

# Historic Preservation Tools in New Jersey



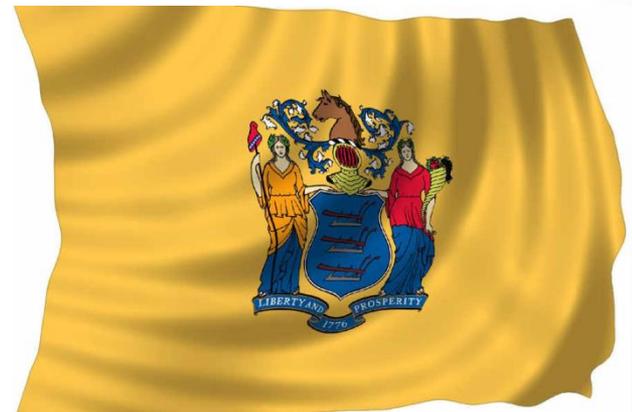
Jonathan Kinney - NJ Historic Preservation Office

# Why Historic Preservation?



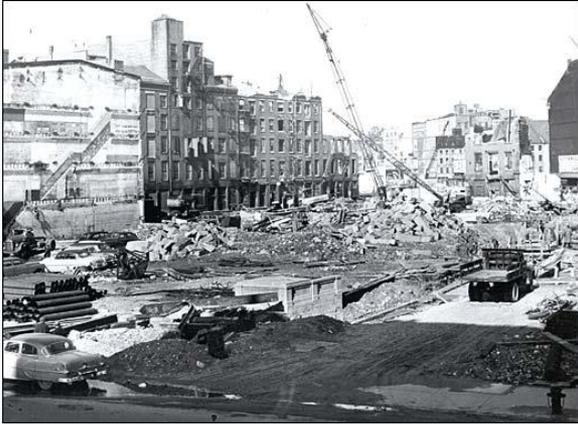
# The Federal and State Level:

## Historic Preservation Procedures, Organizations, and Resources



# National Historic Preservation Act

## Enacted in 1966



The Act established:

- National Register of Historic Places
- Federal Agency Responsibilities
- Advisory Council on Historic Preservation (ACHP)
- State Historic Preservation Office / Officer (SHPO)
- Section 106



# New Jersey Register of Historic Places Act Enacted in 1970



- Created only four years after the NHPA. Designed to complement the NHPA and provides additional protection.
- Establishes the New Jersey Register of Historic Places and the corresponding review process
- Establishes the New Jersey Historic Sites Council
- An exceptional law when enacted. 30 states currently have state register laws affording protection against state agencies but only a handful extend protection to include county and municipal undertakings

# New Jersey and National Registers of Historic Places

# Historic Westfield



# Levels of Recognition for Historic Properties

- Survey recommended as eligible
- SHPO Opinion of Eligibility / Certification of Eligibility
- Determination of Eligibility
- Local Designation
- New Jersey Register Listed
- National Register Listed
- National Historic Landmark

# National Register of Historic Places

- Administered by the National Park Service and expanded through nominations by individuals, organizations, State and local governments and Federal agencies
- Official list of the nation's historic properties worthy of preservation
- Includes properties of National, State, and Local significance



# New Jersey Register of Historic Places

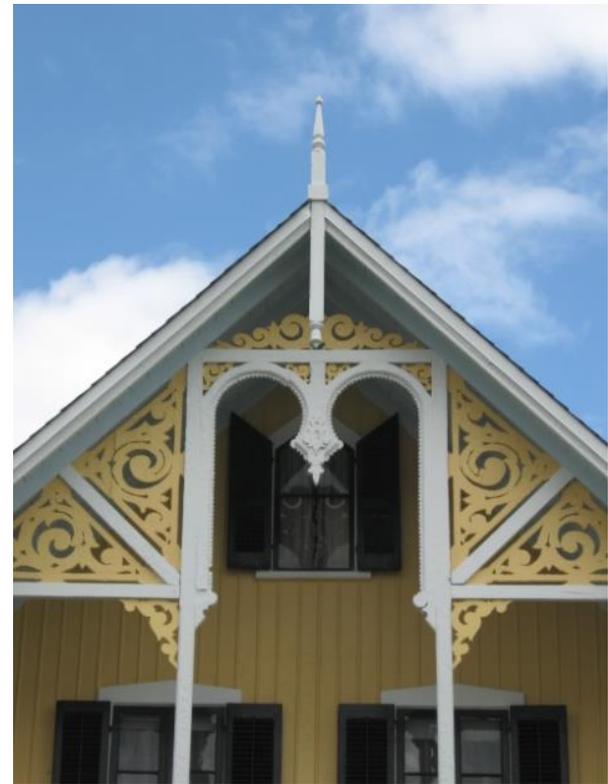


- Created by the New Jersey Register of Historic Places Act of 1970
- Official list of New Jersey's historic resources of local, state, and national interest.
- Closely modeled after the National Register program and specifically designed to complement the National Register

# Comparing the National and New Jersey Registers

## Similarities

- Both registers use the National Register Criteria for Evaluation
- Both registers use the same nomination form and review process
- Both registers offer a layer of review and protection from public undertakings
- Both registers offer potential financial benefits for listed properties
- Both registers offer public recognition of a property's significance



# Comparing the National and New Jersey Registers

## Differences

- A level of review and protection from Federal vs. State/County/Municipal undertakings
- Nature of regulatory review processes: Section 106 vs. NJRHPA Review
- Eligibility for Federal Investment Tax Credits vs. eligibility for NJ Historic Trust Grants
- Difference in owner objection portion of listing process



# Are all *old* things *historic*?



# National Register Criteria for Evaluation

- Significance
  - History
  - Architecture
  - Archaeology
  - Engineering
  - Culture
- Property types
  - Buildings
  - Structures
  - Sites
  - Objects
  - Districts



# Buildings: are created principally to shelter human activity



Houses



Barns



Post Offices



Churches

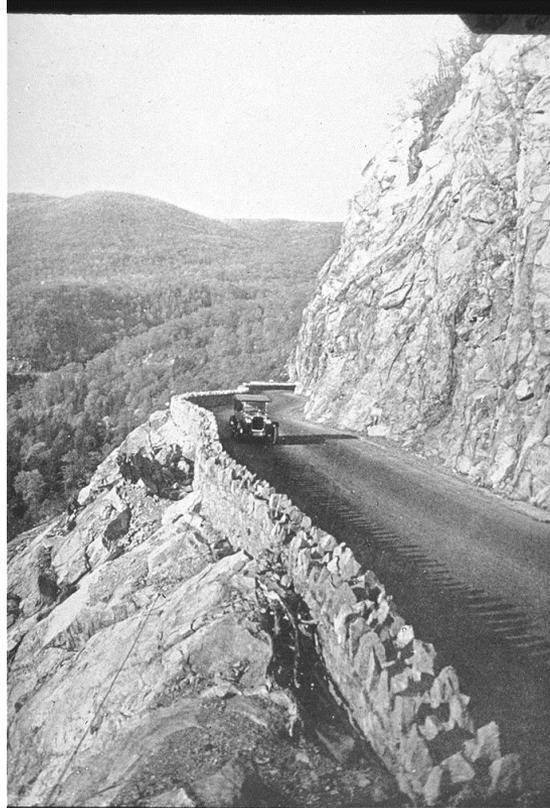


Courthouses

# Structures: are created for purposes other than creating human shelter



Fences



Roads / Cars



Bridges



Lighthouses



Ships

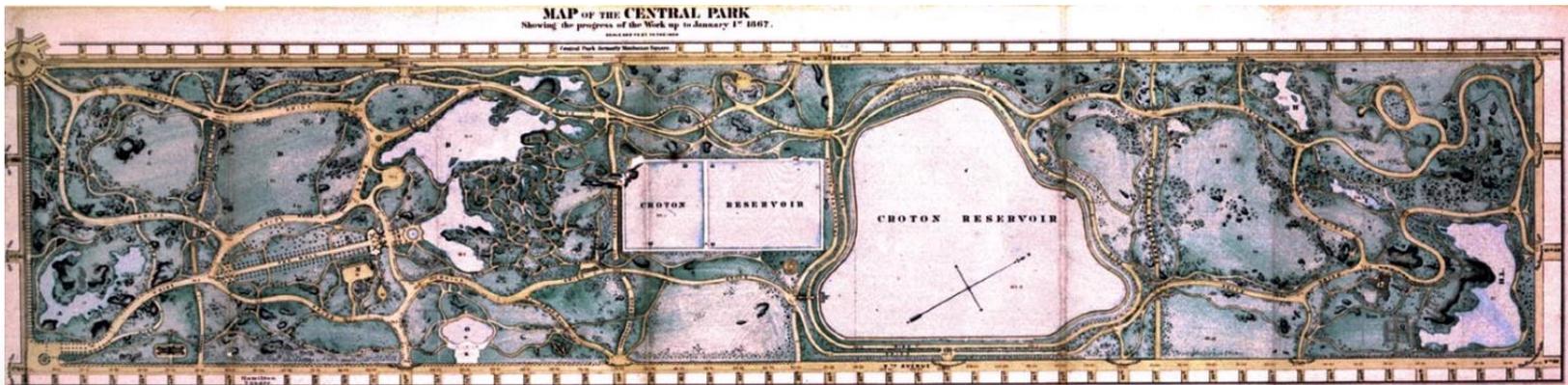
**Sites:** are locations which possess value regardless of existence of buildings, structures or objects.



Archaeological Sites

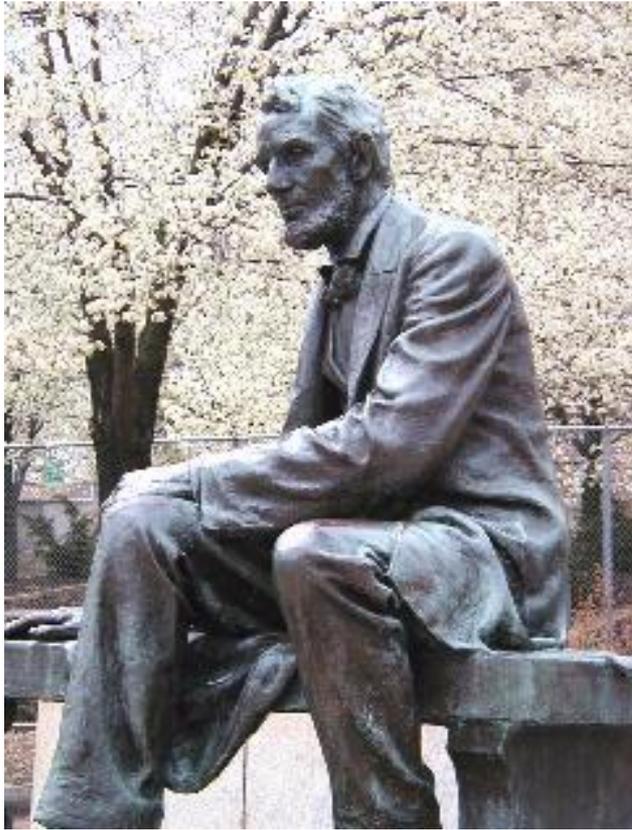


Battlefields



Designed Landscapes

**Objects:** primarily artistic in nature, small in scale, & simply constructed



Statues



Fountains



Freestanding Signs

**Districts**: possess a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically.



Cape May, NJ



Old Main DL&W RR

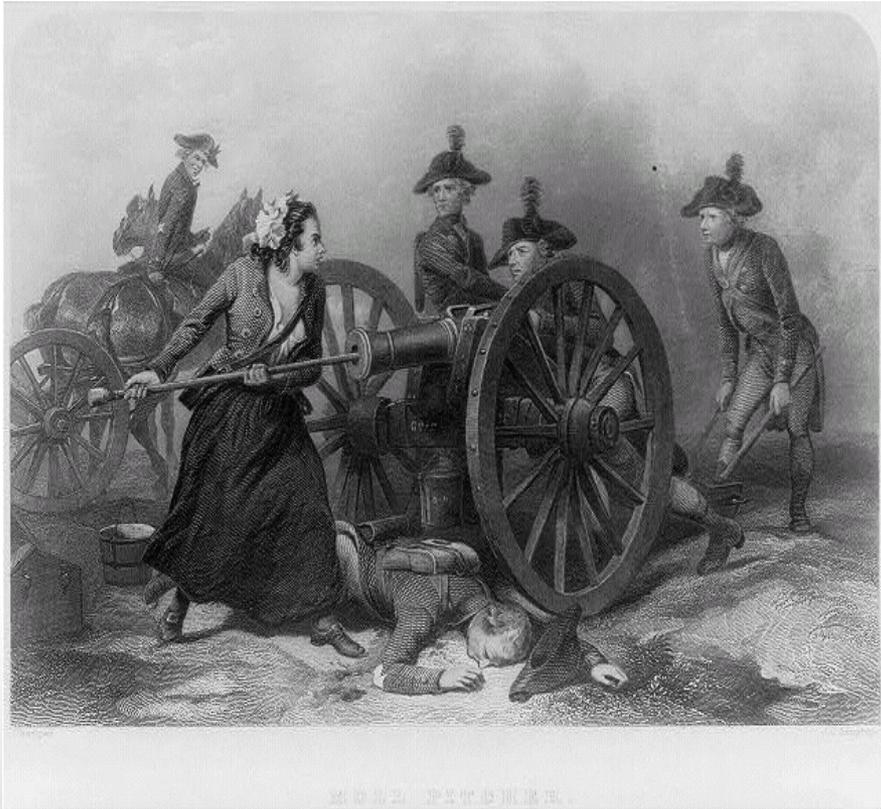


Califon, NJ

# National Register Criteria for Evaluation

- **Criterion A** - associated with events that have made a significant contribution to the broad patterns of our history; or
- **Criterion B** - associated with the lives of persons significant in our past; or
- **Criterion C** - embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- **Criterion D** - yielded or may be likely to yield, information important in prehistory or history.

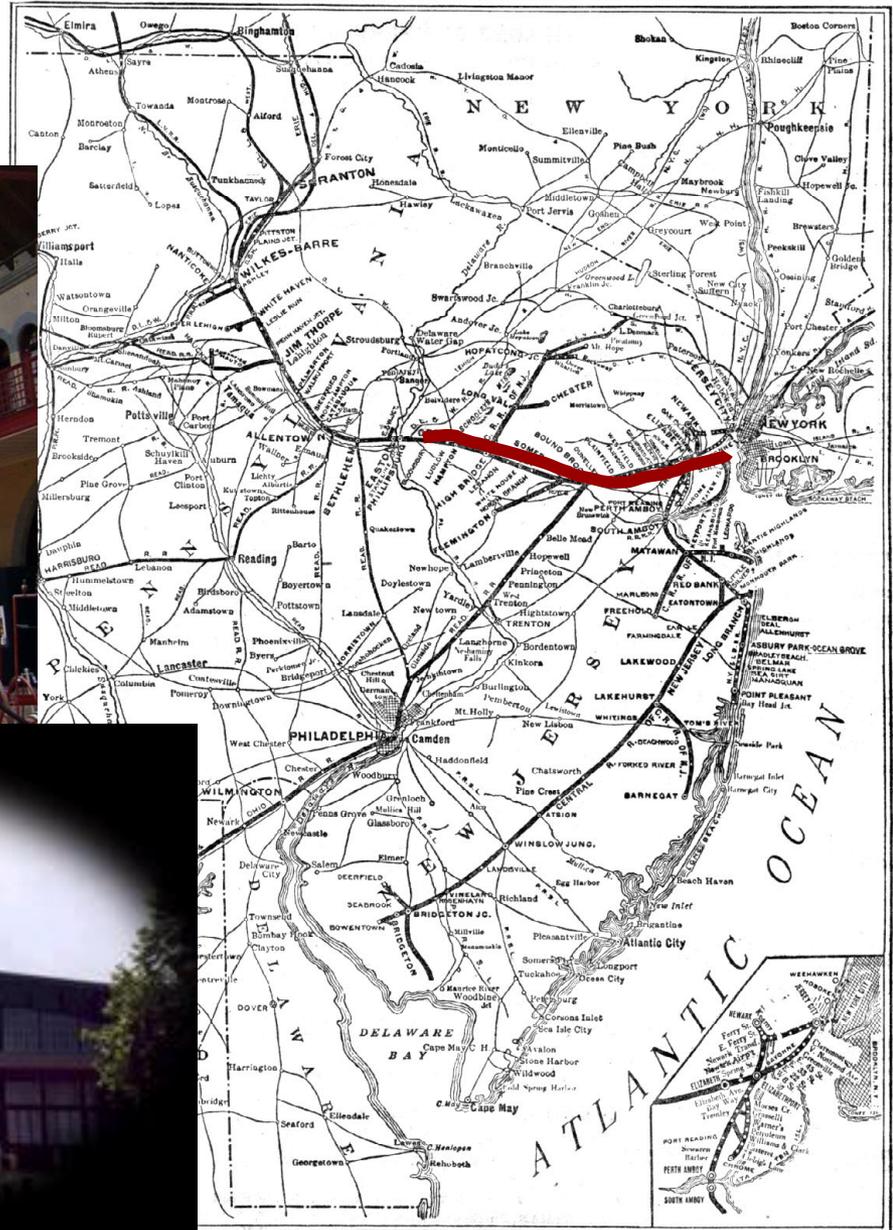
# Criterion A



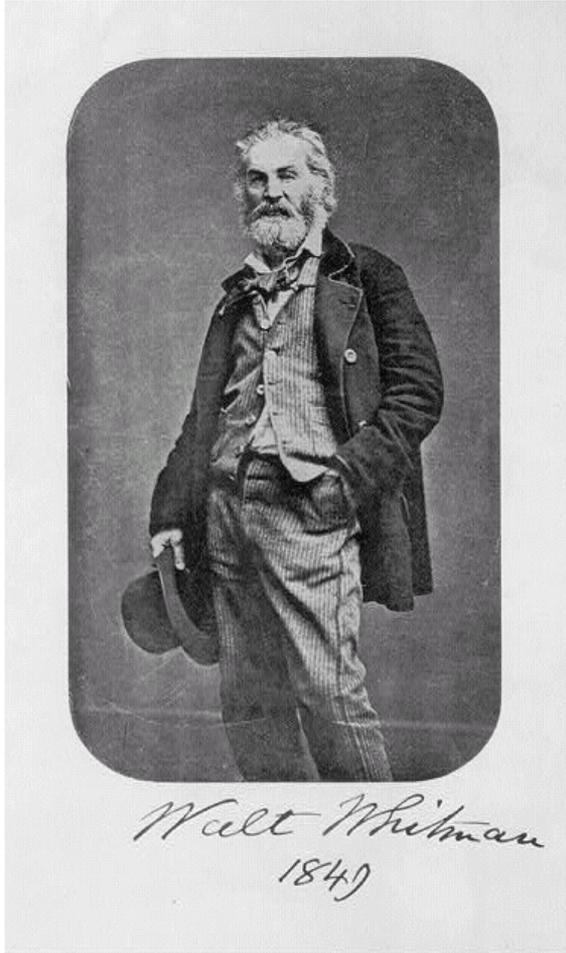
Monmouth Battlefield

# Criterion A

# JERSEY CENTRAL LINES



# Criterion B



# Criterion B



U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, EDISON NATIONAL HISTORIC SITE



U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, EDISON NATIONAL HISTORIC SITE



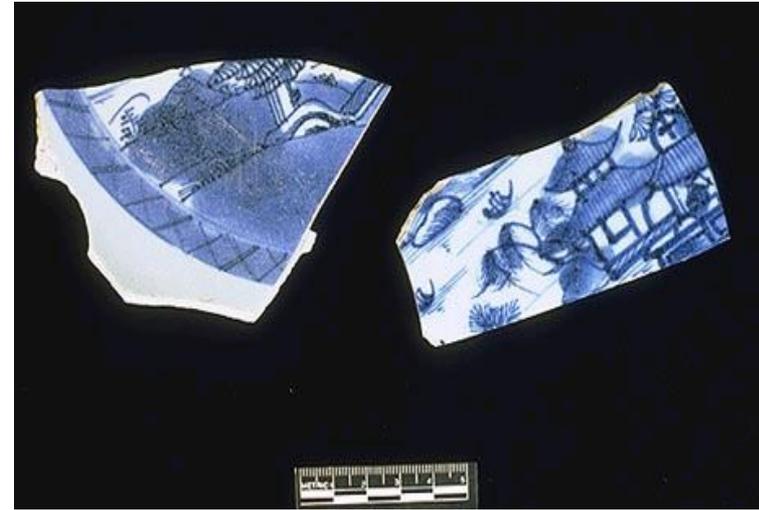
# Criterion C



# Criterion C



# Criterion D



# Integrity

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association



**SIGNIFICANCE**

**+ INTEGRITY**

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**ELIGIBILITY**

# Integrity vs. Condition



# Integrity vs. Condition



# Integrity vs. Condition



# Myths & Misconceptions

What Register listing really means to the property owner



- Property Use
- Alterations to the Property
- Tax Increases and Loss of Property Value
- Public Access
- Paint Colors

# Historic Rehabilitation Tax Credit Program



Before



After

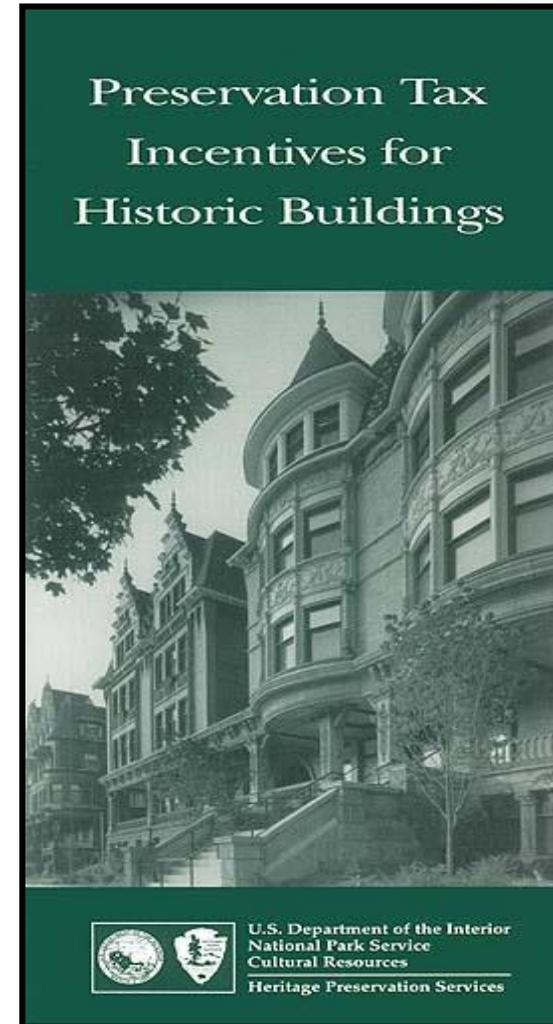
# Eligibility Requirements

## Certified Historic Structure

- Individually listed on the National Register
- Contributing to a registered historic district

## Certified Rehabilitation

- Consistent with the character of the property, and, where applicable, the district in which it is located
- Secretary of the Interior's Standards for the Treatment of Historic Properties



# Certification Process

Three Part Application

Part 1 – Evaluating the Historic Significance of the Building

Part 2 – Describing the Proposed Rehabilitation Work

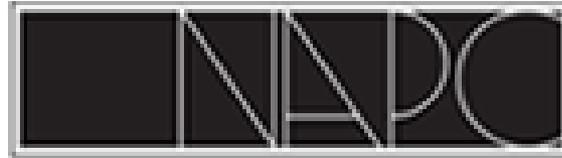
Part 3 – Requesting Certification of Completed Work

All are submitted to the State Historic Preservation Office before submission to the National Park Service. NPS makes final certification decision after considering SHPO's recommendations.

# Historic Rehabilitation Tax Credit Program - It works!



# National Resources



PTN



# State Resources

## Historic Preservation Office (HPO)

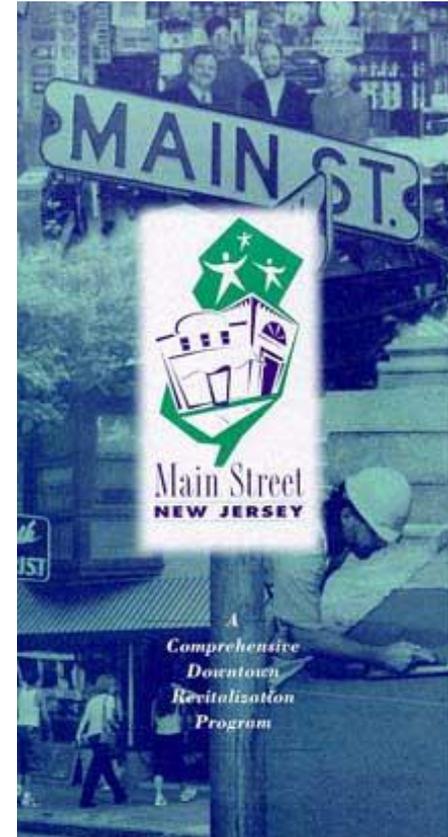
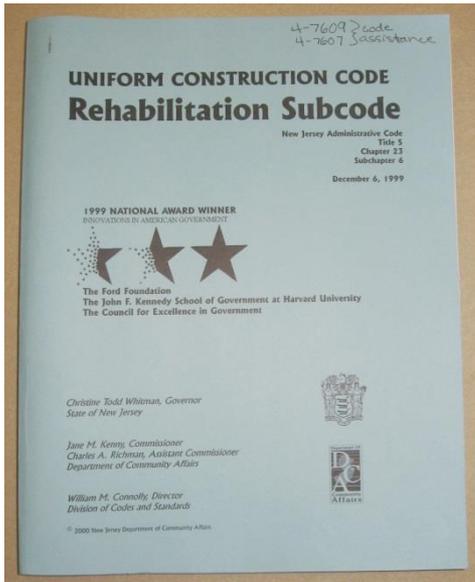
- DEP
- NJ & National Registers
- Regulatory (Section 106, State Register etc.)
- CLG Program
- Tax Credit Program
- Survey Program
- State Plan
- Education/Training
- Technical Assistance
- GIS



- Department of Community Affairs
- Garden State Historic Preservation Trust Fund
- Administers Historic License Plate Fund
- Revolving Loan Program
- Emergency Grant & Loan
- Preservation Easement Program
- New Jersey Legacies Program
- Annual Conference



# Additional State Resources



# The Local Level: How it Works, Local Preservation Programs, and Resources for Communities



# Local Preservation – Why do we need it?



***Historic resources are irreplaceable. They are non-renewable environmental resources. Once gone, they are gone forever. We lose not only the building, windows, and roof... but the memories, beauty, and community character associated with those physical elements as well.***

# New Jersey Municipal Land Use Law (MLUL)

- Prior to 1986, preservation ordinances in New Jersey were based upon the general police power.
- In more recent years, Ordinances are based upon the State Municipal Land Use Law (the “MLUL”) (N.J.S.A. 40:55D-1, et seq.), which represents the enabling legislation for land use regulation.



## MUNICIPAL LAND USE LAW

*New Jersey Statutes Annotated  
Historic Preservation Related Sections*

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION • DIVISION OF PARKS AND FORESTRY • HISTORIC PRESERVATION OFFICE

### INTRODUCTION

MUNICIPALITIES IN NEW JERSEY obtain their authority to identify, evaluate, designate and regulate historic resources (individual sites and districts) from the Municipal Land Use Law (MLUL), the enabling legislation for municipal land use and development planning, zoning, and, since 1986, historic preservation zoning. In response to requests for information on the sections of the MLUL pertaining to historic preservation zoning, the Historic Preservation Office (HPO) is excerpting and printing the following sections of the Municipal Land Use Law relevant to historic preservation planning and zoning and the creation of municipal Historic Preservation Commissions. The HPO has also provided a description of the requisites for participation in the Certified Local Government (CLG) program.

#### C. 40:55D-25 POWERS OF PLANNING BOARD

**A.** The planning board shall follow the provisions of this act and shall accordingly exercise its powers in regard to:

- (1) The master plan pursuant to article 3;
- (2) Subdivision control and site plan review pursuant to article 6;
- (3) The official map pursuant to article 5;
- (4) The zoning ordinance including conditional uses pursuant to article 8;
- (5) The capital improvements program pursuant to article 4;
- (6) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to article 7.

**B.** The planning board may:

- (1) Participate in the participation and review of programs or plans required by State or Federal law or regulation;
- (2) Assemble data on a continuing basis as part of a continuous planning process; and
- (3) Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

**C.** In a municipality having a population of 2,500 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of

section 57 of the act L. 1975 C. 291 (C.40:55D-70).

**D.** In a municipality having a population of 2,500 or less, the planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all of the powers of a historic preservation commission, provided that at least one planning board member meets the qualifications of a Class A member of a historic preservation commission and at least one member meets the qualifications of a Class B member of that commission.

#### C. 40:55D-28 MASTER PLAN; PREPARATION; CONTENTS; MODIFICATION

**A.** The planning board may prepare and, after public hearing, adopt or amend a master plan, or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

**B.** The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (12):

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;
- (2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in subsection (1) hereof, and other master plan elements pro-

# Four Key Municipal Agencies Involved with MLUL and Local Preservation:

- Governing Body
- Planning Board
- Zoning Board of Adjustment
- Historic Preservation Commission



# Historic Preservation Master Plan Element

All municipal land use decisions are governed by the Master Plan. Preservation is one of 11 optional elements municipalities can choose to include.

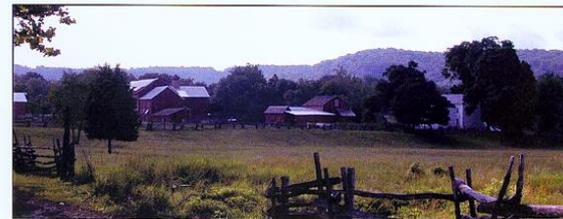
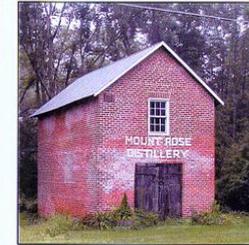
Suggested Table of Contents:

- Executive Summary
- Introduction to Historic Preservation
- Context
- Inventory**
- Significance
- Public Policy Review
- Integrity & Existing Conditions
- Local Historic Preservation Goals & Objectives
- Evaluation of Public Policy Objectives
- Action/Plan Agenda

## HOPEWELL TOWNSHIP HISTORIC PRESERVATION PLAN ELEMENT

*Mercer County, New Jersey*

*November 2004*



*Prepared by:*

The Hopewell Township Historic Preservation Commission

*In Conjunction with:*

The Hopewell Township Planning Board

*With the Assistance of:*

Banisch Associates, Inc. PO Box 154, Sergeantsville, NJ 08857-0154, (908) 782-0835

# Historic Preservation Ordinance

- Extension of municipal zoning laws
- Must be in conformance with MLUL
- Establishes HPC and outlines its powers and duties
- Outlines procedures and criteria for designation and regulatory review



# Historic Preservation Commission



# NJ State Law Gives Communities A Choice

“Strong” Commission

Or

“Weak” Commission

# Local Designation of Landmarks & Districts

This will affect private action!

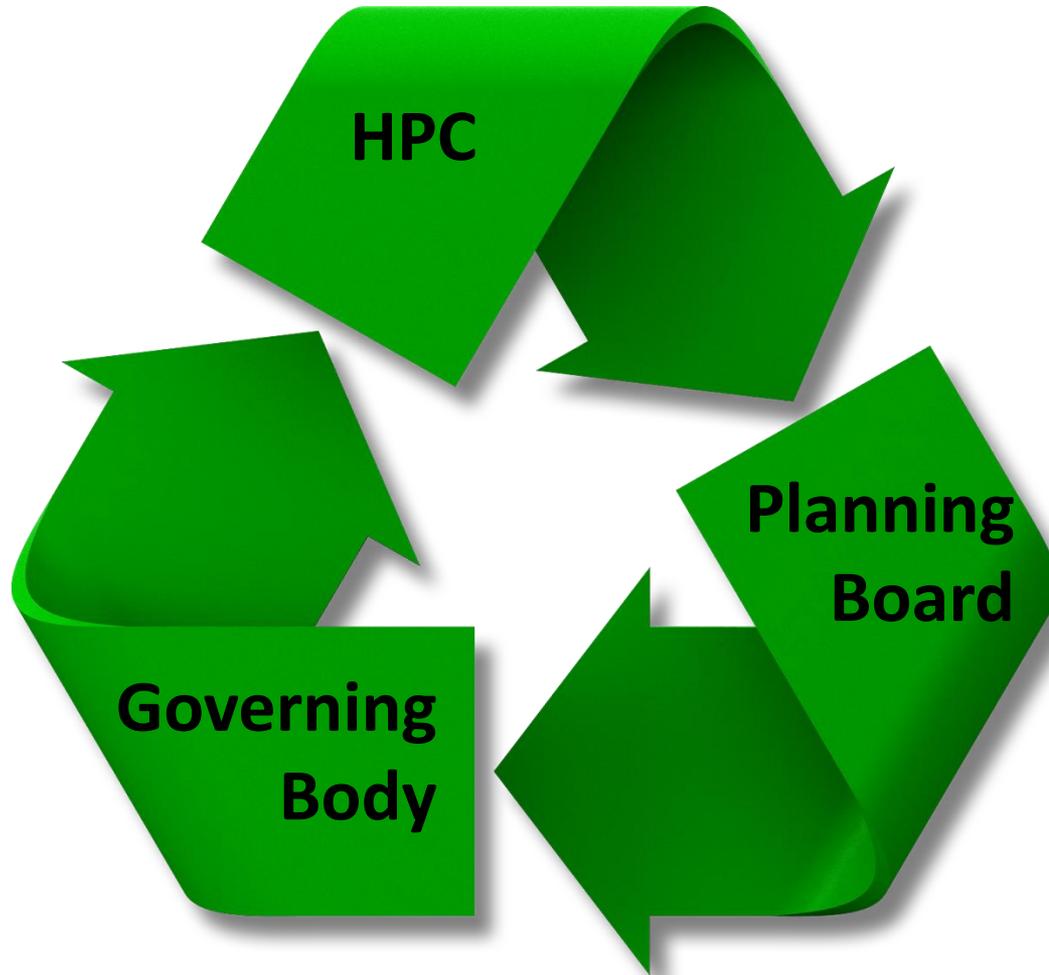
The governing body must designate by ordinance.

Triggers review anytime a private property owner seeks a permit for:

- Demolition
- Alteration
- Additions/new construction
- Removal



# Communication & Education



# Local Design Guidelines



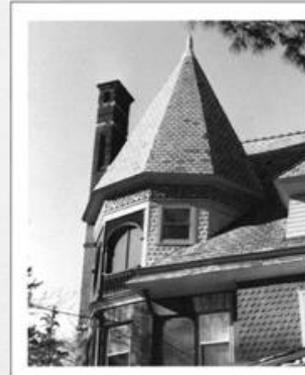
CITY OF CAPE MAY  
**HISTORIC PRESERVATION  
COMMISSION**



## DESIGN STANDARDS



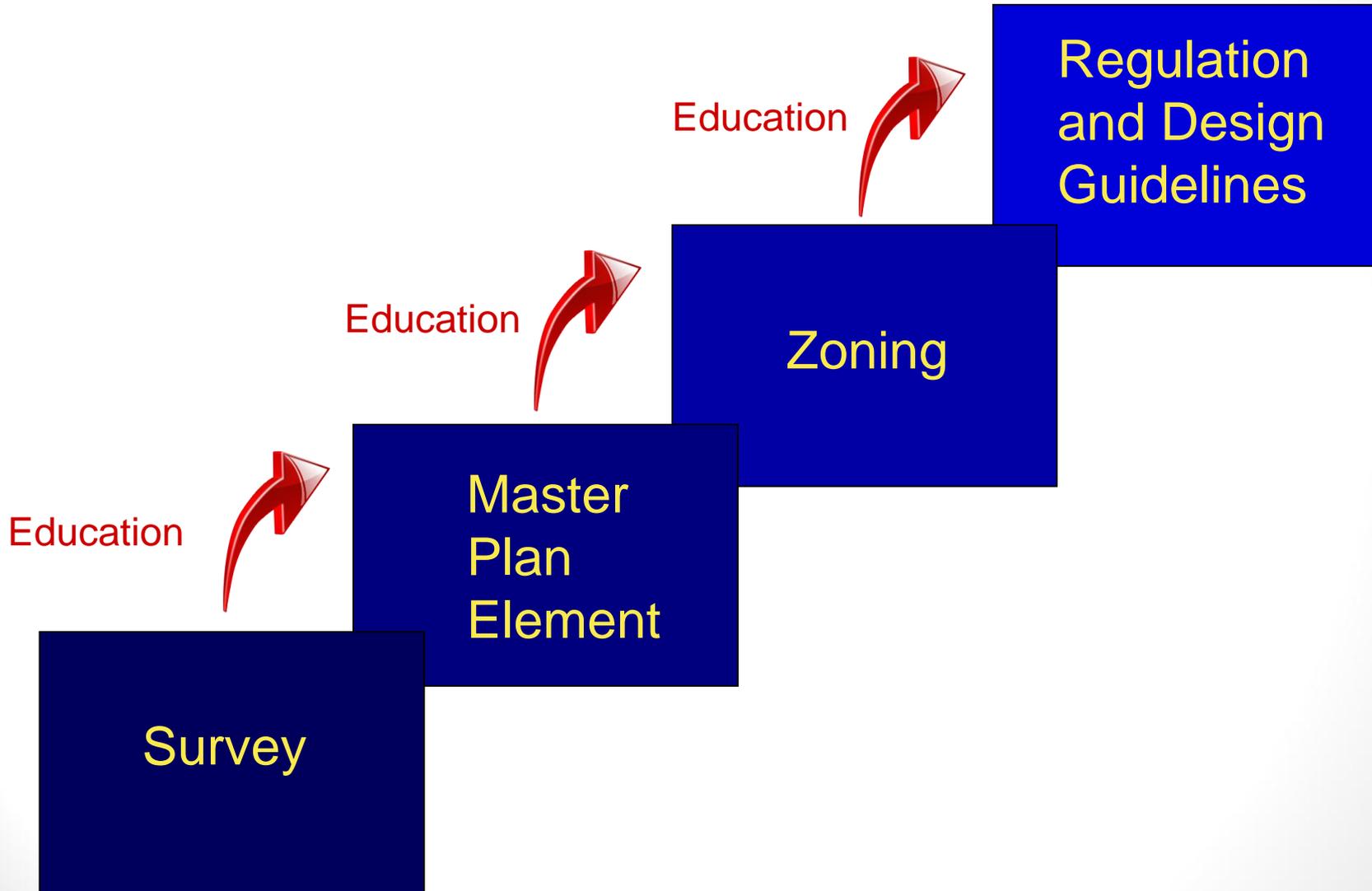
## Plainfield



Design Guidelines for Historic  
Districts and Sites



# Steps in a Local Preservation Program



# Recommendations For Property Owners

TOWNSHIP OF HAMILTON  
ATLANTIC COUNTY, NEW JERSEY  
ORDINANCE # 1785-2015

*2015 August 2015*

AN ORDINANCE AMENDING SECTION 203 OF THE CODE OF THE TOWNSHIP OF HAMILTON REGARDING ESTABLISHMENT OF A HISTORIC PRESERVATION COMMISSION AND PROVISIONS FOR THE DESIGNATION, PRESERVATION AND REGULATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS WITHIN THE TOWNSHIP.

WHEREAS, the historical cultural, architectural, archaeological, economic and social heritage of the Township of Hamilton is entrusted from generation to generation, enriched and then passed on; and

WHEREAS, the members of the Township of Hamilton Committee believe that the character and quality of life of the citizen of Township of Hamilton depends in great measure upon the preservation of this rich heritage; and

WHEREAS, in order to perform this preservation, the members of the Township of Hamilton Committee wish to identify and protect certain resources located within the Township; and

WHEREAS, the members of the Township of Hamilton Committee believe that the creation of an "Historic Preservation Commission," and the establishment of certain regulations governing the designation, establishment, preservation and regulation of Historic Landmarks and Historic Districts within Township of Hamilton will greatly assist in achieving this goal. And

THE TOWNSHIP  
OF  
HAMILTON  
ATLANTIC COUNTY, NJ  
HISTORIC DISTRICT PRESERVATION HANDBOOK  
STANDARDS  
&  
GUIDELINES

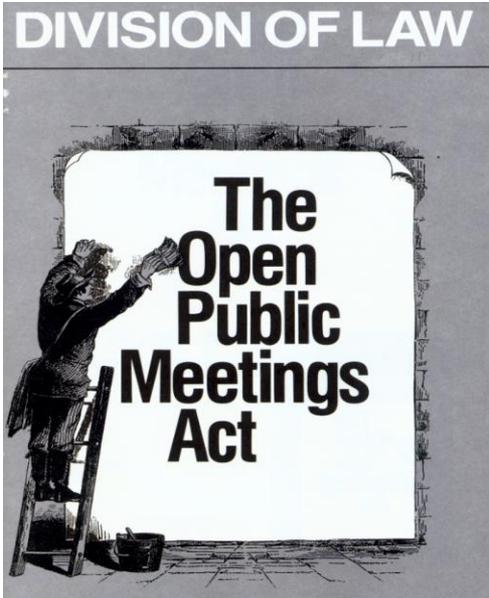


Produced by the Township Committee, Planning Board and Historic Preservation Commission as an aid for owners of the many private and public historic buildings that grace the streets, roads, and neighborhoods in and around Mays Landing, 2008

# Result = Proud Owners and Preserved Community Character



# Resources for Commissions



Local Government Ethics Law  
Financial Disclosure Statement

This Financial Disclosure Statement is required annually by all local government officers in accordance with N.J.S.A. 40A 9-22.1 et seq., the Local Government Ethics Law.

Section I. Personal Information - Local Government Officer

Local Government Served: \_\_\_\_\_ County: \_\_\_\_\_ Other: \_\_\_\_\_

Municipality: \_\_\_\_\_

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last Name: \_\_\_\_\_

Spouse's First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last Name: \_\_\_\_\_

Home Address (optional): \_\_\_\_\_ Home Telephone Numbers (optional): \_\_\_\_\_

Business Address (optional): \_\_\_\_\_ Business Telephone Numbers (optional): \_\_\_\_\_

Position held: \_\_\_\_\_ Term Expires (if applicable): \_\_\_\_\_

Section II. Financial Information

Provide the following information for yourself and members of your immediate family for the prior calendar year. If none, please indicate NONE in the space provided. If additional space is needed, please use Extension Forms.

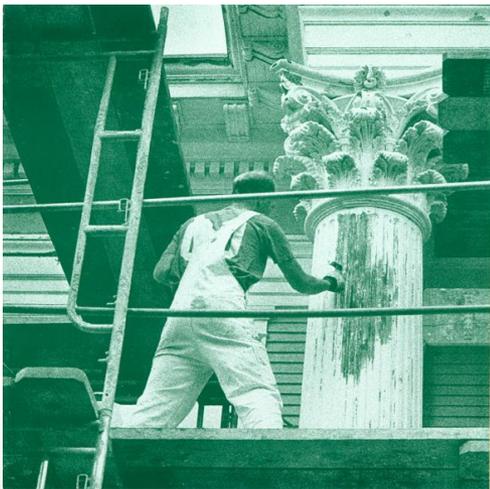
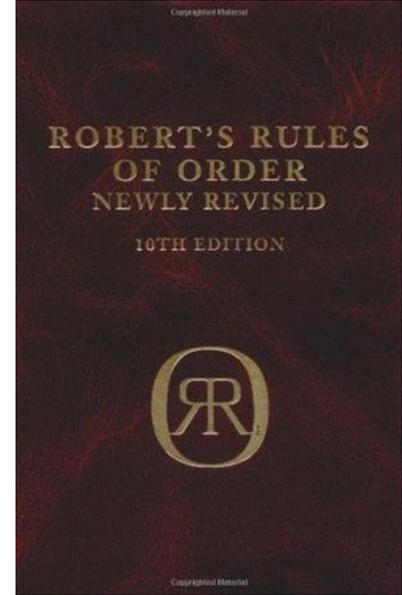
A. List the name and address of each source of income, named and unnamed, which you received in excess of \$2,000. If a publicly traded security is the source of income, the security need not be reported unless you or a member of your immediate family has an interest in the business organization.

Name	Address	Self	Spouse	Dependent Name

B. List the name and address of each source of fees and honorariums having an aggregate amount exceeding \$250 received from any single source for personal appearances, speeches, or writing.

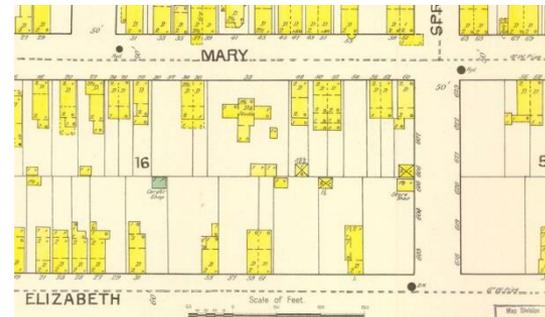
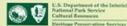
Name	Address	Self	Spouse	Dependent Name

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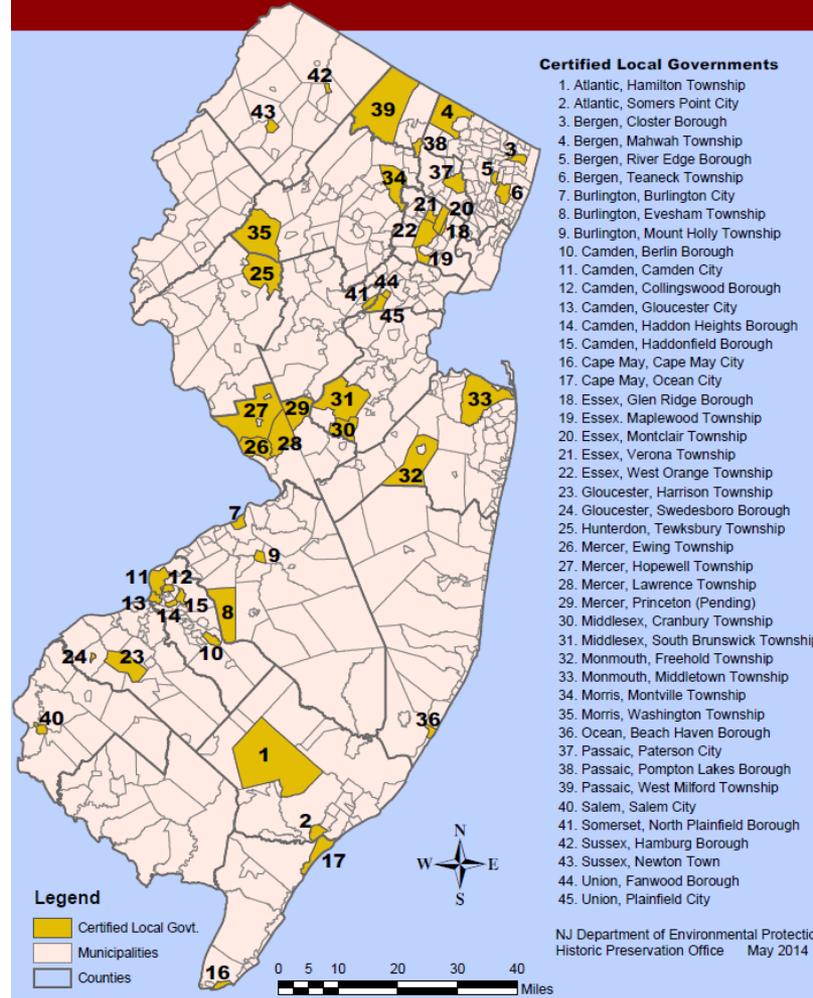
The Secretary of the Interior's Standards for Rehabilitation &

Illustrated Guidelines for Rehabilitating Historic Buildings



# Certified Local Government (CLG) Program

## New Jersey Certified Local Governments



**NEW JERSEY'S**

**CERTIFIED**

**LOCAL**

**GOVERNMENT**

*Guidelines*

NJ Department of  
Environmental Protection  
Division of Parks & Forestry  
Historic Preservation Office



CLG Grants

# Thank You



Jonathan Kinney

Historic Preservation Office

609-984-0141

[jonathan.kinney@dep.nj.gov](mailto:jonathan.kinney@dep.nj.gov)

<http://www.nj.gov/dep/hpo>

