Historic Preservation Tools in New Jersey

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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
- Bridges
- Roads / Cars
- 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
Criterion B
Criterion B
Criterion C
Criterion C
Criterion D
Integrity

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association
SIGNIFICANCE
+
INTEGRITY

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

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

“Let’s see... that’s five votes in favor of saving the historic old hotel, and one vote for smashing it to bits and eating everyone inside.”
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
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

HPC

Planning Board

Governing Body
Local Design Guidelines
Steps in a Local Preservation Program

- Survey
- Master Plan Element
- Zoning
- Education
- Regulation and Design Guidelines
TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE # 1765-2016

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 members of the above group and public to identify buildings that give the town, city, and neighborhood in and around many lasting, 2006
Result = Proud Owners and Preserved Community Character
Resources for Commissions

The Open Public Meetings Act

Illustrated Guidelines for Rehabilitating Historic Buildings
Certified Local Government (CLG) Program

New Jersey Certified Local Governments

Legend:
- Certified Local Govt.
- Municipalities
- Counties

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

May 2014
CLG Grants
Thank You

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