

TOWNSHIP OF WEST ORANGE  
*HISTORIC PRESERVATION COMMISSION*  
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

**A. APPLICANT INFORMATION**

Name of Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

(Street) (City) (State) (Zip)  
Telephone Number: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Is the Applicant an:  Individual,  Corporation,  Partnership,  Other \_\_\_\_\_

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property:  Owner,  Tenant or Lessee,  Purchaser under contract  
(with consent of owner,  Other (please specify) \_\_\_\_\_

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

**B. PROPERTY OWNER INFORMATION**

Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

**C. PROPERTY INFORMATION**

Street Address: \_\_\_\_\_

Block Number(s): \_\_\_\_\_ ; Lot Number(s): \_\_\_\_\_

Zone of Property: \_\_\_\_\_

Have all municipal taxes due as of the date of this Application been paid?  Yes  No

If no, please explain: \_\_\_\_\_

**[This Space for Official Use Only]**

DATE THIS APPLICATION WAS FILED WITH THE WEST ORANGE DEPARTMENT OF PLANNING AND DEVELOPMENT \_\_\_\_\_

DATE THE REPORT OF THE COMMISSION WAS SUBMITTED TO THE WEST ORANGE DEPARTMENT OF PLANNING AND DEVELOPMENT \_\_\_\_\_

THE APPLICATION IS DETERMINED TO BE COMPLETE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
WEST ORANGE HISTORIC PRESERVATION OFFICER



**F. CERTIFICATION BY APPLICANT**

I hereby certify that, as of the date I signed this application, I am a legal or equitable owner of the property described herein, or I am an authorized officer or principal of said owner. I further certify that if there are other legal or equitable owners of said property, I have identified them herein. I further certify that the contents of this Application are complete, accurate and true.

Applicant's Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
[If signing for Applicant]  
Date: \_\_\_\_\_

**NOTE: SEE INSTRUCTIONS TO APPLICATIONS, PARAGRAPH 9, FOR IMPORTANT NOTIFICATION REQUIREMENT THAT APPLIES TO ALL APPLICATIONS.**

**Return ten (10) copies of completed application with attachments to:**

**TOWNSHIP OF WEST ORANGE  
HISTORIC PRESERVATION COMMISSION  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
66 MAIN STREET, ROOM 217  
WEST ORANGE, NJ 07052**

**TEL: 973-325-4110, FAX: 973-325-2589, EMAIL: [planningboard@westorange.org](mailto:planningboard@westorange.org)**

[This Space for Official Use Only]

APPLICATION TIMETABLE

1. Date application submitted	_____
2. Date application is deemed complete	_____
3. Date by which applicant must be notified that application is complete and that hearing has been scheduled (#2 + 15 days)	_____
4. Hearing date	_____
5. Date by which notice of hearing must be delivered by certified mail to neighbors and others (10 days before #4)	_____
6. Date Commission's decision is due (within 45 days of hearing)	_____
7. Date of receipt of written request for informational meeting	_____
8. Date of informational meeting (within 35 days of #7)	_____

## INSTRUCTIONS TO APPLICANTS:

1. **CERTIFICATE OF APPROPRIATENESS REQUIRED BEFORE WORK MAY COMMENCE.** Issuance of a Certificate of Appropriateness by the Historic Preservation Commission is required before the Construction Official of West Orange may issue any permit required for work on any property that has been designated a local historic site or landmark, or on any property within a designated local historic district. A list of properties and districts so designated is available from the Historic Preservation Commission.

2. **REVIEW THE ORDINANCE FULLY AND CAREFULLY.** Applicants are advised to review the West Orange Ordinance 25-6.9 before filling out and submitting this Application. These instructions are informational only and may not be complete for all Applicants. Additional requirements may be stated in the Ordinance. Assistance with this Application may be obtained by consulting with, and a copy of the Ordinance may be obtained from the Department of Planning and Development at West Orange Town Hall.

3. **REFERENCE TO PROPER BOARDS.** All Applications involving any regulated activity which requires the approval of the West Orange Planning Board and/or the West Orange Zoning Board of Adjustment will be referred to the appropriate Board or Boards before consideration by the Historic Preservation Commission.

4. **FILING THE APPLICATION.** This Application must be filed, in original and ten (10) copies, with the West Orange Department of Planning and Development, Town Hall, 66 Main Street, West Orange, NJ 07052. It may be filed either in person or by mail.

5. **COMMISSION ACTION.** The Commission may approve, disapprove or approve with conditions any complete Application submitted. The Commission must respond to a complete Application within 45 days. Failure to do so constitutes Approval with no conditions of the work described herein.

6. **INFORMATIONAL MEETING OR PLAN REVIEW AVAILABLE.** Persons considering action which may require a Certificate of Appropriateness, even if in doubt as to whether such is required, are encouraged to request, in writing, an informal "informational meeting" with the Historic Preservation Commission. The Historic Preservation Commission will be able to advise the applicant of the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness. Such a meeting will be scheduled within 35 days of receipt of the written request. In lieu of or in addition to such a meeting, preliminary plans for the contemplated work may be submitted to the Commission for review and comment before proceeding with final plans.

7. **REQUIRED ATTACHMENTS.** The following materials should be attached to all applications: current photographs showing the entire building as well as close-ups of any areas to be repaired or replaced; a written description of the work (for example, a builder's estimate or an architect's scope of work, material specifications (architect's technical specification or manufacturer's literature); and architectural drawings (site plan, elevation, etc.). If the application is for restoration of the building to an earlier historic appearance, in addition to the material described above, the application should be accompanied by historical documentation ((architectural evidence, historic photographs and documentary evidence) to support the restoration decisions.

8. **COMPLETE APPLICATION.** The Historic Preservation Commission can proceed only on a complete Application. The completeness of the Application is determined by the Historic Preservation Officer in the Department of Planning and Development. You will be informed within 15 days of the filing date if the Application is deemed complete.

9. **MEETING DATE AND REQUIRED WRITTEN NOTICES.** Upon notification that the Application is complete, the Historic Preservation Officer will advise the Applicant that the Historic Preservation Commission will consider the Application at a specified public meeting of the Historic Preservation Commission. The Applicant must, at least ten (10) days prior to the scheduled meeting, provide written notice **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED** of the date, time and place, and the subject of the meeting to each property owner of record within 200 feet of the subject property. This information is available from the Office of the Tax Assessor. In special cases, such as applications involving the demolition of a historic landmark, the Commission may require the applicant to provide additional notification of the public hearing to the *West Orange Chronicle*, the West Orange Environmental Commission, the New Jersey Historic Preservation Office, or other organizations concerned with historic preservation deemed by the Commission to be appropriate in this instance. Applicant must file with the Commission an Affidavit attesting to such notification prior to commencement of the Commission meeting.

#### 25-30.4 Review by Historic Preservation Commission.

- a. *Purpose.* To accomplish the purposes of this section, the Township has adopted provisions for design review, intended to:
  1. Encourage the continued use of historic landmarks and facilitate their appropriate reuse;
  2. Maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, objects, or districts within the Township;
  3. Foster beautification and both private and public reinvestment;
  4. Manage change by preventing alteration or new construction not in keeping with a historic character of Landmarks or Districts;
  5. Discourage the unnecessary demolition of historic resources;
  6. Recognize the importance of historic properties by using property owners and tenants to maintain their properties in keeping with the requirements and standards of this section;
  7. Encourage the proper maintenance and preservation of historic settings and landscapes.
  
- b. *Regulated Activities.*
  1. For purposes of this section, regulated activities on a Historic Landmark or within a Historic District shall include the following:
    - (a) Demolition of any Historic Landmark or an improvement within a Historic District.
    - (b) Relocation of any building, structure or improvement.
    - (c) Change in the exterior appearance of any building, structure or improvement by addition, rehabilitation, removal, reconstruction, alteration, replacement, maintenance, or cosmetic changes.
    - (d) Any addition or new construction of an improvement.
    - (e) Replacement, changes in, or addition of signs, shutters, outdoor displays, fences and hedges, street furniture, awnings, off-street driveway and parking materials, or exterior lighting.
    - (f) Installation or replacement of sidewalks, porches, fire escapes, solar panels, and satellite dish antennas.
  
  2. In no instance shall the following be considered regulated activities:
    - (a) Changes to the interior of structures that do not affect the exterior appearance.

- (b) Ordinary repairs and maintenance wherein the cost of such repairs is less than five hundred (\$500.00) dollars and the repairs in question constitute an exact replacement of existing architectural details that are otherwise permitted by law, provided this work does not alter in any way the exterior appearance of the Historic Resource.

c. *Certificates of Appropriateness.*

1. No person or other legal entity shall hereafter engage or cause other persons to engage in any regulated activity on an historic site or within an Historic District as defined herein unless and until such person or entity shall have applied for and received a Certificate of Appropriateness from the Historic Preservation Commission. A Certificate of Appropriateness issued by the Historic Preservation Commission shall be required before any permit can be issued by the Construction Official/Zoning Officer. Specifically exempted from this requirement are properties or structures in Type II Historic Districts which are zoned R-1 through R-6 or RT and which are less than fifty (50) years of age.
2. It shall be the duty and responsibility of the Construction Official/Zoning Officer to refer to the Commission all applications for issuance of permits or Certificates of Appropriateness pertaining to regulated activities on a Landmark or within an Historic District, for a written report on the application of the zoning regulations provisions concerning historic preservation to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development, by a municipal agency, pursuant to the "Municipal Land Use Law," P.L. 1975 c. 291. The Commission shall submit its report to the Administrative Officer within forty-five (45) days of its referral to the Commission. If within the forty-five (45) day period the Commission recommends against the issuance of a Certificate of Appropriateness or permit, or recommends conditions to its issuance, the Administrative Officer shall cause the Construction Official/Zoning Officer to deny issuance of the permit or Certificate of Appropriateness, or to include the conditions. If the Commission recommends approval, a Certificate of Appropriateness shall be issued. Failure to report within the forty-five (45) day period shall be deemed to constitute a report in favor of issuance of the permit or Certificate of Appropriateness, and without the recommendation of conditions.
3. Applications for development which are in a designated Historic District or Landmark and which require approval by the Planning Board or Zoning Board of Adjustment shall be referred by the Administrative Officer directly to the appropriate Board. The Board shall forward a copy of the complete application for the Historic Preservation Commission at least fifteen (15) days prior to the hearing. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify

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

- d. *Informational Meetings.* Persons considering action that may require a Certificate of Appropriateness, as set forth above, even if they are in doubt as to whether such is required, are encouraged to request in writing an informal "Informational Meeting" with the Historic Preservation Commission. Written requests for such informational meetings can be made to the Construction Official/Zoning Officer, to the Administrative Officer, to any other Township official or to the Commission. The Commission shall hold such informational meetings within thirty-five (35) days of receipt of such written request. The purpose of an informational meeting is to inform the persons of the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness, if such is required. Preliminary drawings may also be submitted to the Historic Preservation Commission for review and comment before proceeding with final plans, even if an informational meeting is not requested.
- e. *Application Procedures.*
  1. Applications for Certificates of Appropriateness for other actions of the Board shall be made on forms available in the office of the Historic Preservation Officer, the Construction Official/Zoning Officer, or the Township Planner. Applications shall be made by legal or equitable owners of the property. Completed applications shall be delivered or mailed to the Commission in Township Hall.
  2. The contents of the application shall consist of the following:
    - (a) When the application is for exterior repairs replacing deteriorated architectural features to match existing materials, textures, and dimensions, the application shall be accompanied by current photographs of the building showing the area to be repaired and a written description of the work (for example, a builder's estimate or an architect's scope of work).
    - (b) When the application is for exterior architectural changes replacing existing architectural features with new materials, textures, or dimensions that do not match existing materials, textures, or dimensions, such as replacement windows, siding, etc., the application shall be accompanied by current photographs of the building showing features to be replaced, a written description of the work (for example, a builder's estimate or an architect's scope of work), and material specifications (architect's technical specification or manufacturer's literature describing the replacement materials).
    - (c) When the application is for the addition of new exterior architectural elements, such as a porch, deck, railing, window, bay, wing, story, roof, etc., or for adding a new building to the site, the application shall be accompanied by current photographs of the property, a written description of the work (for

example, a builder's estimate or an architect's scope of work), material specifications (architect's technical specification or manufacturer's literature describing the replacement materials), and architectural drawings (plans, evaluations, site plan, etc.).

- (d) When the application is for restoration or rehabilitation of the building to an earlier historic appearance, in addition to the material described above for the type of work involved, the application shall be accompanied by historical documentation (description of physical architectural evidence, historic photographs, and documentary evidence) to support the restoration or rehabilitation decisions.
- (e) Additionally, the applicant shall submit such photographs, diagrams, architectural drawings, specifications, or other materials sufficient to adequately inform the Historic Preservation Commission of the nature of the work for which the application is made. The Historic Preservation Officer, based on a publicly available check list, shall determine if the information is sufficient to constitute a complete application, and if the application is incomplete shall so notify the applicant within fifteen (15) days.

f. *Commission Review.*

1. The Commission shall review complete applications for Certificates of Appropriateness at a public meeting. In addition to complying with requirements of the Open Public Meetings Act, and except in the event of an emergency, at least fifteen (15) days prior to such meeting, the Commission shall give notice of the time, date, place and subject of the meeting, which notice shall be given in writing to the applicant.

The applicant shall give at least ten (10) days written notice of the time, date, place and subject of the meeting in writing to each property owner of record within two hundred (200) feet of the subject property; provided, however that exempted from this requirement are properties or structures which are zoned R-1 through R-6 or RT.

In the case of an application for a permit to demolish or move a Historic Landmark or a structure or improvement in a Historic District, the applicant shall, in addition to the above and at least ten (10) days before the meeting, give notice of the time, date, location and purpose of the hearing to the agencies listed below by certified mail, return receipt requested, by regular mail, and by published notice in an official newspaper of the municipality; and shall present an affidavit attesting to such notification prior to commencement of the meeting:

- (a) West Orange Historical Society
- (b) West Orange Environmental Commission
- (c) Office of New Jersey Heritage, Department of Environmental Protection

- (d) Any other organization concerned with historic preservation, deemed by the Commission to be appropriate in this instance.
  - 2. At the meeting wherein the Historic Preservation Commission intends to vote upon an application, individuals interested in the application shall be permitted to comment in person only upon the application under consideration.
  - 3. The Commission shall reach a decision on a complete application within forty-five (45) days of submission of the application or referral of same by the Construction Official/Zoning Officer. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission. The Commission may advise the applicant and make recommendations in regard to the appropriateness of the proposed action, and may grant approval upon such conditions as it deems appropriate within the intent and purposes of this section. An applicant shall not be required to appear or to be represented at the meeting for consideration of the application for a Certificate of Appropriateness.
  - 4. If an application is approved, the Commission shall forthwith issue a Certificate of Appropriateness. If the Commission disapproves an application, the Commission shall state its reasons in writing within ten (10) days of such decision. In case of disapproval, the Commission shall notify the applicant in writing of such disapproval and provide the applicant with a copy of the reasons.
  - 5. When a Certificate of Appropriateness has been issued, the Construction Official/Zoning Officer shall, from time to time, inspect the work approved by such Certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such Certificate or violating any ordinance of the Township. The Commission shall also make inspections of work approved by such Certificate whenever it considers such to be desirable.
  - 6. A Certificate of Appropriateness shall be valid for a period of two (2) years from date of issue unless reasonable extensions are granted by the Commission. If a permit is also required for the action approved and is obtained prior to expiration of such two (2) year period, then the Certificate of Appropriateness shall be valid for the life of the permit and any extensions thereof.
- g. *Design Standards.*
- 1. Secretary of Interior's Standards. In carrying out all its duties and responsibilities, the Commission shall be guided by the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings which are given as follows:
    - (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimum alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

- (b) 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.
- (c) All buildings, structures, 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.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever 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 duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural design or the availability of different architectural elements from other buildings or structures.
- (g) 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.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any project.
- (i) 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.
- (j) Wherever 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.

2. Visual Compatibility Factors. In assessing the design of any proposed additions or new construction, the following Visual Compatibility Factors shall be considered in conjunction with the Secretary of Interior's Standards set forth above, by the Historic Preservation Commission.

- (a) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
- (b) Proportion of building's front 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 openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
- (d) Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.
- (e) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
- (f) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
- (g) Relationship of Materials, Texture and Color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
- (h) Roof Shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
- (i) Walls of Continuity. Appurtenances of a building such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
- (j) Scale of Building. The size of a building, its mass in relation to open spaces, its windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
- (k) Directional Expression of Front Elevation. A building shall be visually compatible with building and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

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

3. Subdivision. Notwithstanding the zoning regulations in this chapter applicable to proposed subdivisions, a designated historic property shall be subdivided only when:

(a) The proposed subdivision would not adversely impact upon the architectural or historic character of the Landmark, its surrounding grounds, or the designated Historic District in which it is located.

(b) Denial of subdivision approval would result in undue economic or other hardship, after effecting any specific measures proposed to mitigate any adverse impacts, such as screening, buffering, and landscaping. This standard shall not be met merely because subdivision and development of the property would be more profitable than the present use.

If a proposed subdivision requires one (1) or more variances from the zoning regulations in this chapter, the decision on such variance request(s) shall give specific consideration to the historic preservation considerations in this chapter. If a subdivision is approved consistent with this provision, all new construction on any resulting lot shall be subject to the requirements of the Secretary of Interior's Standards and Visual Compatibility Factors listed above, and the resulting lot on which is located the existing principal structure prior to subdivision shall be deemed a Landmark. All powers to be exercised pursuant to this paragraph shall be within the jurisdiction of the Planning Board.

4. Demolition.

(a) In regard to an application to demolish a Landmark, or any improvement within a Historic District, the following matters shall be considered:

(1) Its historic, architectural, cultural or scenic significance in relation to the criteria established in subsection 25-30.3b.

(2) If it is within a Historic District, its significance to the District and the probable impact of its removal on the character and ambiance of the District, and the criteria which were the basis of the designation of the District.

(3) Its potential for use for those purposes currently permitted by the Zoning regulations.

- (4) Its structural condition and the economic feasibility of alternatives to the proposal.
  - (5) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
  - (6) 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 and expense.
  - (7) The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, attracting tourists, attracting new residents, stimulating interest and study in architecture and design, or making the municipality an attractive and desirable place in which to live.
- (b) The Commission shall be empowered to assist the owner in developing plans to preserve the property when moving or demolition thereof would be a great loss to the Township. The Commission shall be empowered to negotiate with the applicant to see if an alternative to demolition can be found, and may request the applicant to prepare a "Financial Analysis" which may include any or all of the following:
- (1) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased;
  - (2) Assessed value of the land and improvements thereon according to the most recent assessment;
  - (3) For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record;
  - (4) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property;
  - (5) Bona fide offers of the property for sale or rent, price asked, and offers received, if any;
  - (6) Any consideration by the owner as to profitable, adaptive uses for the property.

The Commission shall study the question of economic hardship for the applicant and shall determine whether the site or the property in the Historic District can be put to reasonable beneficial use without the approval of the demolition application.

In the case of an income-producing building, the Commission shall also determine whether the applicant can obtain a reasonable return from his existing building. The Commission may ask applicants for additional information to be used in making these determinations.

5. Moved Structures. In regard to an application to move a Historic Landmark or any building or structure in an Historic District to a new location, the following matters shall be considered:
  - (a) The impact that losing its original historic location would have on the building or structure, and, if the present location is within a Historic District, the impact on the Historic District as a whole.
  - (b) The reasons for not retaining the building or structure at its present site.
  - (c) The compatibility, nature, and character of the areas surrounding the current site and the proposed site, as they relate to the protection of interest and values referred to in this section.
  - (d) If the proposed new location is within a Historic District, visual compatibility factors as set forth in subsection 25-30.4g.
  - (e) The probability of significant damage to the Landmark itself.
  - (f) If it is to be removed from West Orange Township, the proximity of the proposed new location to the Township, including the accessibility to the residents of the Township and other citizens.
- h. *Approvals/Denials.*
  1. Effect of Certificate of Appropriateness. Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this section. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested vis-a-vis the Landmark or structure in the Historic District.
  2. Denial of a Certificate of Appropriateness. Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking the activity applied for.
- i. *Appeals.*
  1. The granting or denial of a Certificate of Appropriateness may be appealed to the Zoning Board of Adjustment in the same manner as if the appeal were taken pursuant to N.J.S.A. 40:55D-70(a). The appellant shall pay all costs of the transcript. Nothing herein shall be deemed to limit the right of judicial review of the municipal action after an appeal is concluded by the municipal Zoning Board of Adjustment.

2. Right to Sell During Appeal. Any appeal which may be taken to court from the decision of any municipal agency, whether instituted by the owner or any other proper party, shall not affect the right of the owner to make a bona fide offer to sell.
  3. Reconsideration of Denial of Certificate of Appropriateness. The Commission may refuse to reconsider for a period of one (1) year any disapproval of an application, except in cases where an applicant reapplies within ninety (90) days of such disapproval, with his application amended to comply with any recommendations which the Commission may have made in its written reasons for disapproval. The Commission may, however, reconsider at any time denial of a Certificate of Appropriateness for demolition if a significant change in circumstances has occurred.
- j. *Emergencies.* In the event that an Act of God or any other unexpected event shall cause a property owner the need for immediate emergency repairs to preserve the continued habitability of the property and/or the health and safety of its occupants or others, and where time will not permit the owner to obtain a Certificate of Appropriateness and a building permit prior to their undertaking, the property owner shall notify the Construction Official/Zoning Officer or the Administrative Officer, who shall request the Chairperson of the Commission to inspect the property, or assign a qualified member of the Commission to do so. The Commission Chairperson (or assigned member) shall determine the nature of the emergency, whether repair is feasible or, if not, the appropriateness of the replacement. The Chairperson may call upon qualified professional expertise to assist in this determination. The Chairperson shall provide a written report to the Construction Official/Zoning Officer or Administrative Officer so that a permit may be issued.
- k. *Violations.*
1. Penalty.
    - (a) Any person or other legal entity violating any of the provisions of this section shall, upon conviction thereof, be subject to the penalties herein.
    - (b) If any person or other legal entity shall undertake any activity vis-a-vis a Landmark or improvement within a Historic District without first having obtained a Certificate of Appropriateness, such person or entity shall be deemed to be in violation of this section.
    - (c) Upon learning of the violation, the Construction Official/Zoning Officer shall issue a notice of violation and orders to terminate in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq.
    - (d) A separate and distinct offense shall be deemed committed on each day during or on which violation occurs or continues.
    - (e) The penalty for violations shall be as follows:

For each day, up to ten (10) days—not more than seventy-five (\$75.00) dollars per day.

For each day, eleven (11) to twenty-five (25) days—not more than one hundred (\$100.00) dollars per day.

For each day beyond twenty-five (25) days—not more than one hundred twenty-five (\$125.00) dollars per day.

- (f) If any person or other legal entity shall undertake any activity vis-a-vis a Landmark or improvement within a Historic District without first having obtained a Certificate of Appropriateness, (s)he shall be required to restore same.
2. Injunctive Relief. In the event that any action, which would permanently change adversely the Landmark or District, such as demolition or removal, is about to occur without a Certificate of Appropriateness having been issued, the Zoning Officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any Landmark.
    1. *Preventive Maintenance.*
      1. Recognizing the need for preventive maintenance to ensure the continued useful life of Landmarks and structures in Historic Districts, the Mayor and Township Council hereby declare that code enforcement vis-a-vis Landmarks and structures in Historic Districts is a high municipal priority.
      2. In the event that any Landmark or improvement in an Historic District deteriorates to the point that, in the best estimate of the Building Department's Division of Inspections, the cost of correcting the outstanding code violations equals more than twenty-five (25%) percent of the cost of replacing the entire improvement on which the violations occur, the Division 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 cost of the improvement, and stating that if the owner does not take all necessary remedial action within ninety (90) days or such extensions as the Division shall for good cause grant, the Township Construction Official/Zoning Officer may, at the expiration of ninety (90) days, enter upon the property and abate such violations itself and cause the cost thereof to become a lien on the property.
      3. Upon receipt of such notice, the owner may, within ten (10) days after such receipt, notify the Division of Inspections of his/her wish to have a hearing as to the allegations and estimates set forth in the Division's notice. Such hearing shall be conducted by the Construction Official/Zoning Officer and shall, so far as possible, be a formal adversary proceeding in which the Division of Inspections shall establish the matters alleged in the notice by a preponderance of the evidence.
      4. If the owner does not request a hearing the procedures set forth in paragraph 2. above shall be binding. If a hearing is requested, the

Construction Official/Zoning Officer will, within ten (10) days following the hearing, serve on the owner an opinion in writing setting forth his conclusions and the reasons therefor. Such opinion shall be deemed to be first notice pursuant to paragraph 2. above.

5. Thereafter, if the owner does not comply, the Division may 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.
6. The head of the Division shall then certify to the Mayor and Township Council the cost of such work, plus all administrative, clerical and legal costs and overhead attributable thereto, and shall present the same to the Mayor and Township Council.
7. The Township Council may, by resolution, vote to cause the sum so certified to become a lien upon the Landmark or property, payable with the next quarter's real estate property taxes, and if not then paid, bearing interest at the same rate as delinquent taxes.  
(Ord. No. 2357-12 § 25-30.4)

#### **25-30.5 Professional Qualification Standards.**

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

- a. *History.* The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one (1) of the following:
  1. At least two (2) years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
  2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
- b. *Archeology.* The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:
  1. At least one (1) year of full-time professional experience or equivalent specialized training in archeology research, administration, or management;
  2. At least four (4) months of supervised field and analytic experience in general North American archeology; and
  3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one (1) year of full-time professional experience

at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archeology shall have at least one (1) year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

- c. *Architectural History.* The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one (1) of the following:
  - 1. At least two (2) years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
  - 2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
- d. *Architecture.* The minimum professional qualifications in architecture are a professional degree in architecture plus at least two (2) years of full-time professional experience in architecture; or a State license to practice architecture.
- e. *Historic Architecture.* The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one (1) of the following:
  - 1. At least one (1) year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
  - 2. At least one (1) year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures, research reports, and preparation of plans and specifications for preservation projects.  
(Ord. No. 2357-12 § 25-30.5)