING:** The process of removing deteriorated mortar from the joints of a masonry wall and replacing it with new mortar.

Before repointing historic masonry it is important to determine and correct the cause of deterioration. It is also important to understand the type of mortar and the pointing techniques used in the wall originally. Sometimes, a wall has had previous repairs or mortar joint profiles are eroded so that careful study is needed to determine the original mortar and the original visual characteristics of the joints.

It is extremely important for repointing to be done correctly to restore the visual and structural integrity of the masonry. Incorrectly done, repointing may cause physical damage to the individual bricks, stones, or other masonry units. Historic mortar, particularly in buildings erected before 1930, was softer and had less compressive strength than the masonry units. The mortar expanded and contracted due to changes in temperature and moisture or settlement. This reduced stress on the masonry units so the masonry units were less likely to crack and/or spall. If a mortar mixture that is harder than the masonry units is used in joints, over time it is likely that the bond will break and cracks will open, allowing moisture to penetrate. This can result in spalling surfaces, cracked masonry units, loose masonry units, and other problems.

#### *Historical Reference:*

Masonry in buildings erected prior to 1873 used soft lime mortar. This mortar was primarily lime and sand, although it might have had some additives such as crushed shells, brick dust, clay, natural cements, pigments, or animal hair. Mortars used between 1873-1930 might also contain some Portland cement (fast-curing hydraulic cement that will harden under water), but usually Portland cement was a minor ingredient. After 1930, masons began to use mortars with a high percentage of Portland cement. Portland cement-based mortars are simpler for masons to use, but they are much harder than the earlier lime mortars. This hardness does not usually cause a problem with most masonry units produced after 1930, because these units are usually hard enough to be used with Portland cement-based mortars. Use of the Portland cement-based mortars is a serious problem when they are used with softer masonry units, especially sandstone and brick that was made before the late 19<sup>th</sup> century.

*Not Recommended: Not repainting where mortar is missing as it increases the potential for moisture infiltration. Also not recommended is repainting which extends on to the face of the masonry units and does not match the original color and composition.*

## GUIDELINES FOR MASONRY AND STUCCO

Historic masonry (stone, brick, concrete, and terracotta) and stucco provide texture, color, and workmanship that are visual links to a time or architectural type or style. For some historic buildings, such as Cresskill's early stone houses, masonry walls are the dominant visual characteristic of outstanding architectural significance. Most historic buildings have masonry foundations and chimneys that are contributing historic features. In historic districts, the masonry and stucco features are important to a building's relationship with adjacent buildings and with other buildings of its architectural style or type.

Preserving early masonry and stucco exterior surfaces of historic buildings not only contributes to the historic character of the community, but also contributes to the continued longevity of the buildings. Under most conditions, stone, brick, concrete, terra cotta, and stucco are durable. However, water, weather, air pollution, and structural problems can cause problems. The underlying cause of masonry and stucco problems should be determined before attempting to remedy the surface problems. For example, if a crack is patched without correcting the reason for its occurrence, it is likely to reoccur. The proper repair of historic masonry is critical to preserving its distinctive finishes and construction techniques. Improper cleaning, repainting, and other masonry and stucco repairs not only detract from the historic character of the building or structure, but also could endanger it.

For Buildings in Districts, a Certificate of Appropriateness is required for any masonry repair, including cleaning, sandblasting, repointing, exterior waterproofing, and replacing damaged units and the repair of stucco. A C/A is required even when a construction permit is not. A C/A is required for painting unpainted exterior masonry and stucco.

The C/A will be reviewed as a Minor Application, unless the proposed work is found not to be appropriate, then a public hearing will be scheduled. A C/A is not required for repainting previously painted masonry or stucco unless paint removal and/or repainting is required.

A C/A is not required for masonry or stucco alterations and repairs on Non-Contributing Buildings in Landmark Districts.

*Not Recommended: Sandblasting masonry as it damages the masonry units and the mortar.*

For Buildings in Landmark Districts.

## RECOMMENDED

- Maintain the original colors and textures of historic masonry and stucco.
- Correct the underlying problems causing the masonry deterioration so that problems will not reoccur.
- Photograph and measure existing conditions before beginning masonry repairs to aid in replication.
- Clean masonry only when necessary to remove heavy soiling or graffiti. Clean using the gentlest means. Often low-pressure water washing followed by a bristle brush is an effective cleaning method. Repoint mortar joints only when seriously deteriorated and moisture problem has been detected or improper mortar has previously been used that is harder than the wall's masonry units. Limit the work to the problem areas. Remove damaged and incorrect mortar in the gentlest way possible, preferably carefully using hand tools. Use mortar that duplicates the historic original in composition, strength, color, and texture. Consider having the original mortar analyzed by a professional. Duplicate the width, profile, tooling, size, and other visual characteristics of original mortar joints.

- Consider consolidation techniques or composite repairs for damaged masonry units. If replacement is necessary, replace seriously deteriorated masonry units with in-kind ones that match material, compressive strength (hardness), size, dimensions, color, texture, and bonding pattern.
- Repair or renew deteriorated stucco using the same building technique as was used in the original stucco construction, matching color and texture.

#### NOT RECOMMENDED

- Do not remove the patina of age.
- Using cleaning methods, including sandblasting, high-pressure water blasting, and the application of caustic chemicals, that remove the patina of age and damage historic masonry and stucco. These methods erode surfaces and accelerate deterioration. Steam and water pressure exceeding 150-200 p.s.i. may damage sound mortar.
- Using electric saws, hammers, drills, grinders, and metal brushes during cleaning and repairs that can damage masonry, particular soft sandstone and bricks.
- Using hard Portland cement-based mortar on historic masonry constructed prior to 1930.
- Painting or cladding unpainted historic masonry walls or chimneys with new finishes or materials.
- Removing stucco or paint from historically painted or stuccoed walls and masonry.
- Applying waterproofing and water repellents to historic exterior masonry and stucco. Such coatings should be used only on the advice of an experienced, trained historic preservation professional and when other repairs have failed to prevent water penetration.
- Drilling new holes into historic exterior masonry. Make necessary attachments at joints. Holes in masonry units cause permanent damage.
- Replacing historic exterior stucco with synthetic stucco (E.I.F.S.).

#### Construction Requirements:

#### RECOMMENDED

- Maintain and repair historic accessory buildings and landscape features such as fences, walls, and healthy mature trees. Repair historic accessory buildings following guidelines for the appropriate feature and/or material.
- If visible, design a new garage to be freestanding and compatible with principal building. Garages for 18<sup>th</sup>-and-19<sup>th</sup>-century buildings should take their design inspiration from carriagehouses. Garages for 20<sup>th</sup>-century houses should take their design inspiration from the house and should maintain the historic scale by having single-wide garage doors, rather large doors the width of two cars.
- Where visible from the public view, install compatible landscaping and consider landscaping the front yards to reflect the period or style of the principal building.
- If new fencing or walls are needed and will be visible from the public view, design them to be compatible in style, size, scale, and material with the principal building. If in a District, they should also be compatible with the streetscape. Typically, fences for front yards should be low and visually open.
- Install new walks of concrete, bluestone, or a material appropriate to the architectural style or period of the building.
- Use unobtrusive materials for driveways. Concrete or macadam (blacktop) is acceptable. When possible, place parking so that it is not visible from the street or screen in a manner appropriate to the historic character of the streetscape.
- Use exterior lighting which is compatible with the architectural style or period of the building or is of unobtrusive contemporary design.
- Place mechanical units and satellite dishes so that they are not visible from public view or, if this is not technically possible, screen in a manner appropriate to the historic character of the streetscape. Locate vents and mechanical connections through historic foundations or walls where they will not be visible from the public view. Locate or screen exposed exterior piping, wires, meters, and fuel tanks so that they are not visible from the public view.
- Place permanent locations for dumpsters and private trash containers where they are not visible from the public view. If this is not possible, screen from view in an appropriate manner.

#### NOT RECOMMENDED

- Planting new trees, hedges, or shrubs that when mature will be so large that they infringe on or block the view of the historic building or infringe on historic plant materials.
- Paving front yards.
- Using chain link, closed board, cyclone, and other clearly contemporary fence materials and designs and earth berms, except where they are not visible from the public view. For most properties associated with the development of the railroad and automobile suburbs, rustic, unpainted fencing around the front yard is not recommended.
- Using landscape timbers for retaining walls in front yards or in the front half of side yards.
- Painting or covering historic masonry walls with paint, stucco, or concrete finish unless the walls were originally covered with similar finish.

#### CONFLICTING PROVISIONS

- If there are provisions in this Ordinance and the current Zoning Ordinance, the Zoning Official will work with the property owner and CHB to balance and modify the respective differences, with or without the need of a Zoning Variance.
- If the parties cannot agree, the property owner shall be required to appear before the Zoning Board and obtain an Ordinance interpretation.

#### Severability.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this article shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this article.

#### Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed as to such inconsistencies only.

#### When effective.

This article shall take effect immediately upon final passage and publication as required by law.