



**TOWN OF WESTFIELD  
TOWN COUNCIL  
REGULAR MEETING**

**Tuesday, June 30, 2020  
8:00 PM**

**PROPOSED AGENDA**

This agenda is prepared for the information of the public. It is the order of the meeting; however, if changes in order, deletions or additions are made, they will be noted at the time.

1. Roll Call
2. Invocation
3. Salute to the flag
4. Appointments
5. Presentations  
Recognition of Jefferson Green Team
6. Advertised Hearings

GENERAL ORDINANCE NO. 2172

AN ORDINANCE AMENDING CHAPTER TWELVE OF THE TOWN CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE THE HOURS DURING WHICH LOUD MECHANICAL EQUIPMENT MAY BE USED

GENERAL ORDINANCE NO. 2173

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, AS IT RELATES TO THE STORAGE AND DELIVERY OF PREMANUFACTURED (MODULAR) HOMES AND BUILDING COMPONENTS

GENERAL ORDINANCE NO. 2174

AN ORDINANCE ESTABLISHING THE WESTFIELD MENTAL HEALTH COUNCIL FOR THE TOWN OF WESTFIELD

GENERAL ORDINANCE NO. 2176

ORDINANCE ESTABLISHING GOVERNMENT ENERGY AGGREGATION PROGRAM

7. Approval of Minutes from Town Council Regular Meeting held June 9, 2020
8. Petitions and Communications

9. Open discussion by citizens
10. Bills and Claims in the amount of \$380,177.85
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant to refund street opening Cash Bond
2. Resolution authorizing the Chief Financial Officer to draw warrant to refund various Cash Bonds
3. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
4. Resolution authorizing the Chief Financial Officer to refund Health Department fees
5. Resolution authorizing the Chief Financial Officer to refund Sidewalk Café License fees
6. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes in 2020
7. Resolution authorizing the Chief Financial Officer to draw warrant to refund construction permit fee
8. Resolution to approve insertion of special item of revenue in the municipal budget (NJACCHO)
9. Resolution to approve insertion of special item of revenue in the municipal budget (Clean Communities)
10. Resolution to approve insertion of special item of revenue in the municipal budget (Body Armor)
11. Resolution to award a contract for solar advisor services
12. Resolution authorizing payment for Year 2 costs for purchase of body worn cameras

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

1. Resolution to approve Peddler's License
2. Resolution authorizing the Mayor to execute an agreement with the County of Union to modify the Cooperative Agreement
3. Resolution authorizing an agreement with CGPH for the administration of an affordability assistance program
4. Resolution designating an area of the Town of Westfield, as more particularly described herein, as "An Area in need of Redevelopment", pursuant to the Local Redevelopment and Housing Law
5. GENERAL ORDINANCE NO. 2178  
AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS
6. GENERAL ORDINANCE NO. 2183  
AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD

Public Works Committee

1. Resolution to submit grant application to NJDOT for the North Avenue Safe Streets to Transit Project
2. Resolution to submit grant application to NJDOT for the Improvement of Willow Grove Road
3. Resolution to submit grant application to NJDOT for the Improvement of Prospect Street
4. Resolution to submit grant application to NJDOT for the Summit-Boulevard Bike Lane Corridor

5. Resolution authorizing Change Order No. 1 for the 2019 Mindowaskin Park Pathway Improvements
6. Resolution authorizing the award of contract for the 2020 Improvement to North Chestnut Street

12. Reports of Department Heads

Adjournment

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY**

**GENERAL ORDINANCE NO. 2172**

**AN ORDINANCE AMENDING CHAPTER TWELVE OF THE TOWN CODE OF  
THE TOWN OF WESTFIELD, NEW JERSEY, IN ORDER TO REGULATE  
THE HOURS DURING WHICH LOUD MECHANICAL EQUIPMENT MAY BE USED**

**WHEREAS**, the Town of Westfield (the “Town”) regulates the hours in which an individual may operate loud machinery outdoors as well as indoors, in certain circumstances, but varies those hours depending on the day of the week; and

**WHEREAS**, excessive sound is a serious hazard to the public health, welfare, safety, and quality of life for residents of the Town, and

**WHEREAS**, the residents of the Town have a right to, and should be ensured of, an environment free from excessive sound.

**NOW, THEREFORE, BE IT RESOLVED:**

**SECTION I.** Section 14-12A of Chapter XIV, “Offenses — Miscellaneous,” of the Town Code shall be and is hereby amended as follows:

**Sec. 14-12A. Prohibition on the Use of Mechanical Equipment Which Makes Loud and Disturbing Noises.**

Any person may lawfully operate any machinery or mechanical device which creates loud and disturbing noises between the hours of:

Monday through Friday: 8:00 a.m. to 8:00 p.m.

Saturday: 9:00 a.m. to 8:00 p.m.

Sunday: 9:00 a.m. to 5:00 p.m.

It shall be unlawful for any person to operate such machinery or mechanical devices during hours not described above outside of a building or structure or inside a building or structure with open doors or windows. It shall be presumptive that the operation of the following specific types of mechanical equipment create loud and disturbing noise.

- (a) Gasoline or electric powered lawn mowers.
- (b) Gasoline or electric powered chain saws.
- (c) Gasoline powered weed cutters.
- (d) Gasoline or electric powered leaf blowers.
- (e) Gasoline or electric powered chippers or shredders.
- (f) Any type of equipment used in construction which is powered by electricity, air, gasoline or diesel fuel.
- (g) Portable gasoline powered electrical generators.
- (h) Electric powered circular or reciprocating saws.
- (i) Air compressors or tools driven by compressed air.

Such prohibition shall not apply to emergency situations where the use of such equipment is necessary to restore vital public services such as, but not limited to, utility, transportation, and communication services. Such prohibition shall also not apply to the Town of Westfield or its employees in connection with the performance of municipal functions.

**SECTION II.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION III.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION IV.** This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY  
GENERAL ORDINANCE NO. 2173**

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY, AS IT RELATES TO THE STORAGE AND DELIVERY OF PREMANUFACTURED (MODULAR) HOMES AND BUILDING COMPONENTS**

**WHEREAS**, the Mayor and Town Council of the Town of Westfield (the “Town”) are charged with establishing and maintaining safe passage and safe conditions within the Town; and

**WHEREAS**, pursuant to that obligation, the Mayor and Town Council adopted, on October 29, 2019, General Ordinance No. 2148, an ordinance to regulate the storage and delivery of premanufactured (modular) homes, in order to ameliorate certain negative impacts to property owners adjoining the sites upon which modular homes are being built; and

**WHEREAS**, there exists a need to amend that ordinance in certain respects, including specifically to allow multi-day storage of modular homes and modular home sections, when appropriate, while still protecting the right of adjoining neighbors to the quiet enjoyment and peaceful habitation of their own properties

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**SECTION I.** Section 8-42, Chapter 8, Buildings, Article VI, Maintenance of Sites Under Construction, of the Town Code shall be and is amended as follows:

**§8-42. Modular and Premanufactured Homes and Components.**

- A. **Modular Home/Premanufactured Home Defined.** A “MODULAR HOME” or, interchangeably, “PREMANUFACTURED HOME” is any building, or any building component thereof, of closed construction including but not limited to modular housing that is factory-built for single family and multifamily (including closed-wall, panelized housing), and other modular, nonresidential buildings.
- B. **Storage of Modular Homes Prohibited.** Storage of delivered modular homes and premanufactured homes is prohibited at any place within the Town, except that storage of modular homes and premanufactured homes may be permitted on any Town property with the consent of and as so designated by the Town Engineer, for a fee of \$500.00 per day, and for such length of time as determined by the Town Engineer; and except that, in appropriate circumstances as determined by the Town Engineer, storage of modular homes and premanufactured homes may occur on private property other than the site at which the modular or premanufactured home is to be constructed, for a maximum period of five days. If the Town Engineer determines that extraordinary weather conditions make it impossible to remove any modular or premanufactured home or any component thereof, stored on private

property, the Town Engineer may permit the continued storage beyond five days, but only until such extraordinary weather conditions have ended.

- C. **Delivery of Modular Homes.** Modular homes and premanufactured homes shall be delivered to the site where they are to be constructed or set no earlier than 7:00 a.m. nor later than 10:00 a.m. and shall be constructed, installed or set on the day of delivery prior to 6:00 p.m.
- D. **Predelivery Notice Required; Building Department.** No later than five business days prior to the anticipated date of delivery of a modular home or a premanufactured home, or any component thereof, the owner, contractor, manufacturer or supplier of such modular home or premanufactured home or any component thereof, shall deliver to the Building Department of the Town, on a form provided by that Department, the following information concerning the modular home or premanufactured home to be delivered:
- (1) The date of anticipated delivery.
  - (2) The anticipated time of delivery within an accuracy range of one hour, that is to say if a delivery time of 7:00 a.m. is set forth, the modular home or the premanufactured home must be delivered between the hours of 7:00 a.m. and 8:00 a.m.
  - (3) The date of start of construction, erection, installation or setting.
- E. **Predelivery Notice Required; Adjoining Neighbors.** The owner of the property, or its authorized representative, to which a modular or premanufactured home, or any component thereof is to be delivered, shall within 5 days of the anticipated delivery date, provide to each owner of lots adjoining the subject property a copy of the form provided to the Building Department as required under subsection 8-42(D) above. Notice to adjoining property owners shall be given by (1) serving a copy thereof on the adjoining property owner as reflected in the current records of the tax assessor of the Town, or (2) mailing a copy thereof by certified mail to the adjoining property owner at his address as reflected in the current records of the tax assessor of the Town.
- F. **Required Bond.** Every predelivery notice submitted to the Building Department shall be accompanied by a bond in the form of a cashier's check or certified check made payable to the Town of Westfield in the amount of \$5,000 to ensure the remediation and repair of any damage done to any Town property, public street or right of way in the course of the delivery, installation, erection or construction of any modular home or premanufactured home. The cashier's check or certified check shall be given to the Building Department of the Town, which shall immediately tender it to the Chief Financial Officer of the Town for deposit in the appropriate account of the Town of Westfield as the Chief Financial Officer shall determine. Such account shall be available to be utilized to return the bond fees upon application by the owner,

contractor, manufacturer or supplier, as the case may be, 30 days following the issuance of the appropriate certificate of occupancy.

**G. Insurance; Hold Harmless.** In circumstances in which the Town permits the storage of modular or premanufactured homes, or components thereof, on Town property, the owner, contractor or applicant storing such property shall first provide to the Town a written agreement indemnifying and holding harmless the Town from all loss, damage, claim or expense resulting from such storage, including any and all expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from such storage. Additionally, the owner, contractor or applicant shall provide to the Town Engineer a copy of an insurance policy or certificate of insurance, issued by a company duly authorized to transact business under the laws of this State and naming the Town of Westfield as an additional insured, providing for the payment of not less than \$1,000,000 to satisfy all claims for damage by reason of bodily injuries to, or the death of, any person as a direct or indirect result of the placement or storage of any modular or premanufactured home, or any component thereof, and further providing for the payment of not less than \$300,000 to satisfy all claims for property damage occurring as a direct or indirect result of the placement or storage of any modular or premanufactured home, or any component thereof, on Town property.

**SECTION II.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION III.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION IV.** This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY  
GENERAL ORDINANCE NO. 2174**

**AN ORDINANCE ESTABLISHING THE WESTFIELD MENTAL HEALTH COUNCIL  
FOR THE TOWN OF WESTFIELD**

**WHEREAS**, the purpose of the Westfield Mental Health Council (“Council”) is to protect and promote the mental health and welfare of all Town of Westfield residents;

**WHEREAS**, the purpose of the Council is to facilitate the creation of a comprehensive mental health support system for the Westfield community that promotes lifelong mental wellness, educates the public, ensures access to available resources, and agrees on and coalesces around core community values;

**WHEREAS**, everyone has a role to play in shaping a community that cares for all its citizens, and the mental health of a community can only be protected if residents stand together and take every opportunity – in our homes, workplaces, and community – to support each other and be there for those in need; and

**WHEREAS**, for the betterment of the Town of Westfield, the Council shall foster a stigma-free community that promotes a culture of compassion, acceptance, kindness and empathy. The Council will develop recommendations for initiatives that educate and provide enhanced support and resources for mental health in the community. The Council shall coordinate and align efforts among the various organizations that provide mental health services; create greater awareness for existing community resources; break the stigma that exists around mental health; identify best practices for support and crisis prevention measures; and establish additional mental health programs and support for Westfield families and youth as identified by the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Westfield, County of Union, and State of New Jersey as follows:

**Article I. Establishment.**

There is hereby established the Westfield Mental Health Council of the Town of Westfield having the powers and duties hereinafter enumerated.

**Article II. Membership.**

A. The Council shall consist of ten (10) members appointed by the Mayor with the advice and consent of the Town Council.

B. The Council shall be comprised of appointed members and interested groups in the Town, as well as resident volunteers, as follows: Mayor's representative; Town Council representative; representative from non-profit organizations that provide mental health services; Westfield Public

Schools representative; Board of Health representative; medical mental health professional; and four (4) residents to be selected from volunteer applications. Volunteers shall demonstrate a strong personal interest in this field and interest in making an impact in the community related to mental health.

C. In addition to the foregoing, there shall be two (2) alternate members, designated as Alternate Number 1 and Alternate Number 2, who shall be permitted to vote only in the absence of a regular member. The Mayor shall also appoint one (1) member of the Town Council to act ex-officio as the liaison between the Council and the Town Council.

D. The members shall serve without compensation and must be residents of the Town of Westfield, except that they shall be entitled to be reimbursed for their pre-approved reasonable expenses incurred in the performance of their duties, and within the budgetary limitations of the Council.

E. The Mayor, with the approval of the Town Council, shall name one (1) member of the Council as Chairperson to serve for one (1) year.

### **Article III. Terms.**

A. All members of the Council shall serve for a term of two years, except that upon the original organization of the Council, three members shall be appointed for a term of one year; three members for a term of two years and four members for a term of three years. Thereafter, the term of each member shall be for two years. All terms shall be measured from the first day of the year of appointment and any vacancies shall be filled for the unexpired term in the same manner as the original appointment was filled.

B. Any member of the Council may be removed by the Mayor, with the advice and consent of the Town Council for neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard thereon by the Town Council. In the event of a vacancy, the Mayor with the approval of the Town Council, shall appoint another person to fill the unexpired term of such vacancy.

C. In addition, cause for removal may be found where a member is absent without prior notification to the Chairperson from three (3) consecutive meetings or from 50 percent of the Council's regularly scheduled meetings for a year.

### **Article IV. Powers and Duties.**

The Council shall determine the mental health support needs of the Town, and shall have the power and duty to manage, oversee, direct and establish policies and standards for mental health support programs. It shall adopt rules and regulations necessary to exercise its responsibilities. In carrying out its responsibilities, the Council shall have the following powers and duties:

A. Provide facilities and programs to promote the mental health of the community.

B. Raise awareness of the local mental health resources available within the Town regardless of income; link residents in need to local mental health resources; and create a culture wherein residents who are in need of mental health services are supported by their community and neighbors and feel free to seek treatment.

C. Disseminate educational, informational and promotional materials, in all available media formats, to foster an environment of mental wellbeing, including but not limited to, mailings, newsletters, banners, brochures, flyers, websites, and social media presence.

D. Recommend for adoption by Resolution of the Mayor and Town Council all such guidelines, rules and regulations as the Council shall deem necessary and proper to carry out the purposes and objectives of this Ordinance.

#### **Article V. Expenditure of Funds.**

A. The Town Council may, but is not required to, annually appropriate funds for the use of the Council. The Council shall conduct its affairs and policies each year within the amount appropriated by the Town Council for such purposes and at no time shall expend more than the sum so appropriated.

B. In consultation with the Department of Health and such other departments as appropriate, the Council shall also establish funding priorities for services and programs that address mental health treatment for residents; review and evaluate applications requesting funding from the Town; submit funding recommendations for public and social services to the Mayor and Town Council; and monitor past and present uses of funds by services and programs that received funds from the Town.

#### **Article VI. Meetings.**

A. Regular meetings of the Council shall be held at the call of the Chairperson provided that a meeting may also be called upon the written request of five (5) regular members of the Council. At least two (2) days' notice of any such meeting shall be given to all regular and alternate members unless such notice is waived in writing.

B. A quorum shall consist of a majority of the regular members of the Council, except that in the absence of a regular member an alternate member may take the place of a regular member in establishing said quorum.

C. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the Council. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, alternate number one shall vote.

#### **Article VII. Repeal and Severability.**

All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**Article VIII. Effective Date.**

This Ordinance shall take effect after posting, publication and final passage in the manner prescribed by law.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY  
GENERAL ORDINANCE NO. 2176**

**AN ORDINANCE OF THE TOWN OF WESTFIELD AUTHORIZING THE  
ESTABLISHMENT OF A GOVERNMENT AGGREGATION PROGRAM**

**WHEREAS**, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1, *et seq.* governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

**WHEREAS**, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

**WHEREAS**, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1, *et seq.*, the Town seeks to establish a Government Energy Aggregation Program (“Program”) for the provision of electricity within the Town, for the purpose of obtaining an increased renewable content in the power supply for residential customers in the Town; and

**WHEREAS**, the Town Council for the Town of Westfield (the “Town”) intends to serve as the lead agency conducting a Government Energy Aggregation Program in the Town and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential customers within the boundaries of the Town, to the extent that such a contract will produce an increased renewable content in the power supply to residential customers; and

**WHEREAS**, and the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6.3) which state residential customers shall automatically be included in the program unless the customer chooses to opt-out, for which said customer may not be charged an exit fee for leaving an aggregation program at any time; and

**WHEREAS**, the Town Council will from time to time during the Effective Period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Town Council will act as Lead Agency of the Westfield Community Energy Aggregation Program (“WCEP”); and

**WHEREAS**, the Town Council will from time to time during the Effective Period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the WCEP pursuant to the Local Public Contract Law Regulations, the Government Energy Aggregation Act, and the Electric Discount and Energy Competition Act; and

**WHEREAS**, the Town Council is interested in mandating that a fraction of the energy provided by WCEP come from renewable energy sources, and will therefore include provisions

for the inclusion of renewable energy in the Request for Proposals for electric generation services and energy aggregation services on behalf of the WCEP; and

**WHEREAS**, the Town Council will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified; and

**WHEREAS**, pursuant to applicable BPU rules, the Town needs to enter into an Electric Distribution Company Aggregation Agreement with Public Service Electric & Gas Company (“PSE&G”); and

**WHEREAS**, N.J.S.A. 48:3-93.1, *et seq.* requires the Program to be established by ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Westfield, County of Union, and State of New Jersey, that Chapter 2, “Administration,” shall be and is hereby amended, to add a new Article, Article XII, “Government Energy Aggregation Program,” as follows:

**SECTION I.** The Town hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1, *et seq.*

**SECTION II.** The Mayor is authorized to execute and the Clerk to attest to the execution of and Electric Distribution Aggregation Agreement, in a form acceptable to the Town, with PSE&G.

**SECTION III.** The Town Council will act as Lead Agency of the WCEP and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Town residents and businesses, and enter into a contract for such services provided that the lowest qualified bid containing renewable content in the power supply above the basic generation supply of the current default supplier.

**SECTION IV.** As Lead Agency, the Town Council will execute a master performance agreement that obligated the participants in the WCEP to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the WCEP, and provided that such contract shall be at prices reasonably forecast and estimated by the Mayor and the Town Council to provide increased renewable content in the power supply relative to the basic generation service by PSE&G.

**SECTION V.** The authorization provided to the Lead Agency shall be valid until December 31, 2023 (the “Effective Period”), at which time the WCEP will be subject to renewal at the discretion of the Town Council.

**SECTION VI.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION VII.** In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION VIII.** This ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, Melissa Sgroi, 121 Connecticut Street, Westfield, NJ has placed the required cash bond of \$500.00 to cover Road Opening Permit No. 19-152 for 121 Connecticut Street, and

**WHEREAS**, Melissa Sgroi has requested that this amount be returned, and

**WHEREAS**, the Town Engineer has inspected the roadway excavation and has found the excavation to have been properly repaired.

**NOW THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to draw a warrant in the name of Melissa Sgroi, 121 Connecticut Street, Westfield, NJ.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**FINANCE COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, the following applicants have placed the required cash bond of \$500.00 to cover:

<b>Permit No.</b>	<b>Date</b>	<b>Name of Applicant</b>	<b>Address of Opening</b>
18-043	1/26/18	Elegant Homes NJ LLC 525 Central Avenue, Suite 2 Westfield, NJ 07090	1011 & 1021 Wychwood Road
18-073	2/2/18	CPR Services Inc. 3C Marlen Drive Robbinsville, NJ 08691	15 Manchester Drive
18-133	3/27/18	D. Villane Construction, LLC 2376 South Avenue Scotch Plains, NJ 07076	452 Bryant Avenue
18-160	4/24/8	Michael M. Adelhock 117 Golf Edge Drive Westfield, NJ 07090	117 Golf Edge Drive
18-177	5/3/18	Laila A. Ruzika 198 Cottage Place Westfield, NJ 07090	198 Cottage Place
18-222	6/4/18	Accurate Sewer and Drain LLC 528 Downer Street Westfield, NJ 07090	872 Shadowlawn Drive
18-309	8/1/18	D. Villane Construction, LLC 2376 South Avenue Scotch Plains, NJ 07076	619 Fairfield Circle
18-398	9/28/18	Johnathan J. Bezalel 400 E. 58 <sup>th</sup> Street, Apt. 2E New York, NY 10022-2333	25 Barchester Way
18-419	10/17/18	Fox and Foxx Development, LLC Operating Account 940 Amboy Avenue, Suite 101 Edison, NJ 08837	625 Ripley Place
19-003	1/8/19	Harmony Design Group LLC 1520 Pine Grove Avenue Westfield, NJ 07090	37 Fairhill Road
19-095	4/24/19	The Valluzzi Group Property Management LLC Operating Account 2557 Oxford Avenue South Plainfield, NJ 07080-5334	417-421 Baker Avenue
19-089	4/12/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	111 East Grove Street
19-038	2/20/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	810 Village Green
19-081	4/24/19	Hoff & Son Plumbing Sewer & Drain, Inc. 2504 Plainfield Avenue Scotch Plains, NJ 07076	1103 Boynton Avenue

and,

**WHEREAS**, the above applicants are entitled to have this amount be returned to them, and

**WHEREAS**, the Town Engineer, has inspected the roadway excavations and has found the excavations to have been properly repaired.

**NOW THEREFORE BE IT RESOLVED**, that the Treasurer be authorized to draw a warrant in the name of the applicants noted above for \$500.00 and forward to the applicants' addresses also noted above.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**RESOLVED**, that the Town Treasurer be authorized to refund the following fees to the following individual:

<b><u>Name</u></b>	<b><u>Account</u></b>	<b><u>Class</u></b>	<b><u>Fee</u></b>
Barbara Adams 549 Edgar Road Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Senior Citizen Barbara Adams	\$90.00
Susan Gandy 770 Austin Street Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Senior Citizen Susan Gandy	\$90.00
James Venezia, Jr. 629 Roosevelt Street Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Senior Citizen (2) James Venezia, Jr (\$90) Sandra Venezia (\$90)	\$180.00
Diane Walker 21 Cutter Ave Edison, NJ 08820	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Non-Resident/Senior Citizen Diane Walker	\$155.00
Ethan Mandelup 633 Coleman Place Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident/Family of 4 or less Elana, Ethan, Levi, Lisa, Patricia	\$520.00
Kathleen Caprio 2155 Seward Drive Scotch Plains, NJ 07076	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Non-Resident/Individual Kathleen Caprio	\$380.00
Joshua Braun 26 Mohawk Trail Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership Resident/Family of 4 or less Kim, Sophie, Sam, Iliana Braun	\$420.00
Kathy Mooney 37 Sandra Circle Unit 1C Westfield, NJ 07090	#195 Membership Refund/Pool 9-03-55-920-202	Pool Membership 2020 Resident / Parent/Child Kathy & Elizabeth Mooney	\$300.00

Clark Biggers  
761 Norgate  
Westfield NJ, 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Better Basketball Camp 2020  
Cooper Bigger / WK#1

Nathan Madden  
412 Cayuga Way  
Westfield, NJ 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Better Basketball Camp  
Luke Madden / WK #1

Patrick Quay  
972 Cherokee Ct  
Westfield, NJ 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Better Basketball Camp  
Andrew Quay / WK #1

Maral Regas  
625 Coleman Place  
Westfield, NJ 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Better Basketball Camp  
Devan Regas/ WK #1

Joseph Weiss  
615 Tremont Ave  
Westfield, NJ 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Even Better Basketball Camp  
Neil Weiss / WK#2

Wendy Nitche  
18 Cornwall Drive  
Westfield, NJ 07090

Sports Camps  
T-05-600-073  
9-05--230-000

Refund \$200.00  
Get Better Basketball Camp  
Brenan Nitche / WK #2

**TOWN OF WESTFIELD**  
**RESOLUTION**

**FINANCE POLICY COMMITTEE**

**June 30, 2020**

BE IT RESOLVED that the Chief Financial Officer be authorized to draw a warrant to the following persons for a refund due to a cancellation of the Westfield Spring Fling on May 3, 2020:

<u>Name</u>	<u>Amount</u>
Donna Rinaldo	\$75.00

**Mail to:**  
Dinny's Dinners  
Donna Rinaldo  
37 Ivy Street  
Clark, NJ 07066

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, as a result of the decrease in the transmission of COVID-19 throughout the State of New Jersey, and in accordance with the State of New Jersey’s multi-stage plan to reopen businesses, on June 3, 2020, Governor Murphy signed Executive Order No. 150, permitting food or beverage establishments to offer in-person service at outdoor areas only beginning on June 15, 2020; and

**WHEREAS**, Executive Order 150 granted municipalities the authority to make all decisions with respect to establishing the process for allowing and determining the location of restaurants or bars to expand their service footprint on their property and potentially into shared spaces, such as sidewalks, streets and parks, in a way that comports with public safety; and

**WHEREAS**, at a meeting held June 9, 2020, the Town Council of the Town of Westfield adopted Resolution No. 128-2020, requiring that food and beverage establishments wishing to provide in-person service at outdoor areas submit an application to the office of the Westfield Town Clerk; and

**WHEREAS**, prior to the COVID-19 pandemic and the adoption of Resolution No. 128-2020, several Westfield food and beverage establishments submitted application, along with the appropriate fee, to obtain a Sidewalk Café License to allow for outdoor seating for their customers; and

**WHEREAS**, pursuant to Resolution No. 128-2020, no fee shall be charged for the submission or approval of applications for in-person service at outdoor seating areas.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Treasurer be authorized to refund payments provided for Sidewalk Café Licenses for the 2020 season as follows:

<b><u>Name</u></b>	<b><u>Fee</u></b>
Turning Point 137 Central Avenue Westfield, NJ 07090	\$350.00
Xocolatz Grill 235 Elmer Street Westfield, NJ 07090	\$350.00
Ferraro’s 14 Elm Street Westfield, NJ 07090	\$350.00

<b><u>Name</u></b>	<b><u>Fee</u></b>
Bovella's Pastry Shoppe 101 East Broad Street Westfield, NJ 07090	\$250.00
1958 Cuban Cuisine 301 South Avenue West Westfield, NJ 07090	\$250.00
Sweet Waters 43 Elm Street Westfield, NJ 07090	\$250.00
Brunella Deli 615 South Avenue West Westfield, NJ 07090	\$250.00
Ralphs Italian Ice 524 Central Avenue Westfield, NJ 07090	\$250.00
Tinga Taqueria 110 Central Avenue Westfield, NJ 07090	\$250.00
Nosvino 127 Central Avenue Westfield, NJ 07090	\$100.00
Feast Catering 27 Elm Street Westfield, NJ 07090	\$100.00
Chipotle 117 East Broad Street Westfield, NJ 0790	\$100.00
Fresh Bui 57 Elm Street Westfield, NJ 07090	\$100.00
Bagel Chateau 223 South Avenue East Westfield, NJ 07090	\$100.00

Starbucks 117 Central Avenue Westfield, NJ 07090	\$100.00
Farinolio 121 East Broad Street Westfield, NJ 07090	\$100.00
Ono Bowls 107 Quimby Street Westfield, NJ 07090	\$100.00
Cinnaholic 118 Elm Street Westfield, NJ 07090	\$100.00
The Liquor Basket 115 Quimby Street Westfield NJ, 07090	\$100.00
Cosimo's 118 East Broad Street Westfield, NJ 07090	\$250.00

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

RESOLVED that the Chief Financial Officer be, and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2020:

Block/Lot/Qualifier		Quarter/Year
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
3205/1	501-503 Central Avenue	2 <sup>nd</sup> /2020
LaFarga, Hansel		\$5,061.10

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO. 2020**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, Gialluisi Custom Homes, 208 Lenox Ave #157, Westfield, NJ, made an application for a demolition permit, permit number 19-1703, for a dwelling located at 2 Oneida Drive, Block 5113, Lot 1 Westfield, New Jersey, on September 4, 2019,

**WHEREAS**, Gialluisi Custom Homes had also requested a permit to construct a new single family dwelling on September 4, 2019, and the plan review for the construction permit was performed by the building department, and the permit fee of \$2089 was invoiced but not paid,

**WHEREAS**, Gialluisi Custom Homes remitted \$1,500.00 for aforesaid demolition permit,

**WHEREAS**, Gialluisi Custom Homes subsequently requested to renovate the existing dwelling and not proceed with the above referenced demolition.

**WHEREAS**, Gialluisi Custom Homes then on March 5, 2020 applied for and subsequently received a construction permit to renovate the existing dwelling,

**WHEREAS**, Gialluisi Custom Homes has requested a refund of eighty percent (80%) of permit fee for the demolition permit, consistent with N.J.A.C. 5:23-4.18,

**WHEREAS**, Gialluisi Custom Homes is entitled to a \$1200 (20% of \$1500) refund for the demolition permit however owes \$417.80 (20% of \$2089) for the new dwelling plan review fee, which creates a refund of \$782.20 (\$1200-\$417.80),

**NOW THEREFORE BE IT RESOLVED**, that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$782.20 payable to Gialluisi Custom Homes, 208 Lenox Ave #157, Westfield, NJ 07090.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for an equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$45,747.00, which is now available from the NJ Association of County & City Health Officials LHD COVID-19 grant; and

**BE IT FURTHER RESOLVED** that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
NJACCHO – COVID 19	\$45,747.00

**BE IT FURTHER RESOLVED** that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for an equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$55,028.77, which is now available from the Solid Waste Administration FY 2020 Clean Communities grant; and

**BE IT FURTHER RESOLVED** that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Clean Communities	\$55,028.77

**BE IT FURTHER RESOLVED** that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, N.J.S.A.40A:4-87 (Chapter 159, P.L. 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, the Director may also approve the insertion of any item of appropriation for an equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget year 2020 in the sum of \$5620.01, which is now available from the Division of Criminal Justice Body Armor grant; and

**BE IT FURTHER RESOLVED** that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations	
Body Armor	\$5,620.01

**BE IT FURTHER RESOLVED** that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.



**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, a need exists to hire a consultant to assist the Town of Westfield (the “Town”) in providing an environmentally sound solution to the Town’s sustainable energy goals; and

**WHEREAS**, the Town is interesting in building a large-scale municipal solar project or projects on Town property and/or buildings with a goal of reducing its energy costs and utilizing more renewable energy; and

**WHEREAS**, the Town issued a Request for Qualifications (“RFQ”) through a fair and open process in accordance with N.J.S.A. 19:44A-20.4, et seq., seeking a solar advisor to assist in creating an energy savings plan to accomplish the above-described goals; and

**WHEREAS**, Gabel Associates, 417 Denison Street, Highland Park, NJ 08904, has submitted a proposal dated May 28, 2020, indicating that Gabel Associates would provide the above-services based on the fees set forth in the firm’s cost proposal; and

**WHEREAS**, the Town has deemed that the background, experience, and qualifications of the Respondent herein satisfies the criteria set forth in the RFQ; and

**WHEREAS**, a Certificate of the Chief Financial Officer, certifying the availability of adequate funds for this contract, prepared in accordance with N.J.A.C. 5:30-5.4, will be furnished to the Town Clerk, subject to the availability of funds in the 2020 Budget. Expenditure of funds pursuant to this contract is to be charged to Budget Account 0-01-185-215, under Purchase Order #20-01974; and,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council hereby authorizes the Mayor to enter into a contract with Gabel Associates as described herein; and

**BE IT FURTHER RESOLVED** that the proper Town Officials be, hereby are, authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

WHEREAS, Town Engineer, Kris McAloon has been certified as a Recycling Coordinator for the Town of Westfield; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Kris McAloon shall be paid \$2,751 for additional duties performed as Recycling Coordinator for calendar year 2020.

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**  
**RESOLUTION NO. 2020**

**FINANCE POLICY COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, a need exists in the Westfield Police Department for the purchase of Body Worn Cameras, and

**WHEREAS**, Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038 was awarded State Contract T0106, under the Department of Purchase and Property's NJStart eProcurement Solution, purchase order 17-FLEET-00738, Category 14 for Police Body Camera Solution and 14A for installation, consulting services, hardware/software configuration, training and hourly repair services rates, and

**WHEREAS**, at the meeting of the Town Council of the Town of Westfield on June 18, 2019, Resolution 158-2019, the Town of Westfield awarded a contract for the purchase of Body Worn Cameras for the Westfield Police Department to Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106, and

**WHEREAS**, pursuant to the Town of Westfield's Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661, the total costs of said contract are to be extended over a five (5) year time period, with Year 2 costs of said agreement totaling \$67,908.00 as specified in invoice SI-1643604, and which are now due for payment, and

**WHEREAS**, these Body Worn Cameras and their servicing by Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 have been sufficient to meet the on-going needs of the Westfield Police Department; and

**WHEREAS**, the Chief Financial Officer has certified to the availability of adequate funds for payment of Year 2 costs of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 totaling \$67,908.00, and which are to be charged to Municipal Law Enforcement Trust Account T-05-600-021, this with the full authorization and approval of the Union County Prosecutor, under Purchase Order 20-01969, prepared in accordance with N.J.A.C. 5:30-1.10.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Westfield that payment of Year 2 costs of the purchase of Body Worn Cameras for the Westfield Police Department totaling \$67,908.00 is hereby authorized to Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106.

**BE IT FURTHER RESOLVED** that proper Town Officials be and are hereby authorized to take whatever actions are appropriate in the execution and discharge of the Purchasing Agreement with Axon Enterprise of P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**JUNE 30, 2020**

RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Mohammed Awawda  
Good Humor  
700 Probst Avenue  
Fairview, NJ 07022

Karen Sasso  
Ice Cream Creations  
196 Mountain Way  
Rutherford, NJ 07070

Dionisios Vasiliades  
Danny's Soft Serve  
1081 E. Grand Street  
Elizabeth, NJ 07201

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**JUNE 30, 2020**

**A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE  
MUNICIPALITY OF WESTFIELD TO EXECUTE AN AGREEMENT WITH THE  
COUNTY OF UNION TO MODIFY THE COOPERATIVE AGREEMENT DATED  
JUNE 2014, AS AMENDED JULY 9, 2019**

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

**WHEREAS**, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

**WHEREAS**, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants program (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

**WHEREAS**, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

**WHEREAS**, it is in the best interest of the Municipality of Westfield and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Municipality of Westfield that the agreement entitled “**COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,**” dated June 2014, as amended July 9, 2019 for the Purpose of Inserting a Description of Activities for Fiscal Year 2020-2021 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its adoption.

**TOWN OF WESTFIELD**  
**WESTFIELD, NEW JERSEY**

**RESOLUTION NO.**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**JUNE 30, 2020**

**RESOLUTION AUTHORIZING AN AGREEMENT WITH COMMUNITY GRANTS,  
PLANNING & HOUSING  
FOR THE ADMINISTRATION OF  
AN AFFORDABILITY ASSISTANCE PROGRAM**

**WHEREAS**, The Town of Westfield's Housing Plan Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and the regulations of the Council on Affordable Housing (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, the Town of Westfield's Housing Plan Element and Fair Share Plan includes affordable housing initiatives that create opportunities for affordable housing units through a combination of inclusionary development and court approved credits from prior round affordable housing developments; and

**WHEREAS**, Town of Westfield's Housing Plan Element and Fair Share Plan includes a Spending Plan, prepared pursuant to N.J.A.C. 5:97-1, et. seq., and which includes planned expenditures from the affordable housing trust fund; and

**WHEREAS**, the Spending Plan specifies that Westfield will use a portion of its affordable housing trust fund towards affordability assistance in accordance with N.J.A.C. 5:97-1, et. seq.; and

**WHEREAS**, the Town Administrator and Town Planner recommend to the Mayor and Council that Community Grants, Planning & Housing be selected to provide affordability assistance services; and

**WHEREAS**, the Mayor and Council of the Town of Westfield wish to enter into an agreement with Community Grants, Planning & Housing for the purpose of administering an Affordability Assistance Program, in accordance with the Town of Westfield's Housing Plan Element and Fair Share Plan, and Spending Plan; and

**NOW, THEREFORE BE IT RESOLVED**, that Community Grants, Planning & Housing, 1249 South River Road, Suite 301, Cranbury, NJ 08512-3716 is selected to administer an Affordability Assistance Program for a term effective July 1, 2020 and terminating close of business June 30, 2021; and

**BE IT FURTHER RESOLVED** that Community Grants, Planning & Housing shall be awarded said contract at a fee not to exceed \$5,500 under the Affordable Housing (Administrative Services) Trust Fund Account, subject to the availability of funds, charged to Account 0-01-120-218 under Purchase Order 20-01945 and;

**BE IT FURTHER RESOLVED**, that the Town of Westfield hereby designates the Municipal Housing Liaison as the liaison to Community Grants, Planning & Housing; and

**BE IT FURTHER RESOLVED**, that the proper town officials be, and hereby are, authorized and directed to enter into an agreement with Community Grants, Planning & Housing.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**JUNE 30, 2020**

**RESOLUTION DESIGNATING AN AREA OF THE TOWN OF WESTFIELD, AS MORE PARTICULARLY DESCRIBED HEREIN, AS “AN AREA IN NEED OF REDEVELOPMENT”, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

**WHEREAS**, on March 10, 2020, the Mayor and Council adopted Resolution Number 77-2020, requesting and authorizing the Planning Board to undertake a preliminary investigation to determine whether the properties:

<b>Block</b>	<b>Lot</b>	<b>Street Address</b>
2405	15	146 Elm Street
2505	12.01	131 Elm Street
3001	5	360 Waterson Street
3101	5	300 South Avenue West
3103	7	301 North Avenue West
3107	2	116 Elmer Street
3116	11	148 Central Avenue

as identified on the Official Tax Map of the Town of Westfield (the “**Study Area**”) to determine if such properties qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1*, et seq. (the “**Redevelopment Law**”); and

**WHEREAS**, the Planning Board retained the services of professional planning firm Topology (“**Topology**”), to assist in conducting the necessary investigations and analysis to determine whether the Study Area does or does not qualify as an area in need of redevelopment under the criteria set forth in the Redevelopment Law; and

**WHEREAS**, Topology conducted such investigations and prepared a report of its investigations entitled “*Preliminary Investigation, Downtown Parking Lots, Westfield, NJ*” (the “**Redevelopment Investigation Report**”); and

**WHEREAS**, the Redevelopment Investigation Report concludes that the Study Area and the properties therein exhibit conditions which conform with various redevelopment criterion, including criteria d and h under Section 5 of the Redevelopment Law, *N.J.S.A. 40A:12A-5*, as more specifically set forth in the Redevelopment Investigation Report; and

**WHEREAS**, on June 1, 2020, the Planning Board conducted a duly-noticed public hearing, pursuant to *N.J.S.A.* 40A:12A-6, at which time it heard a presentation of the Redevelopment Investigation Report by Mr. Philip A. Abramson, AICP/PP, principal of Topology and author of the Redevelopment Investigation Report, as well as comments from members of the public in attendance; and

**WHEREAS**, Mr. Abramson responded to questions from the Planning Board members and members of the public; and

**WHEREAS**, based upon the Redevelopment Investigation Report, Mr. Abramson's testimony concerning the Redevelopment Investigation Report and the comments from the public, the Planning Board accepted the findings of the Redevelopment Investigation Report and concluded that the Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommending that the Mayor and Council designate the Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

**WHEREAS**, the Mayor and Council accept the conclusions of the Redevelopment Investigation Report and the Planning Board's recommendation and wish to designate the Study Area as an area in need of redevelopment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Westfield that the Study Area described herein be and hereby is designated as a Non-Condensation Redevelopment Area, pursuant to the Redevelopment Law.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY**

**GENERAL ORDINANCE NO. 2178**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN  
OF WESTFIELD, NEW JERSEY, RELATING TO SOLAR ENERGY SYSTEMS**

**WHEREAS**, by Ordinance 2063, adopted by the Town Council on July 12, 2016, the Mayor and Town Council of the Town of Westfield (the “Town”) adopted certain regulations related to the erection and operation of solar energy systems in all zone districts in the Town of Westfield; and

**WHEREAS**, the Mayor and Town Council deem it necessary and appropriate to make certain changes and additions to that ordinance, both in order to encourage clean energy uses in the Town of Westfield, and to reduce the visual impacts of solar energy systems throughout the Town;

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**SECTION I.** Section 13-07, Chapter 13, of the Land Use Ordinance of the Town of Westfield, shall be and is hereby deleted in its entirety and replaced with the following Section 13-07, as follows:

A. Intent. The purpose of this section is to provide a regulatory framework for the construction and operation of solar energy systems in the Town of Westfield, subject to reasonable restrictions, which will preserve the public health, safety, and welfare, while also minimizing the visual impact of solar energy systems and maintaining the character of the Town of Westfield. This section permits, as an accessory use, solar energy systems in all zone districts in the Town of Westfield, subject to the criteria set forth in this section.

B. Definitions.

1. **BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS** — A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems shall include photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, and skylights.
2. **FLUSH-MOUNTED**– A Solar energy system or solar panel which is installed no greater than six inches from the roof and is installed at the same angle as the roof surface.
3. **CHARACTER-DEFINING ROOF FEATURES** – Visual aspects and physical elements of a roof that contribute to the overall appearance of a building. Examples of

character-defining roof features include cornices, dormers, towers, finials, and cresting.

4. GROUND MOUNTED SOLAR ENERGY SYSTEM — Systems which are not mounted on existing structures.
  5. PUBLIC VIEW — The view by the public of a building from any point on a street or walkway which is used as a public thoroughfare, either vehicular or pedestrian.
  6. ROOF MOUNTED SOLAR ENERGY SYSTEM — A solar energy system consisting of solar collectors that are installed directly on the roof of a home, commercial building, and/or an accessory structure, such as a garage, pergola, and/or shed.
  7. SOLAR COLLECTOR — A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical or electrical energy.
  8. SOLAR COLLECTOR SURFACE — Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.
  9. SOLAR ENERGY — Radiant energy received from the sun at wavelengths suitable for conversion into thermal or electrical energy.
  10. SOLAR ENERGY SYSTEM — Any solar collector or other solar energy device, or any structural design feature, mounted on a building or on the ground, and whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, for water heating, or for electricity.
  11. SOLAR MOUNTING DEVICE — Racking, frames or other devices that allow the mounting of a solar collector onto a roof surface or the ground.
  12. SOLAR PRODUCTION RATIO, OR “SPR” – The ratio between how much power a solar power system is estimated to produce in relation to the size of the system.  
Production ratio = year 1 production estimate / system size (Watts).
  13. STREET FACING FACADE — Any building wall along a front yard or street side yard.
  14. STREET FACING ROOF PLANE — A roof plane or planes which is/are located between the roof ridge and street facing facade or facades of a building.
- C. Applicability. This section applies to solar energy systems to be installed and constructed after the effective date of the ordinance. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirement of this section, provided however, that any upgrades, modifications, or changes that alter the size or placement of existing solar energy systems shall

comply with the provisions of this section.

D. Permitted accessory use. Solar energy systems shall be allowed as an accessory use in all zone districts, subject to the requirements set forth within this section.

E. General regulations.

1. Height.

a. Roof-mounted solar energy systems shall not exceed the maximum permitted height in the zone district for the structure or building on which they are mounted.

(1) For roof-mounted solar energy systems installed on a sloped roof, the system must be flush mounted. In no instance shall it extend above the ridge of a peaked roof.

(2) For roof-mounted solar energy systems installed on a flat roof, the highest point of the system shall be permitted to extend up to six feet above the roof to which it is attached.

b. Ground-mounted solar energy systems shall not exceed four feet in height.

2. Setbacks and location.

a. Roof-mounted solar energy systems shall not extend horizontally past existing rooflines. Exterior piping associated with the roof-mounted solar energy system shall be allowed to extend beyond the perimeter of the building on any facade of an accessory structure, and on all but any street-facing facade or roof plane of a principal structure.

b. Ground-mounted solar energy systems shall be located in the rear yard only and shall meet the setback requirements set forth in § 13.01G.

c. Wall-mounted solar energy systems shall meet the required setbacks for the structure onto which they are mounted.

d. Street-facing Solar energy systems.

(1) Solar energy systems may be located on street-facing roof planes or street-facing facades if they comply with the following in addition to the above requirements:

(i) The applicant presents the certification of a professional engineer or other individual deemed qualified by the Zoning Officer that no other solar energy system array on the property, other than a front-facing solar array, will generate an SPR of at least 1. The professional engineer's certification must include the SPR calculation for each roof plane on which a solar energy system

array could be erected; and

- (ii) The solar panels must be flush mounted to the roof; and
- (iii) The solar energy system does not interfere with character-defining roof features; and
- (iv) The color of any solar collector or solar collector device, trim and any visible mounting hardware must closely match the color of adjacent roofing material; and
- (v) No wiring, cables, conduit, etc., may travel from the front-facing roof to any front façade of the structure.

- (2) The requirements (i) through (v) above shall also apply to the side street of a corner lot; however, these requirements shall not apply to solar energy systems mounted on accessory structures located within rear yard areas, nor shall they apply to building integrated solar energy systems.
  - (3) No solar energy system shall be located on street-facing roof plane or street-facing facade if an SPR of at least 1 can be generated by installation of a solar energy system array on a non-street facing roof plane or non-street facing façade.
  - (4) An applicant may appeal a denial of the Building Department to allow solar panels on a street-facing roof or facade to the Zoning Board of Adjustment.
  - (5) No street facing solar energy system may be located on street-facing roof planes or street-facing facades on any principal or accessory structure that has been designated, pursuant to the Historic Designation and Preservation Ordinance of the Town of Westfield, LUL Appendix III, as a historic landmark or is within a historic district.
3. Coverage. Ground-mounted solar energy systems shall be subject to the coverage requirements in 13.01H.
  4. Visibility. It is the intent of this section to reduce the visual impacts of solar collectors and solar mounting devices.
  5. Solar collectors mounted on flat roofs shall be mounted behind a building parapet below the line of sight from the nearest edge of the right-of-way(s) adjacent to front- and street-side yards.
  6. Glare.
    - a. Solar collectors shall be oriented and/or screened so that any glare is directed away from any adjoining properties and streets.

- b. All solar collectors shall be located so as to not create any additional heat load upon adjoining properties.
- 7. Prohibition of advertising. A solar energy system shall not be used to display permanent or temporary advertising, including signage, streamers, pennants, spinners, reflectors, banners, or similar materials.
- F. Additional submission requirements. In addition to the application requirements in all applicable construction codes and the Town Land Use Ordinance, all applications for solar energy systems shall be accompanied by a property survey showing the proposed location or locations of the solar energy system and distance from property lines. In addition, photographs showing the property from the public view, and the location of the proposed solar energy system, must be submitted so as to determine compliance with the visibility and other provisions of this ordinance.
- G. Right to require removal. The Town of Westfield expressly reserves the right to require the removal of any solar energy system, or portion thereof, which is improperly constructed or maintained or which poses an imminent safety hazard.

**SECTION III.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

**SECTION IV.** If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION V.** This Ordinance shall take effect after passage and publication in the manner provided by law.

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY**

**GENERAL ORDINANCE NO. 2183**

**AN ORDINANCE ESTABLISHING  
A HISTORIC PRESERVATION COMMISSION AND PROVIDING FOR THE  
DESIGNATION AND PRESERVATION OF HISTORIC DISTRICTS AND  
HISTORIC LANDMARKS IN THE TOWN OF WESTFIELD**

**§ 1. SHORT TITLE AND INDEX.**

A. Title. This Ordinance shall be known as and may be cited as "Historic Designation and Preservation Ordinance of the Town of Westfield."

B. Index.

Short Title and Index  
Findings, Purpose, and Policy  
Definitions  
Historic Preservation Commission  
Designation of Landmarks and Historic Districts  
Certification of Appropriateness  
Procedures for Filing an Application  
Standards of Consideration  
Effect of Certificate of Appropriateness Approval, Denial, Appeal  
Special Requirements for Demolition  
Penalties  
Preventive Maintenance  
Permit Review  
Designated Historic Landmarks  
Designated Historic Districts  
Repeal  
Severability  
Effective Date

**§ 2. FINDINGS, PURPOSE, AND POLICY.**

A. The Town Council of the Town of Westfield ("Town") finds and determines as follows:

1. The historical, cultural, architectural, and social heritage of the Town of Westfield is given in trust from generation to generation to be used, enriched, and then passed on;
2. The character, lifestyle, and very quality of life in the Town of Westfield depends in great measure upon the Town protecting this heritage of the past;
3. The ongoing presence of historic districts and landmarks, as an essential element of municipal character and identity, is an important factor in the economy of the municipality and the property values therein;

4. Such historic districts and landmarks are vital to the education and civic mindedness of the Town's young people;
5. A number of critical factors such as deterioration, demolition, redevelopment, and re-subdivision threaten such landmarks and districts; and
6. The welfare of the municipality is enhanced by the preservation of its historic heritage for the reasons set forth above.

B. The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-65.1, permits municipalities to adopt a zoning ordinance that designates and regulates historic landmarks or historic districts and provides design criteria and guidelines therefor.

C. It is therefore determined that there is a special public interest in the preservation of this heritage which requires the designation and regulation of historic districts and historic landmarks as provided in this ordinance, which public interest has been recognized by the State of New Jersey in N.J.S.A. 40:55D-2(j) and N.J.S.A. 40:55D-65(i).

D. In adopting this Ordinance, it is the intention of the Town Council to designate and regulate historic landmarks and historic districts within the Town consistent with and pursuant to authority granted under the New Jersey Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1, *et seq.* In accordance with provisions therein (N.J.S.A. 40:55D-107), this Ordinance provides for creation of an agency that can assist the Town in establishing a system of preventive regulation, based on a rational plan and objective, which will complement existing land use and construction code legislation. The controls herein established are compatible with the New Jersey State Uniform Construction Code (N.J.A.C. 5:23) and are responsive to the Historic Preservation Plan Element of the Town of Westfield Master Plan and the applicable provisions of the MLUL, including but not limited to N.J.S.A. 40:55D-2(j), 40:55D-28(b)(10), 40:55D-65(i), 40:55D-65.1, and 40:55D-107 through -112.

E. Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner from complying with requirements of any other state statutes or municipal Ordinances or regulations.

F. In the event of any inconsistency, ambiguity, and/or overlapping of requirements promulgated by the municipality, the more restrictive requirement shall apply.

G. This Ordinance should not be construed as requiring or prohibiting the use of any particular architectural style; rather, the purpose is to preserve the past by making it compatible with and relevant to the present. To that end, new construction on a landmark or in a historic district should not necessarily duplicate the style of the landmark or historic district; it should simply be compatible with, and not detract from, the landmark or historic district.

### **§ 3. DEFINITIONS.**

For the purpose of this Ordinance and unless the context clearly indicated otherwise, the following words and phrases shall have the meanings ascribed to them by this Section. Otherwise, words and phrases in this Ordinance shall have the meanings set forth under Article 2 of the Land Use Ordinance of the Town of Westfield.

A. Addition. Any construction on any building located on a historic landmark or within a historic district.

B. Administrative Officer. The Town Planner, and in the case of any such action required by him/her, the Zoning Officer, or Construction Official, or any other official of the Town of Westfield, as applicable, who is authorized and required as a component of his/her job description and employment to accept, review, and act on permit applications in accordance with the ordinances and regulations of the Town.

C. Alteration. Any work done on any improvement which:

1. is not an addition to the improvement; and
2. changes the appearance of the exterior surface of any improvement.

D. Building. Any structure created to shelter human activity; examples would include, but not be limited to, houses, barns, schools, railroad stations, theaters, and factories.

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

F. Facade. The exterior elevation of a building as viewed from any single vantage point. The facade shall include the entirety of the building wall or walls making up the elevation, as well as any parapets, fascia, windows, doors, canopies, decorative features, and roof structures.

G. Historic District.

1. A geographically definable area of historic landmarks that are linked historically or aesthetically by plans or physical development and acknowledged to possess collective importance.
2. A historic district may also consist of a definable group of tax map lots, the improvements on which when viewed collectively:
  - a. represent a significant period or periods in the architectural and social history of the municipality;
  - b. because of their unique character can readily be viewed as an area or neighborhood distinct from surrounding portions of the municipality; or
  - c. have a unique character resulting from their architectural style.

Except as otherwise stated, all references to landmarks in this Ordinance shall be deemed to include historic districts as well.

H. Historic Preservation Commission Application Subcommittee (HPC Application Subcommittee). The HPC Chairperson and two (2) other Commission members previously designated by the HPC Chairperson.

I. Historic Landmark. Any real property, man-made structure, natural object, configuration, or any portion or group of the foregoing which have been formally

designated on the Zoning Map of the Town of Westfield as being of historical, archeological, cultural, scenic, or architectural significance which:

1. is of particular historic, cultural, scenic, or architectural significance to the Town of Westfield and in which the broad cultural, political, economic, or social history, state or community is reflected or exemplified;
2. is identified with historic personages or with important events in the main current of national, state, or local history;
3. shows evidence of habitation, activity, or the culture of prehistoric man;
4. embodies a distinguishing characteristic or an architectural type valuable as representative of a period, style, or method of construction;
5. represents a work of a builder, designer, artist, or architect whose individual style significantly influenced the architectural history of the municipality; or
6. is imbued with traditional or legendary lore.

A historic landmark can include a building, structure, or site.

All landmarks shall specifically be identified within the historic preservation plan element of the Town Master Plan as recognized by the provisions of N.J.S.A. 40-55D-28(b)(10).

The designation of a landmark shall be deemed to include the lot or lots on which it is located.

- J. Improvement. Any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of no less than sixty (60) continuous days.

K. Minor Application. Any application for a Certificate of Appropriateness which:

1. Does not involve demolition, relocation, or removal of a historic landmark or a key or "contributing property" in a historic district; or
2. Does not involve an addition to a historic landmark or property in a historic district or new construction in a historic district; or
3. Is a request for approval of fences, signs, awnings, or lighting, which, in the opinion of the HPC Application Committee, will not substantially affect the characteristics of the historic landmark or the historic district; or
4. Is a request for a field change (i.e., those changes made in the field which are necessitated by job condition having no material design ramifications not constituting discretionary scope changes) in circumstances in which a Certificate of Appropriateness has already been issued, and such field change which, in the opinion of the Chair of the Commission or his/her designee, does not affect the architectural significance of the historic landmark or district; or
5. Does not involve a change to the roofline of any building on a historic landmark; or
6. Involves ten percent (10%) or less of the facade of any building on a historic landmark.

L. Major Application. Any application for a Certificate of Appropriateness which is not a minor application, as defined above. Notwithstanding this definition and the definition of “Minor Application” as set forth above, any application which involves the subdivision of a historic landmark by the Planning or Zoning Boards, or any individual property within a historic district, shall be deemed to be a major application.

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

N. Reconstruction. The act or process of reproducing by new construction the exact form, material, and details of a vanished building, structure, or object or part thereof, as it appeared during a specific period of time.

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

P. Repair. Work done on any improvement which:

1. is not an addition to the improvement; and
2. does not change facade of any improvement.

Q. Replacement. A repair that changes the façade of any structure or improvement.

R. Restoration. The act or process of accurately recovering the form and details of the exterior of an improvement by means of the removal of later work or by the reconstruction of missing earlier work.

S. Site. The location of a significant event, prehistoric, or historic activity, or remnant of a building or structure such as a battlefield, landscape, or the ruins of a building or structure.

T. Structure. Any construction other than a building; examples would include bridges, lighthouses, water towers, a well house, tunnels, and civil engineering structures such as a canal.

#### **§ 4. HISTORIC PRESERVATION COMMISSION.**

A. Establishment. There is hereby established a commission, pursuant to N.J.S.A. 40:55D-107, which shall be known as the Historic Preservation Commission. Among other powers and responsibilities, this Commission is hereby given, pursuant to N.J.S.A. 40:55D-109(e), authority to grant or deny approvals for Certificate of Appropriateness under § 6.0 hereof.

B. Membership. The Commission shall consist of nine (9) regular members consisting of the following classes, and two (2) alternates, as set forth below:

1. Class A. Two (2) persons who are knowledgeable in building design and construction or architectural history, not more than one of whom may reside outside of Westfield.
2. Class B. Two (2) persons who are knowledgeable or have a demonstrated interest in local history, not more than one of whom may reside outside of Westfield.

3. Class C. Five (5) persons who shall be citizens of the municipality who shall hold no other municipal office, position or employment, with the permitted exception of membership on the Planning Board or Zoning Board of Adjustment.
4. Alternates. There shall be two (2) alternate members, designated as "Alternate No. 1" and "Alternate No. 2," who shall meet the qualifications of Class C members. 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.
5. Town Historian. The Town Historian shall be one of those persons appointed as a Class A or Class B member.
6. Planning Board Member. At least one (1) regular member of the Commission, whether qualified as a Class A, B, or C member, shall be a member of the Planning Board. The Planning Board member shall be a regular voting member of the Commission.
7. All Commission members shall have demonstrated interest, competence, and/or knowledge in historic preservation.
8. To the maximum extent feasible, the Commission shall include members from the disciplines of planning, architecture, landscape architecture, history, architectural history, historic architecture, and archaeology who meet the professional qualifications set forth by the State Historic Preservation Office for New Jersey Certified Local Governments.

C.Appointment; Terms; Vacancies; Removal of Members. All members shall be appointed by the Mayor with the concurrence of the Town Council, except that the designated Planning Board member shall be appointed by the Chairperson of the Planning Board. Members shall serve for the following terms:

1. Regular members shall serve for four (4) year terms.
2. Alternate members shall serve a term of two (2) years.
3. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board or Zoning Board of Adjustment shall be contemporaneous with his or her term of membership on the Planning Board or Zoning Board of Adjustment.
4. Vacancies shall be filled in the same manner by which the previous incumbent was appointed, and such appointee shall serve only for the balance of such incumbent's unexpired term.
5. Any member of the Commission may, after public hearing if he or she requests it, be removed by the Town Council for cause. Missing three (3) or more meetings in any calendar year may be deemed cause for removal.

6. Commission members and alternate members shall not receive any compensation.

D. Officers and Staff.

1. The Commission shall elect from its regular members a Chairperson and a Vice-Chairperson.
2. The Commission shall appoint a Secretary who need not be a member of the Commission.
3. The Commission shall utilize the Town Attorney as its counsel. The Commission shall have the power to hire outside counsel as needed.
4. The Mayor shall designate a member of the Town Council to act as a liaison between the Historic Preservation Commission and the Council. The Town Council liaison shall not be a voting member of the Commission.
5. Within the limits of funds appropriated by the Town Council for the performance of its work, and any grants or gifts provided through other sources, the Commission may obtain the services of qualified persons to direct, advise, and assist the Commission and may obtain the equipment, supplies, and other material necessary to assist its effective operation.
6. The Commission is empowered to seek advisory opinions and technical assistance from all municipal employees on any matter within the Commission's jurisdiction.

E. Rules and Procedures. The Commission shall adopt written by-laws or rules of procedures applicable to the conduct of its business, which shall be available to the public, and which are subject to the following:

1. All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6, *et. seq.*).
2. The Secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations, and decisions. All material shall be public record and copies of same shall be provided to the Town Clerk.
3. A quorum for the transaction of business shall consist of five (5) of the Commission's members including the Chairperson, or in his or her absence, the Vice-Chairperson.
4. No Commission member may act on any matter in which s/he has, either directly or indirectly, any personal or financial interest.
5. Alternate members may participate in discussions but may not vote except in the absence or disqualification of a regular member.

6. 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.
7. A simple majority of affirmative votes is required to grant a Certificate of Appropriateness. If a Certificate of Appropriateness is not granted when voted on by the Commission, it shall be considered denied.
8. All actions to grant, change, or deny a Certificate of Appropriateness shall be memorialized by a formal written resolution, containing findings of fact and conclusions, which shall be adopted within forty-five (45) days as a memorialization of the action after the action has been taken.
9. The Commission shall annually establish a schedule of regular monthly meetings, which shall be noticed and posted in the Town Hall in accordance with the Open Public Meetings Act. Additional meetings may be called by the Chairperson or Vice-Chairperson, as may be required to fulfill the obligations of the Commission, on notice duly provided in conformance with the Open Public Meetings Act.

F. Powers and Duties. The Commission shall have the authority and responsibility to:

1. Adopt and promulgate such rules and procedures not inconsistent with this ordinance as are necessary and proper, for the effective and efficient performance of the duties assigned herein.
2. Survey the Town of Westfield to identify those buildings, structures, sites, objects, improvements, and/or areas that qualify for designation as historic landmarks or historic districts pursuant to the criteria set forth herein.
3. Maintain and update the survey of historic landmarks and districts in the Town of Westfield.
4. Adopt design guidelines for historic landmarks and historic districts.
5. Make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan, particularly regarding the inclusion of historic districts and historic landmarks, identified by the Commission's survey identifying same, and on the implications for preservation of historic landmarks upon all other elements of the Master Plan.
6. Recommend to the Town Council landmarks and districts that are qualified for historic designation by a zoning ordinance amendment in accordance with the criteria and procedures set forth in § 5.0 hereof.
7. Hear and decide applications for a Certificate of Appropriateness pursuant to § 6.0 hereof.

8. Advise the Planning Board and Board of Adjustment on all applications for development pertaining to historic districts, or historic landmarks designated on the zoning map or identified in any component of the Master Plan, pursuant to N.J.S.A. 40:55D-110.
9. Review all permit applications, requiring a Certificate of Appropriateness, and pertaining to historic landmarks or property in historic districts, and provide written reports to the Administrative Officer (as such term is defined in § 3.B hereof) on the application of the provisions of this ordinance to any of those aspects of the change proposed, which were not determined by approval of an application for development by the Planning Board or Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-111.
10. Advise the Planning Board on the inclusion of landmarks and historic districts in the capital improvement program.
11. Collect and disseminate material on the importance of historic preservation and techniques for achieving same.
12. Advise all municipal agencies regarding goals and techniques of historic preservation.
13. Advise and assist citizen groups and individuals interested in establishing landmarks and historic districts.
14. Report at least annually to the Planning Board and the Town Council on the state of historic preservation in the municipality and recommend measures to improve same.

## **§ 5. DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS.**

- A. Criteria for Designation. In establishing and maintaining its survey of historic landmarks, the Commission shall be guided by the National Register of Historic Places Criteria of Eligibility (36 CFR 60.4) and the criteria set forth in this Ordinance. The survey shall be used as a basis for identifying landmarks and districts worthy of designation. The Commission shall consider for designation districts and landmarks that have integrity of location, design, setting, materials, workmanship, and association, and that meet one or more of the following criteria:
  1. Character, interest, or value as part of the development, heritage, or cultural Identification characteristics of the Town, State, or Nation;
  2. with a person or persons who significantly enriched the Town, State, or Nation;

3. Landmark of a historic event which had significant effect on the development of the Town, State, or Nation;
4. Embodiment of distinguishing characteristics of a type, period, or method of construction, architecture, or engineering;
5. Identification with the work of a builder, designer, artist, architect, or landscape architect whose work has influenced the development of the Town, State, or Nation;
6. Embodiment of elements of design, detail, materials or craftsmanship that render a landmark architecturally significant or structurally innovative;
7. Unique location of singular physical characteristics that make a district or landmark an established or familiar visual feature; and
8. Likely to yield information important in prehistory or history.

B. Procedures for Designation. The Commission shall consider designation of a district or a landmark in accordance with the procedures that follow:

1. Designation by the Town. The Commission or the Planning Board may nominate for designation by the Town Council such landmarks by a simple majority of affirmative votes, if in the Commission's opinion, the criteria for designation set forth in § 5.A above are met. Should the Town Council accept the nomination of the Commission to designate a landmark or district, such designation shall be adopted by ordinance as an amendment to the zoning ordinance. For any nomination by the Commission, the Commission shall prepare a report containing a statement of its recommendations and the reasons therefor with regard to proposed designation. Such report shall be considered and adopted at a duly noticed public meeting of the Commission.
2. Designation Nomination by the Affected Resident(s). For all districts and landmarks other than those designated pursuant to § 1 above, proposals to designate a landmark or district as historic pursuant to this article may be made by the verified application of the owner(s) of a landmark, or with respect to a proposed district, by any owner within the proposed district.
  - a. Nomination Proposals. The party or parties proposing a landmark or district for designation under this Section may prepare and submit to the Commission a nomination report for each proposed landmark or district. Should a nomination report not be submitted by the party or parties proposing a landmark or district, the Commission or such professional retained by it for that purpose may prepare such a report. 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 district, 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 Town and a physical description and statement of significance and proposed utilization of the landmark.

b. Notice. The Commission shall schedule a public hearing on the proposed designation of a landmark or district. At least twenty (20) days prior to the hearing, the Commission shall, by personal service or certified mail:

1. Notify the owner(s) of record of a property that has been proposed for designation or of property within a district that has been proposed for designation that the property is being considered for such designation and the reasons therefor.

2. Advise the owner(s) of record of the significance and consequences of such designation and of the rights of the owner(s) of record to contest such designation under the provisions of this article.

3. Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property.

4. Serve any notices further required under the provisions of the Municipal Land Use Law.

c. Public Notice of Hearing. Public notice of the hearing shall be given at least twenty (20) days prior to the scheduled hearing date by publication in an official newspaper of the Town. A copy of the nomination report shall also be made available for public inspection in the Municipal Clerk's office at least twenty (20) days prior to the hearing.

d. Hearing. At a public hearing scheduled in accordance with this article, the Commission shall review the nomination report and accompanying documents. Interested persons shall be entitled to comment on the proposed nominations for designation.

1. Commission Report. Upon Commission review and public hearing, the Commission shall forward to the Town 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.

2. Referral to the Planning Board. The Town Council shall refer the report to the Planning Board, which in turn shall report to the Town Council as soon as possible, but within sixty (60) days. Failure of the Planning Board to transmit its report within the sixty-day period provided herein shall relieve the Town Council of its obligations relating to the referral of such a report to the Planning Board. Town Council action on landmark or district designations shall be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.

3. Final Designation. As soon as possible after its receipt of the report of the Planning Board or the expiration of the period allowed for Planning Board comment on designations pursuant to Subsection B(2)(g) of this Section and if no comments are made by the Planning Board, the Town Council shall act upon the proposed designation list and map and may approve, reject or modify by ordinance the designation recommendations made by the Planning Board or by the Commission. In the event that the Town Council votes to reject or modify any Planning Board recommendations for a proposed designation, the Council shall record in its minutes the reasons for not following such recommendation. All action taken by the Council on proposed designations shall become effective upon a favorable vote of a majority of its full authorized membership, except that in cases in which, pursuant to N.J.S.A. 40:55D-63, a written petition signed by the owners of twenty percent (20%) or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending two hundred (200) feet in all directions therefrom inclusive of street space, whether within or without the municipality, is filed with the Clerk of the Town, the vote of the Town Council shall be by a favorable vote of two-thirds (2/3) of all the members of the governing body of the municipality.

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

f. Incorporation of Designated Landmarks or Districts into Town Records. Upon adoption, the designation list and map shall be incorporated by reference into the Master Plan and Zoning Ordinance of the Town 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 Town's Tax Assessor and the Municipal Clerk.

g. Amendments. Landmark and district designations may be amended in the same manner as they were adopted in accordance with the provisions of this article.

3. Copies of the designation list and map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and all building and housing permits. A Certificate of Designation shall be provided by certified mail to the owner of each landmark included in the final list, and a true copy thereof shall be filed by the Town of Westfield with the County Recorder of Deeds for recordation in the same manner as certificates of lien upon real property.

4. Each designated historic district or landmark may be marked by an appropriate plaque in such form as the Commission shall promulgate by regulation.

5. Once an improvement has been designated a landmark or incorporated as a historic structure within a historic district, it may only be delisted therefrom by the same process required herein for its designation. If delisted, a certificate to that effect shall also be filed by the Town of Westfield with the County Recorder of Deeds.

6. All historic landmarks and historic districts designated by ordinance shall be based on identification in the Historic Preservation Plan Element of the Master Plan; provided that the Town Council may designate historic landmarks or districts not so identified upon affirmative vote of a

majority of its members and provided the reasons for its actions are set forth in a resolution and recorded in its minutes (N.J.S.A. 40:55D-65.1).

7. A protest petition against a proposed historic site or district signed by the owners of twenty percent (20%) or more of the area of either, the lots or land included in the proposed designation, or of the lots or land extending two hundred (200) feet in all directions therefrom, inclusive of street space, may be filed with the Town Clerk. In such event, pursuant to N.J.S.A. 40:55D-63, the proposed designation shall become effective only by a favorable vote of two-thirds (2/3) of all members of the Town Council.

8. Pursuant to the provisions of N.J.S.A. 40:55D-65.1, the designation and regulation of historic landmarks and historic districts shall be in addition to such designation and regulation as the zoning ordinance may otherwise require. As required by N.J.S.A. 40:55D-65.1, all historic sites and historic districts designated in the zoning ordinance shall be based on identifications in the historic preservation plan element of the Master Plan. The governing body may, at any time, adopt, by affirmative vote of a majority of its authorized membership, a zoning ordinance designating one or more historic sites or historic districts that are not based on identifications in the historic preservation plan element, the land use plan element or community facilities plan element, provided the reasons for the action of the governing body are set forth in a resolution and recorded in the minutes of the governing body, as contemplated in the procedures set forth in this Section.

#### **§ 6. CERTIFICATION OF APPROPRIATENESS.**

A. Actions requiring a Certificate of Appropriateness. A Certificate of Appropriateness issued by the Commission shall be required before the Zoning Officer may issue zoning approval and the Construction Official may issue a permit for any of the following activities on the property of any designated landmark or within any designated historic district:

1. demolition of a historic landmark or of any façade improvement within any historic district;
2. relocation or subdivision of any historic landmark or of any facade improvement within any historic district;
3. changes in the exterior facade of any existing historic landmark or of any improvement within any historic district by addition, alteration, replacement, rehabilitation, restoration, or reconstruction;
4. changes in, or addition of, new signs, fences or exterior lighting, except that no Certificate of Appropriateness shall be required for one (1) unlit sign per premises if the surface area of such sign does not exceed one (1) square foot for an identification sign, or four (4) square feet for a commercial sign, providing either of same is attached to, and parallel to, a facade of the building or structure;
5. any new construction on a historic landmark or in a historic district visible from the facade; and
6. any change in the exterior facade of any improvement within a historic district which itself does not have historic significance because same is of new construction, or for other reasons. Such change need not comply with the standards of consideration for that district set forth in § 8 below, but any change shall be

consistent with the architectural style of the improvement as constructed and shall insofar as practical be compatible with other structures nearby in the district.

- B. At any time in which the Planning Board or the Board of Adjustment grants approval to an applicant to subdivide a historic site, or a property within a historic district, the Commission shall have an obligation to review and issue or deny a Certificate of Appropriateness for any development on such historic site or within such historic district.
- C. Exceptions.
  - 1. Interior Work; Repairs, Exact Reconstruction. A Certificate of Appropriateness shall neither be required for changes to the interior spaces of buildings. A Certificate of Appropriateness shall not be required to change a paint color either in the interior or on the exterior of a building. A Certificate of Appropriateness shall be not be required for any façade repair that entirely matches the material and appearance of the repaired elements, or exact reconstruction of any existing façade improvement.
  - 2. Emergency Repairs. When, in the opinion of the Construction Official, a historic landmark requires immediate emergency repair to preserve the habitability and/or protect the health or safety of its occupants or others, which repair would otherwise require a Certificate of Appropriateness, temporary emergency repairs may be performed in accordance with Town codes, without the necessity of first obtaining Commission review. Under such circumstances, the repairs performed shall only be such as are necessary to maintain the safety and habitability of the structure. No additional work shall be performed upon the structure until or unless the Commission grants a Certificate of Appropriateness pertaining to such work.
  - 3. Non-Facade Changes. Changes not affecting the exterior facade of a building shall not require a Certificate of Appropriateness.
- D. Review of Certificate of Appropriateness Applications.
  - 1. The Town Planner, in conjunction with the Historic Preservation Application Subcommittee, shall make a determination as to whether or not the application is either a minor or major application. The Town Planner shall in writing, notify all applicants for zoning, building, and/or other permits pertaining to activities requiring a Certificate of Appropriateness, that such certificate is required prior to the issuance of a permit. A copy of such notice shall be provided to the Historic Preservation Commission. Along with such notice, the Administrative Officer shall provide the applicant with the Commission's application materials, and direct him or her to file an application in accordance with the instructions therein, to the Commission.
  - 2. By confirmation from the Commission of receipt of such application, deemed by the Commission Chair, or his or her absence, the Vice-Chair, to be complete, and inclusive of a copy of the Town Planner's notice advising the applicant of the need to file, the application shall be considered officially referred to the Commission by the Town Planner. The date on which the Commission deems the application complete shall be deemed the date of referral by the Town Planner.
  - 3. If a Certificate of Appropriateness is required, the Commission shall, in accordance with N.J.S.A. 40:55D-111, provide a written report at the conclusion of its review

of the request for a Certificate of Appropriateness, which shall describe the application of the provisions of this Ordinance to the activities proposed by the applicant.

4. In the case of an application that requires approval by the Planning Board or Zoning Board of Adjustment, the Commission's review shall be confined to those aspects of the proposal not under the jurisdiction of the reviewing Board.
  5. The Commission shall, pursuant to N.J.S.A. 40:55D-111, provide its written report to the applicant and to the Town Planner within forty-five (45) days of the Town Planner's referral to the Commission.
  6. If, by its report to the Administrative Officer within the forty-five (45) day period, the Commission recommends against the issuance of a building permit, the Administrative Officer shall deny issuance of the building permit.
  7. If, in the case of any application with respect to a historic district or historic landmark or any landmark listed within the Town's historic preservation plan, the Commission's report filed with the Town Planner recommends against the issuance of a permit, and further recommends referral of the application to the Planning Board for consideration of its reservation under the Board's authority granted pursuant to N.J.S.A. 40:55D-44, the Town Planner shall deny issuance of the permit and so refer the application to the Planning Board along with the Commission's recommendations regarding reservation as authorized under N.J.S.A 40:55D-44.
  8. If, by its report to the Town Planner within the forty-five (45) day period, the Commission recommends that the permit be approved with certain conditions, the Town Planner shall only approve the permit with the conditions as therein recommended.
  9. Any Commission recommendation to the Town Planner in favor of permit issuance shall not be construed to relieve the applicant of his/her or its obligation to comply with any and all other applicable laws, ordinances, rules, regulations, or requirements, outside of the jurisdiction of the Commission.
  10. Failure of the Commission to report within the forty-five (45) day period, as provided at § 6.D.5, above, shall be deemed to constitute a report in favor of the issuance of the permit, without the inclusion of conditions.
  11. Nothing herein shall prohibit an extension of time by mutual agreement between the applicant and the Commission.
- E. Review of Planning and Zoning Board of Adjustment Applications.
1. The Planning Board and Zoning Board of Adjustment shall refer to the Historic Preservation Commission every application submitted to either Board for development in historic zoning districts or on historic landmarks designated on the zoning or official map or identified in any component element of the Master Plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.

2. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.
3. Any approval by the Planning Board or Zoning Board of Adjustment shall not relieve the applicant of the requirement to apply to the Commission for a Certificate of Appropriateness regarding any aspect(s) of the proposed activity not specifically under the jurisdiction of and approved by the reviewing Board.

**§ 7. PROCEDURES FOR FILING AN APPLICATION.**

- A. All applications for Certificate of Appropriateness shall be filed with the Town Planner on forms promulgated by the Historic Preservation Commission and shall include all supplemental information as required herein to permit a full and accurate assessment and decision by the Commission in accordance with the review criteria set forth in § 8 hereof.
- B. All Certificates of Appropriateness issued shall require, as a condition of such approval, that proof be submitted that taxes or assessments for local improvements are not due or delinquent on the property.
- C. Within twenty (20) days of its receipt of an application for a Certificate of Appropriateness, the Town Planner in conjunction with the Application Subcommittee, shall:
  1. classify the application as a major or minor application in accordance with the definitions provided in § 3 hereof;
  2. review the application for completeness in accordance with the submission requirements set forth in this Section;
  3. notify the applicant, in writing, of such completeness determination; and
  4. in the event the application is deemed incomplete, include within such notice, a list of the deficiencies that render the application incomplete and which the applicant must address in order for the application to be complete.

If such notice is not issued to the applicant within twenty (20) days of the Commission's receipt of the application, the application shall be deemed complete upon expiration of the twenty (20) day period.

- D. Such additional information as the applicant, or the Commission, may find necessary to clearly explain and/or illustrate the project proposal and to assess whether or not a Certificate of Appropriateness will be issued.
- E. Checklist Waivers. The Town Planner shall maintain a checklist of the items necessary to be filed in support of an application, as promulgated by the Commission, which the Commission may modify as it shall deem appropriate. The Commission Chair, or in the absence of the Chair, the Vice-Chair, in conjunction with the Application Subcommittee, at the request of an applicant or on its own, may waive submission of one or more required items in appropriate instances. Any request for such waiver(s) by

an applicant must accompany the application and shall include a statement of the reasons for such request.

- F. **Validity of Submittals.** Nothing herein shall be construed as diminishing the applicant's obligation to prove entitlement to issuance of a Certificate of Appropriateness. The Commission may require correction of any information found to be in error in the application and retains authority to require submission of items previously waived for submission, and/or any additional information not specified in the checklist, as may be reasonably required to make a decision upon the application. However, the application shall not be deemed incomplete for lack of any such additional information or corrections.
- G. **Submission Requirements, Minor Applications.** Minor applications for a Certificate of Appropriateness shall include, at minimum, the following:
1. Completed Certificate of Appropriateness application forms, providing all information therein requested including a detailed description of the project proposal, with the original signature(s) of the owner(s) and/or applicant(s) and date(s) of signature included thereon.
  2. A copy of current property survey prepared by a licensed Land Surveyor including metes and boundary lines, and location and scale of all existing structures and improvements.
  3. Photographs depicting existing building(s), structure(s), and conditions on the subject landmark and on immediately adjacent properties.
  4. Specification of materials to be used in completing the project and proposed colors of exterior finishes.
  5. Sketches or drawings illustrating the project, as proposed.
  6. A copy of the Administrative Officer's notice advising the applicant of the need to file if such notice was provided to the applicant.
  7. A copy of any application approved by the Planning Board or Zoning Board of Adjustment, as applicable, along with the Board's memorializing resolution.
  8. Such additional information as the applicant or the Commission may find necessary to clearly explain and/or illustrate the project proposal and to assess whether or not a Certificate of Appropriateness will be issued.
- H. **Submission Requirements, Major Applications.** Major Applications for a Certificate of Appropriateness shall, in addition to the items required for minor applications listed at § 7.E, above, include the following:
1. Scaled drawings prepared by a licensed professional depicting existing and proposed: landmark layout, building elevations, floor plans, roof layout plans, and materials specifications.
  2. For new buildings, additions to buildings, and/or those affecting ten percent (10%) or more of the facade of a building, scaled professional drawings shall include detailed information concerning significant architectural elements, including but

not limited to such items as windows, porches, porticos, chimneys, doors, stoops, cornices, and decorative features.

3. For new construction, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings.
  4. A written statement or report prepared by a qualified professional (i.e., an individual knowledgeable in historic architecture who is also an architect, landscape architect, planner, architectural historian, or other like professional) discussing the relationship between the project proposal and the standards of review as set forth in § 8 hereof.
- I. The applicant shall file one (1) original and one (1) copy of the full application package for purposes of the completeness determination. Upon receipt of notification that the application has been deemed complete, the applicant shall provide eleven (11) additional copies of the full application for review by the members of the Commission.
- J. Review by Commission.
1. **Minor Applications.** Minor applications may be scheduled for review at the next regularly scheduled meeting of the Commission following notification to the applicant that the application has been deemed complete. No public notice other than that required for the meeting of the Commission pursuant to § 4.E.1 and § 4.E.9, hereof, shall be required. The Commission Secretary shall consult with the applicant regarding scheduling. The applicant need not be present for the application to be considered and acted upon, however, should the applicant wish to attend the meeting, every effort shall be made, within the time limits prescribed for Commission action on the application (pursuant to N.J.S.A. 40:55D-111 and § 6.C and § 7.I, hereof) to accommodate the applicant's schedule.
  2. **Major Applications.** Major applications shall be considered and acted upon by the Commission only during the course of a duly noticed public hearing at which any interested party may ask questions and be heard on the application. The Commission Secretary shall consult with the applicant regarding scheduling of such hearing since the applicant or his/her duly authorized representative must attend such hearing to present and answer questions on the application. The Secretary shall make every effort, within the time limits prescribed for Commission action on the matter (pursuant to N.J.S.A. 40:55D-111 and §§ 6.C and 7.I, hereof), to accommodate the applicant's schedule.
  3. At least ten (10) days prior to the agreed upon hearing date or in the absence of such agreement, the date the Commission sets to conduct a hearing upon the application:
    - a. The applicant shall provide public notice of the hearing by certified mail or personal service to all the owners of property located within two hundred (200) feet of the lot lines of the landmark, and by publication in the official newspaper.

- b. Said notice shall include the date, time, place of the hearing, the name of the applicant, the intent and purpose of the hearing, identification by street address and Tax Block and Lot numbering of the lot or lots that are the subject of the hearing, and the business hours and location of the Town Clerk's Office where the application package will be available for public inspection.
        - c. The applicant shall submit the required additional copies of the full application package required for Commission review pursuant to § 7.G hereof, to the Commission Secretary or in the event of his/her unavailability to the Town Planner.
- 4. At least three (3) days prior to the public hearing:
  - a. The applicant shall provide the Town Planner with an affidavit of proof of service properly acknowledged in accordance with applicable New Jersey law, certifying that all property owners within two hundred (200) feet of the lot lines of the landmark have been sent a notice of the application by personal service or certified mail within the required time frame; and
  - b. The applicant shall provide the Town Planner with proof of publication of the notice of an application in the official newspaper of the Town of Westfield.
- K. Time of Decision. The Commission shall be guided in its review and decision on any application for a Certificate of Appropriateness by the standards for review as set forth in § 8 hereof. The Commission shall render a decision on any application for a Certificate of Appropriateness within forty-five (45) days of the date on which it is deemed complete and compliance with the notice provisions of § H hereof; otherwise such applications shall be deemed to have been approved. In the event of a referral by the Town Planner pursuant to § 6.C, above, the Commission must provide its report to the Town Planner within the same forty-five (45) day period, and must therefore schedule such application for a public hearing to allow sufficient time to meet the forty-five (45) day requirement. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.
- L. Report and Resolution.
  - 1. The Commission shall prepare a memorializing resolution on each minor or major application setting forth its findings of fact and conclusions based thereon, which shall be adopted within forty-five (45) days of the date of decision.
  - 2. A copy of the decision shall be mailed by the municipal agency within ten (10) days of the date of decision to the applicant or, if represented, then to his or her attorney, without separate charge, and to all who request a copy of the decision, for a reasonable fee. A copy of the decision shall also be filed by the municipal agency

in the office of the Administrative Officer. The Administrative Officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his or her office during reasonable hours.

3. In the event of a mutually agreed upon extension of the forty-five (45) day time period, the Commission Secretary shall, in the case of a referral by the Town Planner, provide a status report on the application to the Administrative Officer not later than the forty-fifth (45<sup>th</sup>) day after the application has been deemed complete.

M. Informal Review.

1. Nothing in this Section shall preclude an applicant from requesting an informal review of a concept plan concerning any proposed project affecting a landmark or located within a historic district. The Commission shall provide for such informal review during a regularly scheduled meeting and shall offer its advice, comments, and any recommendations on the basis of the information provided. Neither the applicant nor the Commission shall be bound by an informal review, and an informal review shall not relieve the applicant from the necessity to obtain a Certificate of Appropriateness, if required.
2. If during the course of an informal review, the Commission determines that the proposed plan is of such an insignificant nature that it will have negligible impact on the historic landmark or district in which it is located; that it clearly complies with the applicable standards of review; that no public hearing is otherwise required pursuant to § 7.H, hereof; and that the information presented is sufficient in and of itself to make such determinations; then it may, by affirmative majority vote, waive the requirement for submission of a formal application for a Certificate of Appropriateness in accordance with this Section, and forthwith grant a Certificate of Appropriateness for the project as proposed. The Commission shall return to the Administrative Officer its written report granting or denying the application which report it may be stated in resolution form.

**§ 8. STANDARDS OF CONSIDERATION.**

A. Design Guidelines for Issuance of a Certificate of Appropriateness. In reviewing any application for a Certification of Appropriateness, the Commission shall be guided by the Town of Westfield, New Jersey Design Guidelines for Historic Landmarks and Districts, as published and amended by the Commission from time to time.

B. Demolitions. In regard to any application to demolish a historic landmark or any improvement or any other proposed action set forth in § 6.A hereof within a historic district, the following matters shall be considered:

1. its historic, architectural, and aesthetic significance;
2. its use, however, this consideration shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*;

3. 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;
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 the general welfare by maintaining and increasing real estate values; generating business; creating new jobs; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; or making the municipality a more attractive and desirable place in which to live;
5. if it is within a historic district, the probable impact of its removal upon the ambience of the historic district; and
6. whether, in the case of a historic landmark, the landmark is of such significance that it would be feasible and appropriate to raise funds through grants, gifts, foundations or other sources to enable its acquisition and preservation by the Town of Westfield or other agency dedicated to historic preservation, and should thus be considered by the Planning Board for reservation for up to a one-year period to enable such acquisition, with appropriate compensation provided to the owner, under the Board's authority granted pursuant to N.J.S.A. 40:55D-44.

C. Relocation Out of the Town of Westfield. In regard to an application to move a historic landmark or improvement within a historic district to a location outside the Town of Westfield, the following matters shall be considered along with any other factors the Commission considers relevant:

1. the possible historic loss to the landmark of original location;
2. the reasons for not retaining the landmark or structure at its present landmark;
3. the proximity of the proposed new location to the Town of Westfield, including the accessibility to the residents of the Town of Westfield and other citizens;
4. the probability of significant damage to the landmark or structure itself during relocation; and
5. the applicable matters listed in § 8.A.

D. Relocation Within the Municipality. In regard to an application to move a building located on a historic landmark, or any improvements in a historic district, to a new location within the Town of Westfield, the following matters shall be considered in addition to the factors listed in § 8.B:

1. the compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the intent and purposes of this Ordinance; and

2. if the proposed new location is within a historic district, the visual compatibility factors as set forth in § 8.E hereof.

E. Subdivisions, Landmark Plans, Variances. Notwithstanding the provisions of the Land Use Ordinance applicable to subdivisions, a designated historic landmark shall be subdivided only when:

1. the proposed subdivision would not adversely impact the architectural or historic character of the structure or structures on the designated historic landmark, its surrounding grounds, or the designated historic district in which it is located; or
2. the reviewing Board finds that any adverse impact to the landmark or district resulting from the subdivision, will be satisfactorily mitigated by the imposition of conditions upon any approval requiring that specific measures be taken such as, but not limited to, installation of screening, buffering, and/or landscaping.

These standards shall not be considered satisfied merely because subdivision and development of the property may be more profitable than the existing lot configuration. If a subdivision requires one or more variances from the zoning regulations, the decision on such variance request(s) shall give specific consideration to the historic preservation standards of this Ordinance.

Consistent with the intent and purpose of the MLUL, this Chapter, and the Land Use Ordinance of the Town of Westfield, the Commission may recommend to the reviewing Board that a historically designated landmark may not be subdivided, and, provided that the application does otherwise conform with the zoning ordinance and/or the application provisions of the site plan ordinance, the reviewing board may rely on such a determination in order to deny any subdivision of a historic landmark. If a subdivision is approved consistent with these provisions, all new construction on any resulting lot shall be subject to the requirements of §§ 8.E, F, G, and H, below. All lots retain their original historic designation. All powers exercised pursuant to this Subsection shall be within the jurisdiction of the Planning Board or Zoning Board of Adjustment, as applicable under the provisions of the N.J.S.A. 40:55D-1, *et seq.*

F. Visual compatibility considered for new construction, additions, removals, or rehabilitations. In regard to an application to move a landmark or improvement into, or to construct a new structure or add to, alter or rehabilitate an existing improvement within a historic district, or a landmark, the visual compatibility of the proposed improvement with the structures and surroundings to which it would be visually related shall be considered in terms of the visual compatibility factors as set forth in § 8.H hereof.

G. Consideration on Other Actions. In regard to an application for approval of any proposed action set forth in § 6 hereof, the following matters shall be considered:

1. If a historic landmark or an improvement in a historic district is involved:
  - a. the impact of the proposed change on its historic and architectural character;
  - b. its importance to the Town of Westfield and the extent to which its historic or architectural interests would be adversely affected to the detriment of the public interest; and
  - c. the extent to which there would be involvement of textures and materials that could be reproduced or could be reproduced only with great difficulty.

2. The use of any structure involved; provided, however, that this consideration shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*

3. The extent to which the proposed action would adversely affect the public's view of a landmark or improvement within a historic district from a public street.

4. If the application deals with an improvement or other proposed action set forth in § 6.A hereof within a historic district, the impact the proposed change would have on the character and ambience of the historic district and the improvement's visual compatibility with the spaces and structures to which it would be visually related in terms of the visual compatibility factors set forth in § 8.H hereof.

H. Additional matters considered. In regard to all applications for Commission approval, additional pertinent matters may be considered. These additional matters may include the following standards and objectives of the Ordinance:

1. Every reasonable effort should be made to provide a compatible use for buildings that will require minimum alterations to the building and its environment. This objective shall not be construed to supersede or interfere in any way with the uses permitted within any zoning district in the Town of Westfield, as set forth by the Land Use Ordinance, or otherwise permitted under the provisions of N.J.S.A. 40:55D-1, *et seq.*

2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historical material or architectural features should be held to a minimum consistent with the proposed use.
3. Deteriorated architectural features should 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, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of original features, substantiated by physical or pictorial evidence rather than on conjectural designs, or the availability of different architectural features from other buildings.
4. Distinctive stylistic features or examples of craftsmanship which characterize older buildings should be treated with sensitivity.
5. Many changes to buildings and environments are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right and this significance should be recognized.
6. All buildings should be recognized as products of their own time. Alterations which may be inconsistent with the actual character of the building should be avoided.
7. Contemporary designs for new buildings in old neighborhoods and additions to existing buildings or landscaping should not be discouraged if such design is compatible with the character of the neighborhood, building, or its environment.

8. Wherever possible, new additions, or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.
9. The Historic Preservation Commission shall also be guided by the standards and criteria of the "Secretary of Interior Standards for Historic Preservation Projects" prepared by the Office of Archaeology and Historic Preservation, Heritage Conservation and Recreation Service, U.S. Department of Interior, Washington, D.C., as same may be amended from time to time.

I. Visual compatibility factors. In assessing the effect of any proposed change contained in an application before the Commission, the following "visual compatibility" factors shall be used to analyze the effect that the change would have on the landmark and those structures to which the landmark is visually related, or on the district in which the structure is located.

1. Height. The height of the proposed building shall be visually compatible with adjacent buildings.
2. 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.
3. Proportion of Openings Within the Facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
4. Rhythm of Solids to Voids on Facades Fronting on Public Places. The relationship of solids to voids in facades of buildings shall be visually compatible with the buildings and places to which they are visually related.
5. Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
6. Rhythm of Entrance and/or Porch Projection. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
7. Relationship of Materials, Texture, and Color. The relationship of materials, texture, and color 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, especially those immediately adjacent.
8. Roof Shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
9. Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.

10. Scale of Building. The size of a building, the mass of a building in relation to open spaces, the windows, door opening, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
11. Directional Expression of Front Elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

**§ 9. EFFECT OF CERTIFICATE OF APPROPRIATENESS APPROVAL, DENIAL, APPEAL.**

- A. Approval. Approval by the Administrative Officer, the Planning Board, or the Zoning Board of Adjustment, in accordance with the procedures set forth herein shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor eliminate any requirement for the filing of collateral application(s) or other proceeding(s), as may be required by other municipal ordinance(s) or other applicable law or regulations prior to undertaking the action requested concerning the historic landmark or district.
- B. Expiration of approval. A Certificate of Appropriateness shall be valid for two (2) years from the date of its issue. Reasonable extensions thereof may be approved by the Commission in its discretion. If a separate permit or approval is also required for the action approved and is obtained prior to expiration of said two (2) year period, then the Certificate of Appropriateness shall continue to be valid through the life of such other permit or approval, inclusive of any extensions thereof.
- C. Denial. Denial of a Certificate of Appropriateness by the Commission shall preclude the applicant from undertaking the activity for which approval was sought.
  1. Denial of an application for development by the Planning Board or Zoning Board of Adjustment involving a designated historic landmark or district shall be deemed to preclude the applicant from undertaking the activity which would affect the landmark or historic district that was the subject of such application.
  2. Denial of a permit by the Administrative Officer based on recommendation made by the Commission to such Officer shall be deemed to preclude the applicant from undertaking the activity for which approval was sought.
  3. Denial by the Commission of a Certificate of Appropriateness application for landmark demolition, which denial includes recommendations for referral to the Planning Board for consideration of historic landmark preservation pursuant to N.J.S.A 40:55D-44, shall preclude issuance of a permit for the proposed demolition and shall require that the Administrative Officer forward the application to the Planning Board for such consideration.
- D. Appeals. An appeal of the decision of the Administrative Officer concerning grant or denial of a permit application pursuant to this Ordinance, shall be made to the Zoning Board of Adjustment as provided under N.J.S.A. 40:55D-70. An appeal from the decision of the Planning Board or Zoning Board of Adjustment shall be made in the same manner as permitted and prescribed by law for appeals from any other decisions made by such Boards in accordance with applicable law.

## **§ 10. SPECIAL REQUIREMENTS FOR DEMOLITION.**

A. Intent and Purposes. This Section is adopted in furtherance of the policies set forth in this Ordinance to assure the preservation and enhancement of the Town's historical and cultural heritage by preserving, rehabilitating or restoring, whenever possible, buildings or structures which have distinctive architectural features or historical associations that contribute to the historic fabric of the Town.

B. Definitions. For the purposes of this Section, the following words and phrases have the following meanings:

**APPLICATION** — An application to the Construction Official for a demolition permit as defined by this Section.

**COMMISSION** — The Historic Preservation Commission of the Town of Westfield.

**CONSTRUCTION OFFICIAL** — The Construction Official of the Town of Westfield.

**DEMOLITION PERMIT** — Any permit issued by the Construction Official which is required by the State Building Code and which authorizes the total or partial demolition of a building or structure (excluding interior demolition) regardless of whether such permit is called a "demolition permit," "alteration permit," or "building permit," etc.

**HISTORIC PRESERVATION OFFICER (HPO)** — The Secretary of the Commission or a member of the Commission appointed by the Commission.

**PARTIAL DEMOLITION** — The pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character of the structure.

**POTENTIALLY HISTORIC BUILDING OR STRUCTURE** — Any building or structure which, in whole or in part, was constructed prior to 1930 at the time an application is filed.

**TOTAL DEMOLITION** — The pulling down, razing or destruction of the entire portion of a building or structure which is above ground regardless of whether another building or structure is constructed within the original footprint of the destroyed building or structure.

C. Procedure.

1. No demolition permit shall be issued by the Construction Official for a building or structure which is identified within the Historic Preservation Plan Element and/or was originally constructed prior to 1930, except in conformity with the provisions of this Section, the Historic Designation and Preservation Ordinance of the Town of Westfield, and any other applicable law, statute, ordinance or regulation.
2. Within five (5) business days after the filing of an application for a demolition permit, the Construction Official shall deliver a copy of such application to the Historic Preservation Officer (HPO) for the purpose of determining whether or not

the building, object, landmark, or structure may have historical, cultural, architectural, aesthetic or other significance, pursuant to the criteria for historic designation set forth in the Historic Preservation Ordinance.

D. Review of Application by Historic Preservation Officer.

1. The HPO shall, within twenty (20) business days after his or her receipt of an application for a demolition permit, make a determination as to whether or not the building or structure proposed for demolition may have historical, cultural, architectural, aesthetic or other significance, in accordance with the criteria for historic designation set forth in Historic Preservation Ordinance of the Town of Westfield. The HPO shall notify the Construction Official of said determination in writing.
2. If the HPO determines that the building or structure has no historical, cultural, architectural, aesthetic, or other significance, a demolition permit may be issued immediately, provided the application complies with all other applicable laws, ordinances and regulations.
3. If the HPO determines that the building or structure may have historical, cultural, architectural, aesthetic, or other significance in accordance with the criteria for historic designation as set forth in the Historic Designation and Preservation Ordinance of the Town of Westfield, the HPO shall deliver within ten (10) days a copy of his or her written determination to the Commission, which shall review said determination at its next regularly scheduled meeting. If the Commission concurs with the HPO's determination, the Commission shall promptly seek designation of the landmark pursuant to the procedures set forth in § 5 of the Historic Designation and Preservation Ordinance of the Town of Westfield. If the Commission disagrees with the HPO's determination, the Commission shall within twenty (20) days notify the Construction Official, who may issue a demolition permit immediately, thereafter, provided the application complies with all other applicable laws, ordinances and regulations.

No demolition permit shall be issued by the Construction Official for a potentially historic building or structure until the requirements of this Section and the Historical Preservation Ordinance, if applicable, have been satisfied.

**§ 11. PENALTIES.**

- A. If any person shall undertake any activity upon a landmark or improvement within a historic district, requiring a Certificate of Appropriateness without first having obtained such certificate, such person shall be deemed to be in violation of this Ordinance.
- B. Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of the lot wherein the violation has occurred or is occurring, a notice describing the violation in detail and giving the owner ten (10) days to abate the violation by restoring the landmark or improvement to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted upon the landmark or other improvement located in a historic district, and a copy shall be sent

by both regular mail and certified mail, return receipt requested, to the owner at his, her, or its last known address as it appears on the municipal tax rolls. Copies of all such notices shall be sent to the Chairperson of the Historic Preservation Commission.

- C. In the event that the violation is not abated within ten (10) days of service or posting upon the landmark or other improvement located in a historic district, whichever is earlier, the Zoning Officer shall cause to be issued a Summons and Complaint, returnable in the municipal Court, charging violation of this ordinance. The Zoning Officer shall also notify the Chairperson of the Historic Preservation Commission of this action.
- D. If a violation involves ongoing unauthorized construction or demolition work, the Construction Official shall immediately issue a stop work order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119, *et seq.*
- E. The penalty for violations shall be as follows:
  - 1. for each day, up to ten (10) days: not more than one thousand dollars (\$1,000.00) per day;
  - 2. for each day, eleven (11) to twenty-five (25) days: not more than one thousand and five hundred dollars (\$1,500.00) per day;
  - 3. for each day beyond twenty-five (25) days: not more than two thousand dollars (\$2,000.00) per day; and
  - 4. in the case of a demolition without a permit therefor, a violation shall be punishable by a ten thousand dollar (\$10,000.00) fine.
- F. In the event that the Zoning Officer or Construction Official is made aware that demolition or removal of a landmark building or structure is about to occur without a Certificate of Appropriateness having been issued, he or she is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of any landmark or other improvement located in a historic district. The Chairperson of the Historic Preservation Commission shall be informed immediately of this action.

## **§ 12. PREVENTIVE MAINTENANCE.**

Recognizing the need for preventive maintenance to ensure the continued useful life of historic landmarks and improvements in historic districts, the Town Council hereby declares that code enforcement as relates to historic landmarks and improvements in historic districts is a high priority of the Town of Westfield.

A. Demolition by Neglect. Neither the owner of nor the person in charge of a historic landmark, or an improvement within a historic district, shall permit such structure, landmark or property to fall into a state of disrepair which may result in the deterioration of any exterior façade appurtenance or architectural façade feature so as to produce or tend to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic landmark or historic district as a whole, or the life and character of the historic landmark, district, structure or property in question, including but not limited to:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration of crumbling of exterior plasters or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes and other forms of decay;
7. The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, street signs, accessory structures and landscaping; or
8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

B. In the event that any historic landmark or improvement in a historic district deteriorates to the point that, in the best estimate of the Administrative Officer, the cost of correcting the conditions of the property or outstanding code violation equals more than twenty-five percent (25%) of the cost of replacing the entire improvement on which the violations occur, said Administrative Officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the historic landmark 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 said Administrative Officer shall for good cause grant, the Town of Westfield may, at the expiration of such ninety (90) days, assess such fines as are permitted for violations of this Ordinance, or enter upon the property and abate such violations itself and cause the cost thereof to become a lien upon the property.

C. Upon receipt of such notice the owner may, within ten (10) days after such receipt, notify the Administrative Officer of his or her or its wish to have a hearing as to the allegations and estimates set forth in the notice. Such hearing shall be conducted by the Town Attorney and shall, so far as possible, be a formal adversarial proceeding in which the Administrative Officer shall establish the matters alleged in the notice by a preponderance of the evidence. If the owner does not request a hearing, the procedures set forth in the notice prescribed at § 12.A, above, shall apply. If a hearing is requested, the Town Attorney will within ten (10) days following the hearing, serve on the owner an opinion in writing setting forth his or her conclusions and the reasons, therefore. Such opinion shall deem to be first notice pursuant to § 12.A hereof.

D. Thereafter, if the owner does not comply, the Administrative Officer 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. All costs of such work shall be a lien upon the landmark property, payable with the next quarter's real property taxes and, if not paid then, bearing interest at the same rate as delinquent taxes.

### **§ 13. PERMIT REVIEW.**

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity

which should also be the subject of an application for a Certificate of Appropriateness, and if it should, to inform both the Secretary of the Commission and the applicant.

#### **§ 14. DESIGNATED HISTORIC LANDMARKS.**

The following properties, recommended by the Historic Preservation Commission and by the Planning Board to be designated as historic landmarks, are hereby designated as historic landmarks by virtue of this (or previously adopted) Ordinance(s):

- A. The World War I monument located at the Plaza at the intersection of North Avenue and East Broad Street, including the vertical column, its base and the surrounding grounds extending to the existing street lines bordering the monument and statuary atop the column, and any inscriptions or plaques thereon. The monument is located on Lot 1, Block 2507 on the tax maps of the Town of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- B. The Westfield Fire Headquarters #1, located at 401-405 North Avenue West, Westfield, New Jersey, and designated as Lot 6, Block 3103 on the tax maps of the Town of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- C. The private residence owned at the time of its designation by Earl Frawley and Patricia Frawley, h/w, located at 522 Elm Street, Westfield, New Jersey, known as Lot 4, Block 1102 on the tax maps, and being the property formerly occupied as a childhood residence by the deceased cartoonist and humorist, Charles Addams.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- D. Mindowaskin Park, known as Lot 12, Block 2403.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- E. The private residence owned at the time of its designation by Hugh Platt, located at 526 Wychwood Road, Westfield, New Jersey, known as Lot 1, Block 1410 on the tax maps, and being also known as the Ball-Platt house, the Joseph Ball house and the Amzi Ball house. The residence was originally built in 1741 and was located in what is now Maplewood, New Jersey.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- F. The private residence owned at the time of its designation by Allen R. Malcolm and Florence J. Malcolm, located at 841 East Broad Street, Westfield, New Jersey, known as Lot 33, Block 2101 on the tax maps, and being also known as the Scudder Farm House. The residence was originally built in about 1790 and was originally the residence of John Scudder, a member of one of the pioneer families of Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- G. The private residence owned at the time of its designation by Charles L. Whedon and Viola M. Whedon, located at 667 Fourth Avenue, Westfield, New Jersey, known as Lot 6, Block 3303 on the tax maps, and being also known as the Matthias Sayre House. The residence was originally built in about 1760 and was originally the residence of Matthias Sayre, a member of one of the pioneer families who fought in the Revolutionary War.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- H. The private residence owned at the time of its designation by Mr. and Mrs. Theodore Alley, located at 500 Salter Place, Westfield, New Jersey, known as Lot 12.021, Block 3408 on the tax maps, and being also known as the Charles Marsh House, and it being the intention to exclude from such designation that portion of said lot seventy (70) feet in width abutting the easterly side lot line and extending from the front lot line to the rear lot line. The residence was originally built around 1775 and was originally the residence of Charles Marsh, a soldier in the Revolutionary War

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- I. The Miller-Cory House museum owned and operated at the time of its designation by the Westfield Historic Society, located at 14 Mountain Avenue, Westfield, New Jersey, known as Lot 40 in Block 1203 on the Town Tax Map, and built circa 1740 by Samuel Miller, purchased by Joseph Cory in the 1780s and owned by the Cory family until 1921. The museum is an authentically restored 18<sup>th</sup> Century vernacular farmhouse.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- J. The Well House structure, dating from the 1700's, owned at the time of its designation by Charles and Patricia Lea Woodward, located at Two Hundred (200) Woodland Avenue, Westfield, New Jersey, known as Lot 57 in Block 2003 on the Town Tax Map, together with property extending from the Well House, ten (10) feet to the east, west, and north, and five (5) feet to the south.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- K. The Burial Grounds of the Presbyterian Church in the West Fields of Elizabethtown, owned at the time of its designation by the Presbyterian Church in Westfield, located at 125 Mountain Avenue, Westfield, New Jersey, known as Lot 14 in Block 2405 on the Town Tax Map; its period of significance dated from 1724-1850. The property contains well-preserved, carved gravestones; 386 gravestones have unusual epitaphs, including graves of important persons, veterans of the Revolutionary War, the War of 1812, the Civil War, and ordinary citizens. The landmark was nominated for listing on State and National Registers of Historic Places.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- L. The Newell House, located at 603 Clark Street, Westfield, New Jersey 07090, which is located on Block 808, Lot 26 on the Town Tax Map.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- M. Reeve House, located at 314 Mountain Avenue, Westfield, New Jersey 07090, which is located on Block 2403, Lot 10 on the Town Tax Map.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

- N. Triangle Park, which is the triangular piece of land between Walnut St., Lawrence Ave., and Mountain Ave., in Westfield.

The Historic Preservation Commission shall be permitted to place an appropriate notation and plaque on said property indicating its historic landmark status.

## § 15. DESIGNATED HISTORIC DISTRICTS.

The following properties, recommended by the Historic Preservation Commission and by the Planning Board to be designated as historic districts, are hereby designated as historic districts by virtue of this Ordinance:

Kimball Avenue District. This district includes the properties, described hereafter, all currently in single-family residential use:

<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Historic Description</u>
216 Kimball Avenue	2401	2	Embree House
222 Kimball Avenue	2401	3	
230 Kimball Avenue	2401	4	Robert A. Fairbairn House
231 Kimball Avenue	1101	16	Faircroft
237 Kimball Avenue	1101	15	Fairbairn-Pierson House
242 Kimball Avenue	2401	5	Dohrman-Ludwig House
243 Kimball Avenue	1101	14	Reverend Patton House
248 Kimball Avenue	2401	6	Faulkner House
249 Kimball Avenue	1101	13	Alpers-Cowperthwaite House
256 Kimball Avenue	2401	7	
257 Kimball Avenue	1101	12	Baker-Evans House
265 Kimball Avenue	1101	11	Alpers-Sanborn House
266 Kimball Avenue	2401	8	Platt House
322 Lawrence Avenue	2402	1	Putnam-Crammer House
404 Lawrence Avenue	1113	1	Douglas House

The Historic Preservation Commission shall be permitted to place appropriate plaques in said district indicating its historic status, and individual property owners shall be permitted to include a plaque on their individual houses showing the date of construction, architectural style and/or

historic description; provided, however, that such individual plaques not exceed one (1) square foot in area.

**§ 16. REPEAL.**

All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent. Specifically, the current appendix to the Land Use Ordinance dealing with Historic Designation and Preservation is repealed in its entirety.

**§ 17. SEVERABILITY.**

In the event that any section, part, or provision of this Ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unconstitutional or invalid.

**§ 18. EFFECTIVE DATE.**

This Ordinance shall take effect after passage and publication, as soon as and in the manner permitted by law.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the North Avenue Safe Streets to Transit project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the North Avenue Safe Streets to Transit project.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2021-North Avenue Safe Streets to Transit-00043 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvement of Willow Grove Road (Rahway Avenue to Lamberts Mill Road) project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for Improvement of Willow Grove Road, between Rahway Avenue and Lamberts Mill Road, consisting of road resurfacing and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Improvement of Willow Grove Road-00492 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvement of Prospect Street (Dudley Avenue to Effingham Place) project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the Improvement of Prospect Street, between Dudley Avenue to Effingham Place, consisting of road reconstruction and the installation of ADA compliant handicapped ramps.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Improvement of Prospect Street-00493 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

Resolution: Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Summit-Boulevard Bike Lane Corridor project.

WHEREAS, the New Jersey Transportation Trust Fund Municipal Aid Program provides funds for the improvement of municipal roads, and

WHEREAS, the Town of Westfield desires the Commissioner of Transportation to consider the application for aid under the Trust Fund for Fiscal Year 2021 for the Summit-Boulevard Bike Lane Corridor project, consisting of the creation of approximately 3.5 miles of bicycle lanes.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2021-Summit-Boulevard Bike Lane Corridor-00043 to the New Jersey Department of Transportation on behalf of the Town of Westfield.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Town of Westfield and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, Fischer Contracting Inc., is under contract to the Town of Westfield for the **2019 Mindowaskin Park Pathway Improvements** in Westfield, New Jersey as authorized by S.O. 2206D, and

**WHEREAS**, N.J.A.C. 5:30 provides for increases in the contract price for unanticipated adjustments through Change Order and Council Resolution, and

**WHEREAS**, site conditions encountered during construction necessitated additional work items and more material than had been anticipated, and

**WHEREAS**, Certificate of the Town Treasurer, certifying to the availability of adequate funds for the changed contract price, as described below, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to S.O. 2206D, account C-07-222-06D, under Purchase Order #19-03773.

**NOW THEREFORE BE IT RESOLVED**, that Change Order No. 1 in the amount of \$29,895.40 executed by Kris J. McAloon, Town Engineer, be authorized, and

**BE IT FURTHER RESOLVED**, that the proper Town Officials be, and they are hereby, authorized to make payment and to effect whatever actions are necessary in the execution and discharge of Change Order No. 1, for the **2019 Mindowaskin Park Pathway Improvements** increasing the contract price to \$213,614.10.

**TOWN OF WESTFIELD**  
**WESTFIELD NEW JERSEY**

**RESOLUTION NO.**

**PUBLIC WORKS COMMITTEE**

**JUNE 30, 2020**

**WHEREAS**, sealed bids were received by the Town Clerk on June 24, 2020 for the **2020 Improvement of North Chestnut Street** in Westfield, New Jersey as authorized by S.O. 2216A, and

**WHEREAS**, the low bid, in the amount of \$200,088.75, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

**WHEREAS**, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2216A, Account C-07-221-6A1, under Purchase Order PO# 20-01968.

**NOW THEREFORE BE IT RESOLVED**, that a Unit Price Contract in the amount of \$200,088.75 be awarded to Fischer Contracting Inc., and

**BE IT FURTHER RESOLVED**, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.