



**TOWN OF WESTFIELD
TOWN COUNCIL
REGULAR MEETING**

**Tuesday, September 8, 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
Recreation Commission
6. Advertised Hearings
 1. GENERAL ORDINANCE NO. 2183 (Amendment)
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
 2. GENERAL ORDINANCE NO. 2186
AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PODS
 3. GENERAL ORDINANCE NO. 2187
AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD BY DEFINING PET CARE FACILITIES AND ESTABLISHING THEM AS A PERMITTED PRINCIPAL USE IN CERTAIN ZONE DISTRICTS
 4. GENERAL ORDINANCE NO. 2188
AN ORDINANCE TO AMEND ARTICLE IA “DEMOLITIONS” OF CHAPTER 8 OF THE TOWN CODE OF WESTFIELD
7. Approval of Minutes from Town Council Regular Meeting held August 11, 2020
8. Petitions and Communications

9. Open discussion by citizens
10. Bills and Claims in the amount of \$913,968.62
11. Reports of Standing Committees

Finance Policy Committee

1. Resolution authorizing the Chief Financial Officer to draw warrant for unused parking permit fee
2. Resolution authorizing the Chief Financial Officer to draw warrant for dog licenses for August 2020
3. Resolution authorizing the Chief Financial Officer for refund of dumpster security payment
4. Resolution authorizing the Chief Financial Officer to refund Recreation Department fees
5. Resolution authorizing the Chief Financial Officer to draw warrant for overpaid taxes in 2020
6. Resolution authorizing the Chief Financial Officer to draw warrants for 2019 pursuant to Tax Court of NJ
7. Resolution authorizing the Chief Financial Officer to draw warrant for construction permit fees
8. Resolution to approve insertion of special item of revenue in the municipal budget (Federal Bullet Proof Vest Partnership Program)
9. Resolution authorizing submission of an application for Greening Union County Grant program
10. Resolution authorizing submission of an application for Kids Recreation Grant program
11. Resolution authorizing an amendment to contract awarded for the purchase of playground equipment
12. Resolution authorizing award of contract for crossing guard management services
13. Resolution authorizing the Chief Financial Officer to amend the Change Fund
14. Resolution authorizing an increase for procurement cards
15. Resolution confirming compliance with Local Finance Board rules regarding recommendations of annual audit

Public Safety, Transportation and Parking Committee

1. Resolution authorizing “shared-lane” markings on various streets

Code Review & Town Property Committee

1. Resolution endorsing the adoption of green building practices for civic, commercial and residential buildings
2. Resolution referring rehabilitation area and study to Planning Board for review
3. GENERAL ORDINANCE NO. 2189
AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REVISING THE SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SITE PLAN AND PRELIMINARY AND FINAL SUBDIVISION APPLICATIONS
4. GENERAL ORDINANCE NO. 2190
AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING THE EXTERIOR PROPERTY MAINTENANCE CODE

Public Works Committee

1. Resolution authorizing Change Order No. 1 for 2019 Various Road Improvements
2. Resolution authorizing Change Order No. 1 for 2020 Improvement of North Chestnut
3. Resolution to award contract for the 2020 Leaf Collection Program
4. Resolution authorizing the Mayor to sign the Interlocal Agreement for leaf collection Service with the Township of Scotch Plains
5. Resolution to award contract for 2020 Improvement of Scotch Plains Avenue

Council as a Committee of the Whole

1. POW/MIA Remembrance Day

12. Reports of Department Heads

Adjournment

**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 public 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, and/or currently owns a property in a designated historic district, or owns a designated landmark.

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 any single public vantage point; 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 (45th) day after the application has been deemed complete.

M. Informal Review.

1. Nothing in this Section shall preclude the owner of a property which has been designated as a historic landmark or which is part of a designated district from requesting an informal review of any exterior façade work or 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. Except as set forth in section 7(M)(2) below, 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 work or 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. An example of work that may qualify for such immediate approval upon informal review includes, but shall not be limited to, the replacement of exterior elements made of material that is different from that which is being replaced. The Commission shall return to the Administrative Officer its written report granting or denying the work or plan, which report 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 Zoning 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 APPROVAL – Any approval issued by the Zoning Official which is required by the Westfield General Code and/or Westfield Land Use Regulations and which authorizes the total or partial or partial demolition of a building or structure (excluding interior demolition).

DEMOLITION PERMIT — Any permit issued by the Construction Official which is required by the State Building Code and which authorizes the demolition of 75 percent or more of a building or structure (excluding interior demolition), or which authorizes demolition of 25 percent or more of the façade of a building or structure, 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.

ZONING OFFICIAL – The Zoning Official of the Town of Westfield.

C. Procedure.

1. No demolition approval shall be issued by the Zoning 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 demolition approval, the Zoning 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.
3. Unless otherwise voluntarily agreed to by the applicant, those requirements of Town of Westfield General Code section 8-7, “Requirements to Obtain Permit,” relating to insurance liability coverage, utility shut-off, fire prevention inspection and certification, debris removal and fill, proof of rodent baiting, and asbestos certification, need not be initiated until after the historic review contemplated in this section has been completed.

D. Review of Application by Historic Preservation Officer.

1. The HPO shall, within 10 business days after his or her receipt of an application for demolition approval from the Zoning Officer, 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 Zoning 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, demolition approval 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 immediately deliver a copy of his or her written determination to the Commission. The Commission shall review said determination at its next regularly scheduled meeting or at a special meeting called for that purpose, but no such review by the Commission shall extend beyond 15 calendar days of receipt of the HPO's written determination. If the Commission concurs with the HPO's determination, the Commission may promptly seek designation of the property 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 five calendar days, notify the Zoning Official of its determination, and the Zoning Official may thereafter issue demolition approval immediately, thereafter, provided the application complies with all other applicable laws, ordinances and regulations.
- E. No demolition approval shall be issued by the Zoning Official for a potentially historic building or structure until the requirements of this Section and the Historical Preservation Ordinance, if applicable, have been satisfied.
- F. Notwithstanding the requirements of this Section 10, prior to submitting a demolition application to the Town, a property owner within the Town may request an informal opinion by the Commission as to whether a particular building or structure identified in the Historic Preservation Plan Element and/or originally constructed prior to 1930 both (1) meets the criteria for historic designation and (2) would be nominated for designation by the Commission as permitted in this Section, should a demolition permit application be filed. Said determination by the Commission must be recorded in the Commission's meeting minutes. Should the Commission determine upon motion, after such informal review, that the property in question does not meet the criteria for historic designation and would not be nominated for designation, then no HPO/HPC review shall be required for a period of one year after such determination is made by the Commission.

§ 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 18th 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**

GENERAL ORDINANCE NO. 2186

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE
ORDINANCE OF THE TOWN OF WESTFIELD AS IT RELATES TO PODS**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the "Town") is charged with establishing and maintaining safe passage and safe conditions within the Town; and

WHEREAS, the Mayor and Town Council have therefore determined that an ordinance modifying where and when vehicles may park in the Town is in the best interests of the health, safety, and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Section 13.02, Chapter LUL, "Land Use Law," of the Town Code shall be and is hereby amended by the following:

H. Portable on-demand storage structures.

1. A portable on-demand structure may be utilized as a temporary structure within all residential zones when in compliance with the standards of this subsection. Any use of such structures within the Town of Westfield not in compliance with this subsection shall be unlawful (sometimes referred to in this section as a "temporary structure").
2. Prior to the initial delivery of a portable on-demand storage structure, the applicant or the supplier shall register the placement of the portable on-demand storage structure with the Zoning Official.
 - a. The registration shall be obtained from the Zoning Official by:
 - (1) Completing the application;
 - (2) Presenting an active Building Department building permit for that property if the portable on-demand storage structure is to be used for the storage of building materials;
 - (3) Payment of a \$150 nonrefundable registration fee; and
 - (4) The Zoning Official's written approval of the application.
 - b. The application shall contain the name of the applicant to whom the temporary storage unit is supplied, whether the person owns, rents, occupies, or controls the property, the address at which the portable on-demand storage structure will be placed, the delivery date, removal date, active building permit number, if applicable, and a sketch depicting the location and the placement of the portable on-demand storage structure. Such Temporary Storage Unit may be placed on a driveway or other suitable paved area.
 - c. The effective date of the registration shall be the date of the Zoning Official's approval.
 - d. Each residential property is limited to a maximum of two registrations per 12 months measured from the date of the initial approval by the Zoning Official.
3. Length of time structures may be on property; extensions; placement on property.

- a. A portable on-demand storage structure may be located as a temporary structure on property within the applicable zones for a period not exceeding thirty (30) days in duration from time of delivery to time of removal. One thirty (30) day extension may be granted upon written request by the applicant prior to the expiration of the initial thirty (30) day period as well as the payment of an additional \$100 nonrefundable fee.
- b. No more than one portable on-demand storage structure may be located on a specific piece of property at one time; such structure shall be individually limited to the duration time period established herein.
- c. Such temporary structure may not be located on a specific property more than two times in any twelve-month period as defined in Paragraph (2)(d) above.
- d. Such temporary structure shall be located no closer than 10 feet to the property line unless placed on an existing impervious driveway.
- e. Such structure may not exceed eight feet, six inches in height, 10 feet in width, and 20 feet in length.
- f. It shall be the obligation of the owner or user of such temporary structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of such temporary structure.
- g. In the event of fire, hurricane or natural disaster causing substantial damage to a residence, the property owner may apply to the Town for permission to extend the time that a portable on-demand storage structure may be located as a temporary structure on the property. Application for such extended duration shall be made in writing and filed with the Construction Official and shall give sufficient information to determine whether such extended duration should be granted. The Zoning Official shall determine whether to grant such extended duration and the length of such extension. In the event of an adverse decision by the Zoning Official, the applicant may appeal such decision to the Board of Adjustment.
- h. Any portable on-demand storage structure which is not removed at the end of the time for which it may lawfully remain in place, or immediately upon the direction of a law enforcement officer for removal of such temporary structure for safety reasons, such portable on-demand structure may be removed by the Town of Westfield immediately, without notice. The cost of such removal, together with the cost of administration of its removal, may be assessed against the property on which the temporary structure was located and may be filed as a lien against such property by the Town of Westfield. Such lien shall be superior in priority to all other liens or encumbrances upon the property, including the lien of a mortgage, and shall be equal in priority to the lien of ad valorem taxes.
- i. No portable on-demand storage structure shall be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the portable on-demand storage structure is located (i.e., used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the

Town of Westfield may inspect the contents of any portable on-demand storage structure at any reasonable time to ensure that it is not being used to store said materials. At no time shall such portable on-demand storage structure be used for any of these purposes.

4. Enforcement and penalties. The provisions of this Ordinance shall be enforced in accordance with Article 21 of the Land Use Ordinance of the Town of Westfield. The Zoning Official shall be responsible for the enforcing of the provisions of this Ordinance. Any person or entity found to be in violation of any section of this Ordinance shall be subjected to a \$250 fine per violation per day.

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. 2187

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS
OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD
BY DEFINING PET CARE FACILITIES AND ESTABLISHING THEM AS A
PERMITTED PRINCIPAL USE IN CERTAIN ZONE DISTRICTS**

WHEREAS, periodic update of allowable uses within non-residential zone districts is desirable to help promote economic development and sustainability in Town; and

WHEREAS, in order to do so, commercial districts need to provide a variety of goods and services to serve residents and visitors to the community; and

WHEREAS, the availability of facilities which provide pet care services would enable individuals and families to ensure proper pet care during times of their absence whether for visits to dining or shopping or other local destinations, or for extended periods; and

WHEREAS, by providing a necessary service to pet owners, pet care facilities are an appropriate principal permitted use within certain zone districts of the Town of Westfield; and

WHEREAS, by listing pet care facilities as a permitted principal use within the CBD and GB-1 Zone Districts the use would be permitted, but could only operate within the confines of a building due to existing restrictions regarding business conducted outside the confines of a building within those districts; and,

WHEREAS, by listing pet care facilities as a permitted principal use within the GB-2 Zone District the use would be permitted, however, restrictions on operating outside of the confines of a building for pet care facilities is not appropriate in the GB-2 zone district given the predominance of lots developed with only non-residential uses; and,

WHEREAS, the Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein.

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

SECTION I. Article 2, Section 2.13 titled “DEFINITIONS; P” is hereby amended and supplemented to include a new definition for Pet Care Facilities which shall be inserted as a new subsection H which shall read as set forth herein. The existing subsections H through W shall be re-lettered I through X respectively.

H. **Pet Care Facilities.** A building, structure, or portion thereof designed or used for daycare or overnight boarding, training, grooming of dogs, cats or other household domestic animals, and may offer services such as retail sales of pet care supplies and food and dog-walking.

SECTION II. Article 2, Section 2.14 titled “DEFINITIONS; R” is hereby amended by modifying the existing definition for Retail Services at subsection H, to read as follows:

H. **Retail services.** The rendering of services or entertainment, as opposed to products, to the general public, such as theaters, amusement and recreation services and facilities, studios for the instruction of the arts, including dance studios, music, gymnastics, or martial arts, museums and galleries and pet care facilities.

SECTION III. Article 11, Section 11.25 titled “CBD CENTRAL BUSINESS DISTRICT”, subsection A. titled “Principal Uses and Structures” is hereby amended by adding Pet Care Facilities as a new subsection 11 which shall read as follows:

11. Pet Care Facilities

SECTION IV. Article 11, Section 11.26 titled “GB-1 GENERAL BUSINESS DISTRICT”, subsection A. titled “Principal Uses and Structures” is hereby amended by adding Pet Care Facilities as a new subsection 11 which shall read as follows:

11. Pet Care Facilities

SECTION V. Article 11, Section 11.27 titled “GB-2 GENERAL BUSINESS DISTRICT”, subsection A. titled “Principal Uses and Structures” is hereby amended by adding Pet Care Facilities as a new subsection 12 which shall read as follows:

12. Pet Care Facilities

SECTION VI. Article 11, Section 11.27 titled “GB-2 GENERAL BUSINESS DISTRICT”, subsection D. titled “Prohibited Uses and Structures”, subsection 9 is hereby amended to read as follows:

9. any business conducted outside the confines of a building, except for uses customarily subordinate or incidental to pet care facilities, except as may be specifically permitted by this ordinance and except those temporary activities permitted by special permission from the Town Council.

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

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2188

**AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING
THE DEMOLITIONS REQUIREMENTS OF THE TOWN CODE**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) are charged with setting forth standards with respect to the demolition of all structures and buildings within the Town, including the requirements of the permitting process thereof; and

WHEREAS, the Mayor and Town Council shall, from time-to-time, update the policies and procedures in place regarding the demolition of structures and buildings within the Town to stay consistent with current practices and the laws of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Chapter 8, “Buildings,” Article IA, “Demolitions,” of the Town Code shall be and is hereby amended and supplemented by the addition of the following:

§ 8-5. Permit Required.

The demolition of any structure or building within the Town of Westfield shall require a permit from the Zoning Official of the Town of Westfield. For purposes of this Article IA, the term "demolition" shall be defined as the removal, destruction or demolition of more than 75% of the area or volume, whichever is more restrictive, of the whole building or structure at the time of the partial demolition. . In the event of doubt as to whether the proposed action to the building or structure is a demolition within the meaning of this article, the decision of the Zoning Official shall be final, but may be appealed to the Zoning Board of Adjustment.

§ 8-6. Procedure to Obtain Permit.

- (a)** A person seeking a permit to demolish a building or structure within the Town of Westfield shall first apply for such permit at the office of the Zoning Official of the Town and said

application shall be on forms provided by the Zoning Official. Such application shall require the following information:

- (1) Name and address of the owner of the building or structure;
 - (2) The name and address of the contractor who will demolish the building or structure;
 - (3) A statement as to the liability insurance coverage of said contractor for said work which shall be in a minimum amount of \$300,000, which shall set forth amount of coverage, insurance company and insurance agent;
 - (4) The written consent of the owner of the property and any mortgagees who may hold a mortgage on the property to demolish the building or structure;
 - (5) Proof that the taxes on the property are current.
- (b) The Zoning Official shall determine compliance with requirements of this article for obtaining a permit to demolish.

§ 8-7. Requirements to Obtain Permit

- (a) The following requirements must be met before a permit shall be approved by the Construction Official:
- (1) A copy of the demolition approval issued by the Zoning Official dated no more than 30 days prior to the application for a Uniform Construction Code permit for demolition;
 - (2) All fees required by this chapter are paid;
 - (3) Statements from the utilities supplying telephone, cable television, electricity, water and gas that these utilities have been disconnected from the structure or building at the street line;
 - (4) Inspection by the Fire Subcode Official and/or Fire Prevention Officer of the Town of Westfield to determine that all flammable, explosive, toxic, or otherwise hazardous materials have been removed from the building or structure and certification by him that the building or structure is free of such flammable, explosive, toxic or otherwise hazardous materials and safe to demolish. By requesting a permit, the applicant authorizes inspection of the interior and exterior of the premises;
 - (5) Proof satisfactory to the Construction Official that provisions have been made to remove all debris, and fill any excavation below grade level which remains as a result of the demolition with clean fill;
 - (6) Proof of compliance with all applicable provisions of the Town Code;
 - (7) Proof that rodent baiting has been done at the property for at least seven days;
 - (8) Asbestos.
 - a. Submission of an appropriate certification from a licensed asbestos contractor following an inspection of the building or structure certifying that no asbestos is

located at, on or in any building or structure located on the property; or

- b.** Submission of an appropriate certification from a licensed asbestos contractor that any asbestos located at, on, or in any building or structure located on the property has been removed and disposed of in accordance with all applicable federal, state and local laws and regulations.

(b) A copy of any such demolition permit approval issued by the Construction Official shall be sent to the Town Administrator on a monthly basis.

§ 8-8. Notice.

(a) Following approval of a person's application to demolish a building or structure within the Town of Westfield, the owner of the property or an authorized agent of the owner shall provide notice in the manner set forth herein.

(b) The owner of the property for which a demolition approval has been granted shall provide to each owner of lots adjoining the subject property and to the owners of wired or other facilities, the temporary removal of which may be necessitated by the proposed work, notice that a demolition approval has been approved by the Zoning Official.

(c) The notice shall contain the following information:

(1) The date of the approval of the demolition.

(2) Contact information for the owner of the property and the contractor to perform the demolition including name, address and telephone number and cellular telephone information, if any.

(3) The estimated date of the demolition of the building or structure on the property.

(d) Notice to adjoining property owners shall be given at least three(3) business days prior to the proposed demolition 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.

(e) The owner or his authorized agent shall file an affidavit of proof of service of the notice required by this section with the Construction Official.

(f) Demolitions shall be prohibited on weekends and federal public holidays.

§ 8-9. Issuance of Permit.

The Construction Official shall issue a permit for demolition sought pursuant to this article only after all of the following requirements have been met:

- (a) Filing of a complete application as required by § 8-6.
- (b) Compliance with the requirements of § 8-7.
- (c) Receipt of proof of service of the notice required by § 8-8.
- (d) The passage of three additional business days following filing with the Construction Official of proof of service of the notice required by § 8-8.

§ 8-10. Action Required by Persons Demolishing a Building or Structure.

Within five working days after demolition is complete, all debris shall be removed from the site and any excavation resulting shall be filled with clean fill unless an extension of such time is obtained from the Construction Official for good cause shown.

§ 8-11. Exceptions for Emergencies and Demolitions by the Town of Westfield.

In the case of emergencies where there is a present danger to persons or property because of the condition of a structure or building as a result of fire, explosion or other cause, the Construction Official or the Town Engineer shall have the power to issue a demolition permit at his own discretion so long as he is satisfied that a bona fide emergency exists and that the structure to be demolished has been disconnected from all utility services as required by this article and that no hazards exist within the building which would render it dangerous to demolish. The Town of Westfield shall be exempt from the requirements of obtaining a permit under this article for the demolition of any building or structure by the Town of Westfield, but the Town shall comply with all safety requirements of this article.

§ 8-11.1. Violations and Penalties.

Any person commencing demolition or demolishing any building or structure or who causes or suffers the demolition of any building or structure within the Town of Westfield without first

having obtained a zoning approval and/or a permit therefor; or having demolished a building or structure and/or, fails to remove the debris or fill any excavations as provided herein, shall be deemed in violation of this article. In the event of such violation, the Construction Official shall cause a summons and complaint to be issued returnable in the municipal court charging violation of this article. Penalty for violation shall be a fine not more than \$1,000, no more than 30 days in jail, or both. Each day that such offense continues shall be considered a separate offense.

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

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8 2020

RESOLVED, that the Chief Financial Officer be and hereby is, authorized to draw warrant for unused parking permit fee as follows:

QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080137	\$250.00
QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080138	\$250.00
QTrade Management 240-244 North Avenue Westfield, NJ 07090	Lot 8	#20080134	\$250.00
Michael Rohwetter 226 Golf Edge Road Westfield, NJ 07090	Lot 3	#20030319	\$290.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$45.00 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of August 2020.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Competitive Aluminum
3 Jacqueline Court
Edison, NJ 08820

Amount of refund: \$975.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

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

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Sheila Fichtner 636 Norwood Dr Westfield, NJ 07090	#195 Membership Refund 0-03-55-920-202	Pool Membership 2020 Resident/Family 4 or less Sheila Fichtner Family	\$420.00
Tiffany Raina 15 Sagamore Drive North Caldwell, NJ 07006	#195 Membership Refund 0-03-55-920-202	Pool Membership 2020 Change in Membership Tiffany Raina Family	\$193.00

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 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:

<u>Block/Lot/Qualifier</u>		<u>Quarter/Year</u>
<u>Name</u>	<u>Property Address</u>	<u>Amount</u>
101/3.09	22 Trails End Court	3 rd /2020
Kardias, William & Helen		

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2019 pursuant to the Tax Court of New Jersey:

Block/Lot

<u>Name</u>	<u>Address</u>	<u>Year</u>	<u>Amount</u>
5117/7	36 Mohawk Trail	2019	\$2,975.60
Calandra, Anthony & Samantha			

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, Dianne Schaupp, 955 Summit Avenue Westfield, NJ made an application for a permit through a contractor for a standby generator at 955 Summit Avenue Westfield, NJ, on June 23, 2020,

WHEREAS, the building department calculated a fee of \$355 for the permit, the fee was paid by Dianne Schaupp on July 13, 2020 with check number 4660, and the permit was issued,

WHEREAS, subsequent to the issuance of the permit it was determined that the natural gas supply to the property was inadequate and would require an upgrade. With the additional expense for the upgrade Dianne Schaupp has decided to not move forward with this work,

WHEREAS, Dianne Schaupp has requested a refund of the permit fee, and is entitled to a refund of \$284 which represents the inspection portion (80%) of the permit fee, the plan review portion (20%) of the permit fee is retained by the municipality for the service performed in reviewing the application,

NOW THEREFORE BE IT RESOLVED that the Chief Financial Officer be, and hereby is authorized to draw a warrant in the sum of \$284.00 payable to Dianne Schaupp.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 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 \$4,755.40, which is now available from the Federal Bullet Proof Vest Partnership Program; and

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

General Appropriations	
Federal Bullet Proof Vest Partnership Program	\$4,755.40

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

SEPTEMBER 8, 2020

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for tree plantings in Union County municipalities under its Greening Union County initiative; and

WHEREAS, the Town of Westfield desires to participate in the 2020 Greening Union County program; and

WHEREAS, matching funds in the amount of \$20,800.00 will be certified by the Chief Financial Officer to be charged to account no. 20-01-137-255.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Greening Union County” grant in the amount of \$20,800.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, the Union County Board of Chosen Freeholders is allocating matching grant dollars for recreational improvements in the municipality, allowing each municipality the opportunity to address their specific need; and

WHEREAS, the Recreation Commission of the Town of Westfield has determined that there is a need for Edison School Field Master Plan, various Recreation Equipment for Tamaques Park and an ADA study for all municipal parks the Town of Westfield; and

WHEREAS, matching funds in the amount of \$52,500.00 will be certified by the Chief Financial Officer to be charged to account #T-05-600-076.

NOW THEREFORE BE IT RESOLVED the proper Town officials be, and hereby are authorized and directed to file an application with the Union County Open Space, Recreation & Historic Preservation Trust Fund for a “Kids Recreation Trust Fund” grant in the amount of \$30,900.00.

BE IT FUTHER RESOLVED that the proper Town officials be, and hereby are, authorized and directed to enter into a contract as prepared by the Union County Law Department.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, a need exists for the purchase and installation of playground equipment for Sycamore Park; and

WHEREAS, at a meeting held August 11, 2020, the Town Council of the Town of Westfield adopted Resolution No. 172-2020 authorizing an award of contract to Ben Shaffer Recreation Inc. for the aforementioned product and services in the amount of \$66,388.02; and

WHEREAS, the Westfield Recreation Commission has recommended that the playground equipment originally ordered through Ben Shaffer Recreation Inc. be amended to replace and add a unit that includes additional features; and

WHEREAS, Ben Shaffer Recreation Inc. has indicated that the cost for the playground unit recommended by the Westfield Recreation Commission would be a difference of \$23,263.46 for a total cost of \$89,651.48; and

WHEREAS, Ben Shaffer Recreation Inc. is authorized to offer playground systems, installation, service and related items through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; and

WHEREAS, this equipment would be sufficient to meet the needs of the Town of Westfield; and

WHEREAS, the New Jersey Local Public Contracts Law (40A:11-3) requires that purchases through a Cooperative Purchasing Agreement be authorized by resolution of the governing body; and

WHEREAS, the Town of Westfield applied for and was awarded funds for this project through the Union County Open Space, Recreation and Historic Preservation Trust Fund, Kids Recreation Trust Grant in the amount of \$30,000 to offset the total cost; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment of \$59,651.48 to be charged to the Park Improvement Trust Fund (T-05-600-076) and \$30,000.00 to be charged to Kids Recreation Trust Fund Grant (0-01-55-900-232) under PO #20-02472 prepared in accordance with N.J.A.C. 5:30 1.10.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Westfield hereby authorizes an amendment to the award of contract to Ben Shaffer Recreation for the purchase and installation of playground equipment for Sycamore Park through the Educational Services Commission of New Jersey Cooperative System, Contract No. ESCNJ 20/221-02; 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 and discharge of this Contract.

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

FINANCE POLICY COMMITTEE

September 8, 2020

WHEREAS, the Town of Westfield requires **Crossing Guard Services for the Westfield Police Department** for term beginning July 1, 2020 and ending June 30, 2021; and

WHEREAS, N.J.S.A. 40A:11-5(1)(a)(ii), N.J.S.A. 18A:18A-5(a)(2), and N.J.A.C. 5:34-2.1, et seq. permit contracting units to award contracts without competitive bidding for extraordinary unspecifiable services; and

WHEREAS, the services required involves expertise, training, and proven reputation, especially during a global pandemic such as the one presented by COVID-19; and

WHEREAS, All City Management Services, 10440 Pioneer Boulevard, Suite 5, Santa Fe Springs, CA 90670 has offered to perform the services required for in an amount not expected to exceed \$530,000; and

WHEREAS, the Town Treasurer has certified to the availability of adequate funds for payment, of which will be \$215,000 charged to Account 0-01-132-111, with the balance charged to the account in the 2021 operating budget, and said certification has been prepared in accordance with N.J.A.C. 5:30 1.10, under Purchase Order 20-02959.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that a contract for **Crossing Guard Services for the Westfield Police Department** be and hereby is awarded to All City Management Services at a cost not expected to exceed \$530,000, of which \$215,000 is to be charged to the 2020 operating budget with the remaining balance of \$315,000 subject to the availability of funds in the 2021 operating budget; and

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2020

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, the Town of Westfield has maintained Change Funds at various locations, which allows for departments to make change for those residents who pay cash for taxes, permits, pool admission fees, Police Department reports and other fees; and

WHEREAS, the Chief Financial Officer has reviewed these Funds with each Department Head and has determined that efficiencies can be reached by changing the number and sources of Change Funds; and

WHEREAS, Change Funds were last amended by resolution 177-2018 at the July 10, 2018 meeting of the Westfield Town Council, and since that time, the Records Department has requested adding a minimal amount for their department and the Tax Collector's office has requested an increase in the amount of change they keep on hand for those residents and customers who may pay by cash.

NOW, THEREFORE BE IT RESOLVED that the Schedule of Change Funds be amended as follows:

<u>Department</u>	<u>Original Amount</u>	<u>Revised Amount</u>
Records (Police)	-	<u>\$30</u>
Tax Collector	\$100	<u>\$200</u>
Total, all Departments:	\$1,120	<u>\$1,250</u>

TOWN OF WESTFIELD
RESOLUTION
-2020

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, on March 22, 2018, the Town of Westfield adopted Resolution 123-2018 Establishing Policies and Procedures for the use of Procurement Cards, and Resolution 124-2018 Authorizing the use of a Procurement Card Program, and

WHEREAS, the Administrator and Chief Financial Officer have determined that an increase in the company credit limit as well as the individual credit limit is warranted.

NOW, THEREFORE BE IT RESOLVED that Section II of the Procurement Card PILOT Program Policy & Procedures be amended as follows:

“Limits on cards will be established by amount, time and category of usage permissible with a transaction limit not to exceed ~~\$1,000~~ \$5,000 per month during the PILOT.”

BE IT FURTHER RESOLVED that the total credit limit for the Town of Westfield be increased from \$3,000.00 to \$15,000.00.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2020

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

FINANCE POLICY COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Town Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Town Council of the Town of Westfield, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

Public Safety, Transportation and Parking Committee
2020

September 8,

WHEREAS, the Town of Westfield has undertaken the development of a bicycle and pedestrian plan as part of the New Jersey Department of Transportation’s Local Bicycle/Pedestrian Planning Assistance Program, which seeks to foster the development of non-motorized transportation modes in accordance with statewide goals and local needs; and

WHEREAS, in March 2019, NJDOT awarded a planning grant through the Local Bicycle/Pedestrian Planning Assistance Program to Westfield; and

WHEREAS, the project team completed a comprehensive, town-wide assessment of existing conditions related to walking and biking in Westfield; and

WHEREAS, this analysis, combined with community and stakeholder input, led to the development of the Westfield Bicycle and Pedestrian Plan (“Plan”), a framework strategy released in November of 2019 intended to guide the planning, design, and implementation of future bicycle improvement projects and policies in the Town; and

WHEREAS, the Plan was developed concurrently with Westfield’s Master Plan Reexamination and Parks & Recreation Strategic Plan, both of which support making Westfield a more bikeable community and builds on Westfield’s previous commitment to nonmotorized traffic through the adoption of a Complete Streets Policy in 2013; and

WHEREAS, the recommendations outlined in the Plan are designed to provide safe and convenient access to activity generators for non-motorized forms of transportation, and the range of actions necessary to implement the recommendations varies based on the recommended facility type and character of the existing street. Adhering to national design guidance (Manual of Uniform Traffic Control Devices, “MUTCD”) and best practices for bicycle facilities promotes a universal understanding of bicyclist and motorist behavior and expectations for a given facility type among all roadway users; and

WHEREAS, “shared-lanes” are recommended on segments of roads where limited cartway widths and/or high demand for onstreet parking make adding dedicated bicycle facilities problematic; and

WHEREAS, “shared-lane” markings may be used to indicate a shared environment for bicycles and automobiles and are typically applied on streets with a speed limit of 25 mph or less; and

WHEREAS, Prospect Street from West Dudley Avenue to East Broad Street has been identified as a suitable candidate for the installation of “shared-lane” markings to assert the legitimacy of bicyclists on the roadway, provide directional and wayfinding guidance, and provide motorists with visual cues to anticipate the presence of bicyclists;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Westfield that MUTCD-compliant, Complete Streets compatible and Plan-recommended “shared-lane” markings be applied in one direction on Prospect Street heading southeasterly from West Dudley Avenue to East Broad Street.

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES
FOR CIVIC, COMMERCIAL, AND RESIDENTIAL BUILDINGS**

CODE REVIEW AND TOWN PROPERTY COMMITTEE SEPTEMBER 8, 2020

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council); and

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Town of Westfield's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation, and maintenance of buildings; and

WHEREAS, the Town of Westfield desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock and continued procurement practices (e.g. improve water conservation, reduce light pollution, increase construction waste recycling); and

WHEREAS, the Town of Westfield additionally wishes to support green building in the private sector through a combination of voluntary actions (e.g., including a green building scorecard as a discussion item within the Site Plan approval process), actions that may be required in the future although not at the time of the adoption of this resolution (e.g., amending the Site Plan approval checklist to directly incorporate those green building standards available to a municipality), and educational actions (e.g., making available information on green building programs, guidelines, rebates etc. to residents of the municipality).

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal

buildings and facilities, and will encourage green design for commercial and residential buildings.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

SEPTEMBER 8, 2020

**RESOLUTION OF THE TOWN OF WESTFIELD, COUNTY OF UNION, STATE
OF NEW JERSEY, REFERRING REHABILITATION AREA STUDY AND
RESOLUTION TO PLANNING BOARD FOR REVIEW**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, *et seq.* (the “**Redevelopment Law**”) provides a mechanism to empower and assist local governments to promote the advancement of community interests through programs of redevelopment for the expansion and improvement of commercial, industrial, residential and civic facilities; and

WHEREAS, the Redevelopment Law empowers the Town of Westfield (the “**Town**”), by and through its Mayor and Council (the “**Governing Body**”), to delineate an area within the Town as an area in need of rehabilitation if the area qualifies under one of the criteria enumerated under *N.J.S.A.* 40A:12A-14; and

WHEREAS, *N.J.S.A.* 40A:12A-14 provides that “where warranted by consideration of the overall conditions and requirements of the community, a finding of need for rehabilitation may extend to the entire area of a municipality”; and

WHEREAS, Town Planner, Donald B. Sammet, PP/AICP, and Town Engineer, Kris McAloon, PE, had been directed to investigate whether the Town in its entirety (the “**Study Area**”) qualified as an area in need of rehabilitation pursuant to the Redevelopment Law; and

WHEREAS, Mr. Sammet and Mr. McAloon prepared a report entitled “*Town of Westfield Area in Need of Rehabilitation Study*” dated August 26, 2020 which is attached hereto as Exhibit A (the “**Study Report**”); and

WHEREAS, the Study Report concludes that because (a) a majority of water and sewer infrastructure in the Study Area is at least 50 years old and is in need of repair or substantial maintenance and (b) because more than half of the housing stock in the Study Area is at least 50 years old, the Study Area qualifies as an area in need of rehabilitation under the Redevelopment Law; and

WHEREAS, the Redevelopment Law requires that the Mayor and Council refer the Study Report and any proposed resolution delineating the Study Area (the “**Proposed Resolution**”), a copy of which is attached hereto as Exhibit B, to the Planning Board for review.

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:

1. The Clerk is hereby directed to refer the Study Report and Proposed Resolution to the Planning Board for review and recommendation. Within forty-five (45) days of its receipt of the Study Report and Proposed Resolution, the Planning Board shall conduct its review at an open meeting and shall adopt and deliver to the Mayor and Council a resolution recommending that the Proposed Resolution be adopted, not be adopted, or be adopted with amendments.

2. All Town officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

3. This Resolution shall take effect immediately.

EXHIBIT A

Study Report

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

GENERAL ORDINANCE NO. 2189

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD REVISING THE SUBMISSION REQUIREMENTS FOR PRELIMINARY AND FINAL SITE PLAN AND PRELIMINARY AND FINAL SUBDIVISION APPLICATIONS

WHEREAS, on June 9, 2020 the Mayor and Council of the Town of Westfield adopted Resolution Number 127-2020 which adopted a Sustainable Land Use Pledge that resolves to apply land use principles when completing Master Plan Elements and amending Town land use ordinances; and

WHEREAS, on September 8, 2020 the Town of Westfield adopted a resolution establishing a Green Building Policy for civic, commercial, and residential buildings that includes a pledge to continue to incorporate the principles of green design and renewable energy generation to the extent feasible in municipal buildings and design and when updating site plan and subdivision requirements for residential and commercial buildings and properties; and

WHEREAS, the Mayor and Council of the Town of Westfield desire to incorporate a Green Development Checklist, that includes various green development design strategies that can be implemented as part of a residential or commercial development, into Article 9, entitled "Submission Requirements for Development Regulations" of the Land Use Ordinance of the Town of Westfield. The information provided in the checklist will guide and inform the dialogue between an applicant and the Town regarding possible options and opportunities to use resources more efficiently, promote smart economic development, improve the environment, and generally improve the quality of life in the Town; and

WHEREAS, the Mayor and Council of the Town of Westfield finds that the public welfare will be served by assuring further development is consistent with the Town's desire to create a more sustainable community; and

NOW, THEREFORE BE IT ORDAINED, as follows:

Section I. Article 9, titled “Submission Requirements for Development Applications”, is hereby amended by adding a new subsection 9.13 titled “Green Development Checklist” which shall read as follows:

§9.13 GREEN DEVELOPMENT CHECKLIST

In addition to the requirements indicated elsewhere in this article, all applications for preliminary and final major subdivision approval and preliminary and final major site plan approval shall complete and submit the following Green Development Checklist. Failure to do so will render the application incomplete. While completion of the checklist is mandatory, it is for information purposes only, and compliance with the items found herein will not become a condition of approval.

The checklist includes various green development design strategies that can be implemented as part of a residential or commercial development. The information provided in the checklist will guide and inform the dialogue between an applicant and the Town regarding possible options and opportunities to use resources more efficiently, promote smart economic development, improve the environment, and generally improve the quality of life in the Town.

The checklist is organized into three sections: first, it addresses the site within its regional and local context, looking at its physical location, development status, and availability of certain infrastructure; second, it addresses the impact of the proposed development on the site itself; and third, it addresses the structures on the site.

The applicant should provide examples of how they meet or address each of the items in the checklist.

	YES	No	COMMENTS
SECTION A. CONTEXT			
1. Is the site a redevelopment or brownfield site?			
2. Is the site served by public transit, or easily accessible on foot or by bicycle?			
3. Is there train service within ½ mile or bus service			

within ¼ mile?			
4. Are the roads within the development designed as "Complete Streets?" <i>(Examples: sidewalks, enhanced crosswalks, traffic calming, bike lanes, transit shelters)</i>			
5. Does the development include historic preservation, or adaptive reuse of existing facilities?			
6. Does the site's location, scale or use support the historic context of surrounding historic properties?			
7. Does the development provide or enhance the following:			
a) A mix of land use types? Please list.			
b) Housing diversity by type and income?			
c) Civic & public spaces or have proximity to them? <i>(Examples: open plazas, courtyards, public art)</i>			
d) Recreation facilities and green space/parks (or have proximity to them) and is it part of an integrated network?			
e) Alternative parking designs such as reduced parking ratios, compact stalls, banked parking, shared parking, priority parking for low emission vehicles and provisions for bicycle storage?			
f) Access to or partnerships with local farms or farmers' markets to promote local food production?			
g) Open space?			
h) Natural features such as rivers, streams, shorelines, wetlands, forests, or wildlife habitats?			

i) Pedestrian access to waterfronts?			
j) Regional stormwater management? (A regional stormwater management plan addresses stormwater-related water quality and water quantity impacts of new and existing land uses on a drainage area basis and is not limited to on-site stormwater management measures.)			

	YES	No	COMMENTS
SECTION B. SITE DEVELOPMENT			
1. Does the design provide for the following:			
a) Minimum site disturbance during construction? [SJ]			
b) Increased erosion and sedimentation control beyond county or municipal requirements?			
c) Low Impact Design features such as:			
▪ Bio-swales			
▪ Rain gardens			
▪ Green Roofs			
▪ Pervious pavements			
▪ Green Walls (Also known as vertical gardens, they are designed and engineered for maximum biofiltration of indoor air, thermal regulation and aesthetics.)			
▪ Trees (beyond that required by the ordinance)			
▪ Indigenous plant species (non-invasive species, low maintenance landscaping)			
▪ Onsite management of vegetative waste			
d) Regenerative Design?			
▪ Does the site design conserve habitat, wetlands or water bodies?			
▪ Does the site design include restoration of habitat, wetlands or water bodies?			

<ul style="list-style-type: none"> ■ Does the project include long-term conservation management of habitat, wetlands or water bodies? 			
2. Does the site minimize heat island effects through reduced paving, enhanced landscaping, green roofs, or other methods?			
3. Does the site provide alternatives to single occupancy vehicles such as van spaces, bike storage and changing facilities, and alternative energy vehicle parking?			
4. Does the site include light pollution reduction techniques that help prevent misdirected or excessive light to reduce glare, light trespass, and sky-glow?			
5. Does the site include energy efficient site lighting and controls?			
6. Have steps been taken to limit disruption of natural hydrology by reducing impervious cover or increasing on-site infiltration?			
7. On sites adjacent to waterways - have slopes and existing vegetation been stabilized and protected?			
8. Do the landscape and stormwater management specifications employ integrated pest management practices? <i>(1PM takes advantage of all appropriate pest management options including, but not limited to, the judicious use of</i>			

pesticides.)			
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	YES	No	COMMENTS
SECTION C. GREEN BUILDING			
<p>1. Does the building(s) meet any criteria for a Certified Green Building?</p> <p><i>(A Green Building - also referred to as sustainable or high-performance building - is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. Green building programs and guidelines commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building. For more info visit: http://rcgb.rutgers.edu or https://new.usgbc.org/leed)</i></p>			
<p>2. Is the building oriented to maximize the benefits of daylighting and energy conservation and minimize any detrimental impacts on surrounding sites?</p> <p><i>{Example - Maximize southern building exposure for solar energy, orient building to minimize effects of cold winter winds and maximize cool summer breezes. Minimize shadows on open space and other buildings.}</i></p>			
3. Water Reduction			

a) Does the building provide a 20% or greater reduction beyond minimum water efficiency standards set by the EPA or local government whichever is greater? http://www.epa.gov/watersense			
b) Does the building employ water conservation features including low-flow fixtures, waterless urinals, or sensor-controlled faucets?			
c) Does the building capture and re-use rainwater, gray water or storm water?			
d) Is wastewater treated onsite and recharged to the ground?			
4. Energy			
a) Does the building reduce energy usage through efficient heating and cooling, geothermal technology, enhanced daylighting, efficient lighting, occupant controls and an efficient building envelope?			
b) Does the project incorporate Energy Star-labeled building products?			
c) Does the building include onsite energy generation, e.g. solar or wind?			
d) What is the anticipated energy savings expected to be realized from any or all of the above?			
e) What are the anticipated carbon emission reductions			
5. Indoor Air Quality			
a) Does the building utilize natural ventilation and efficient use of outdoor air during heating and cooling periods?			
b) Are other measures such as reducing the quantity of VOCs from adhesives,			

sealants, paints, composite wood systems and carpet systems being used to improve indoor air quality?			
6. Materials			
a) Is an existing building being reused? If so, to what extent - 100%, 75%, 50%?			
b) Are there waste management/recycling plans in place to divert construction, demolition and land clearing debris from landfill disposal?			
c) Are any building materials reused on or off-site?			
d) Do new building materials contain recycled content? If so, to what extent (%)?			
e) Are building materials extracted, processed or manufactured locally or within the region (within a 500 mile radius)?			

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. 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 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. 2190

**AN ORDINANCE OF THE TOWN OF WESTFIELD AMENDING
THE EXTERIOR PROPERTY MAINTENANCE CODE**

WHEREAS, the Mayor and Town Council of the Town of Westfield (the “Town”) are charged with setting forth standards with respect to structures and premises, establishing minimum maintenance standards for the exterior of all premises, fixing the responsibility of owners and occupants of premises, providing for remedial actions and penalties, and protecting the values of adjacent properties, health and safety standards and maintaining the aesthetics of the Town; and

WHEREAS, all native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious may damage trees, vegetation, or structures. Examples include, but are not limited to, bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak; and

WHEREAS, the Mayor and Town Council have therefore determined that regulating the planting and growth of bamboo in order to protect and promote the public health through the control of the growth of invasive plant species is necessary, and that failure to control the spread of such vines and vegetation beyond the boundaries of a resident’s property is a violation of this article; and

WHEREAS, the Mayor and Town Council have further determined that it is necessary to shorten the time frame to comply with the Exterior Property Maintenance Code to ensure compliance by property owners in a timely manner.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION I. Chapter 35, “Exterior Property Maintenance Code, Section 35-1.1, “Title; Policy; Purpose,” of the Town Code shall be and is hereby amended and supplemented by the addition of the following:

§ 35-1.1 Title; Policy; Purpose

- (a) Title. This chapter shall be known as the “Exterior Property Maintenance Code of the Town of Westfield” and will hereinafter in this chapter be referred to as “the Exterior Property Maintenance Code.”
- (b) Findings and declaration of policy. It is found and declared that there exist in the Town of Westfield vacant lots and premises used for residential and nonresidential purposes which are or may become in the future substandard with respect to structure or maintenance and, further, that such conditions, including, without limitation, structural deterioration; lack of maintenance of the exterior of premises; uncontrollable growth of grass, weeds, or invasive

plant species; and infestations of vermin are or could become injurious to the public health, safety, and welfare.

- (c) Purpose. This Exterior Property Maintenance Code sets forth standards with respect to structures and premises, establishes minimum maintenance standards for the exterior of all premises, fixes the responsibility of owners and occupants of premises, provides for remedial actions and penalties, and is intended to be enforced to protect the values of adjacent properties, health and safety standards and to maintain the aesthetics of the Town.

SECTION II. Chapter 35, “Exterior Property Maintenance Code, Section 35-3.2, “Terms Defined,” of the Town Code shall be and is hereby amended and supplemented by the addition of the following:

§ 35-3.2 Terms Defined

As used in this chapter, the following terms shall have the meanings indicated:

APPROVED

As applied to material, device or method of construction, shall mean approved by other authority designated by law to give approval in the matter in question.

BLIGHTED CONDITION

A condition when the premises are in a state of deterioration so as to present a distracting appearance to the neighborhood.

CONDEMN

To determine unfit for use or occupancy.

CONDEMNATION

The act of condemning in accordance with this Exterior Property Maintenance Code or the Uniform Construction Code.

DWELLING UNIT

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

ENFORCEMENT OFFICER

The enforcement officer shall be a properly qualified Town employee as designated from time to time by the Town Administrator, including, without limitation, the Town Construction Official. More than one enforcement officer may be designated by the Town Administrator.

EXTERIOR PROPERTY MAINTENANCE CODE COMMITTEE

A committee of Town officials consisting of the Town Administrator, the Town Engineer, the Town Health Officer, the Town Construction Official and the Town Planner or their respective designee. Any hearing before such committee shall be attended by at least three of such persons.

EXTERMINATION

The control and elimination of insects, rats or pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE

The animal, vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION

The presence within or contiguous to a structure or premises of rats, vermin or other rodents, squirrels, skunks or raccoons.

INVASIVE PLANT SPECIES

All native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include, but are not limited to, bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

MAINTENANCE

The acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this Exterior Property Maintenance Code and other applicable statutes, codes and ordinances.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS-4)

A conveyance or system of conveyances (including Roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Town or other public body, and is designed and used for collecting and conveying stormwater.

OCCUPANT

Any person, including domestic service employees, living and/or sleeping in a dwelling unit or having possession of a space within a structure.

OPERATOR

Any person who has charge, care or control of a premises, or part thereof, whether with or without the knowledge and consent of the owner.

OWNER

Any person having the legal or equitable interest in the property; or recorded in the official records of state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON

Any individual, corporation, company, partnership, limited-liability company, firm, trust, association, or political subdivision of this state subject to municipal jurisdiction.

PREMISES

A lot, plot or parcel of land, including any buildings or structures thereon.

PUBLIC NUISANCE

Shall mean and include, without limitation, the following:

- (a) The physical condition or use of any premises which is recognized in law or equity jurisprudence, or as provided by the Statutes of the State of New Jersey or in the ordinances of the Town as a public nuisance;
- (b) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements and excavations;
- (c) Any premises which has unsanitary sewage facilities;
- (d) Any premises designated as unsafe for human habitation or use;
- (e) Any premises on which is stored flammable substances in an unsafe manner;
- (f) Any premises with respect to which the required precautions against trespassers have not been provided;
- (g) Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of grass, weeds, invasive plant species, or other vegetation and/or which premises is deficient of an established front lawn;

- (h) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

RUBBISH

All combustible and noncombustible waste material, or packaged recyclables, except garbage, including, without limitation, paper, cartons, boxes, wood, rubber, plastic, leather, tree branches, tree limbs or tree roots, tree rounds, yard trimmings, metal containers, glass, dead animals, excavation materials, abandoned bricks and other construction materials, industrial waste and abandoned motor vehicles and boats.

STORM DRAIN INLET

An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

STRUCTURE

Any assembly of materials forming a construction, including, but not limited to, buildings, stadiums, tents, platforms, towers, poles, aboveground and below ground storage tanks, trestles, sheds, bins, shelters, fences, walls, mobile homes or trailers, portable buildings, display racks and signs, swimming pools, tennis courts, decks and patios.

SUPPLIED

Installed, furnished or provided by the owner or operator.

UNIFORM CONSTRUCTION CODE

The Uniform Construction Code adopted by the State of New Jersey for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

WATERS OF THE STATE

The ocean and its estuaries, all springs, streams and bodies of surface- or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Chapter 35, “Exterior Property Maintenance Code, Section 35-7.9, “Grass and Other Plant Growth,” of the Town Code shall be and is hereby amended by the following:

§ 35-7.9 Grass and Other Plant Growth

- (a) All premises shall be maintained free from grass growth, weeds or other invasive plant species growth which are detrimental to the public health and welfare, or excessively

overgrown as compared to the character and condition of the surrounding properties and where the same could constitute a blighted condition or public nuisance.

- (b) Failure to control the spread of such grass growth, weeds, or other invasive plant species growth beyond the boundaries of a resident's property is a violation of this Chapter. All new in-ground plantings of invasive plant species are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive plant species beyond the boundaries of a resident's property.
- (c) Whenever grass growth, weeds, or invasive plant species growth as defined by this Chapter is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a notice or order shall be given to the owner of the property from which the invasive plant species has spread, in writing, to remove or abate the invasive plant species within the time allotted by this Chapter. The cost of all remedies, including the removal of plantings of invasive plant species, shall be borne by the property owner.

SECTION IV. Chapter 35, "Exterior Property Maintenance Code, Section 35-10.3, "Contents of Notices and Orders," of the Town Code shall be and is hereby amended by the following:

§ 35-10.3 Contents of Notices and Orders

A notice or order pursuant to this Exterior Property Maintenance Code shall:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the reason or reasons why it is being issued.
- (d) In the case of a condemnation order, include a date by which the premises must be vacated and closed up.
- (e) If applicable, include a correction order allowing fourteen (14) days for the repairs and improvements required to bring the premises into compliance with this Exterior Property Maintenance Code. The recipient of said notice may apply in writing for an extension of time for such work to be completed to the enforcement officer which may be granted or denied at the discretion of the enforcement officer. A shorter time period may be required by the enforcement officer if in his opinion it is required for reasons of public safety.
- (f) Include an explanation of the owner's right to seek modification or withdrawal of the notice or order by petition of appeal to the Exterior Property Maintenance Code Committee, or in the case of a demolition order, include a date by which application for a restraining order may be made to a court of competent jurisdiction.

(g) Include a statement of the penal and remedial provisions available to the Town for noncompliance.

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

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

PUBLIC WORKS COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, by Resolution 163-2019, adopted June 18, 2019, the Town Council of Westfield entered into a contract with Fischer Contracting Inc. for **2019 Various Road Improvements** as authorized by the Special Ordinance (S.O.) 2216A, 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 is to be charged to S.O. 2216A, account C-07-19-221-6A1 under Purchase Order #19-02343

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$88,938.33 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 Various Road Improvements** increasing the contract price to \$2,496,601.33.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION

PUBLIC WORKS COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, by Resolution 151-2020, adopted June 30, 2020, the Town of Westfield entered into a contract with Fischer Contracting Inc., for the **2020 Improvement of North Chestnut Street** as authorized by Special Ordinance (S.O.) 2216A, 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. 2216A, Account number C-07-19-221-6A1 under Purchase Order #20-01968.

NOW THEREFORE BE IT RESOLVED, that Change Order No. 1 in the amount of \$9,657.04 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 **2020 Improvement of North Chestnut Street** increasing the contract price to \$209,745.79.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

PUBLIC WORKS COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2020 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Wednesday, September 18, 2019, and

WHEREAS, the low bids received for **Part A – Hauling from the Street** (30 Cubic Yard Capacity (MINIMUM) Dump Trailers or Roll-off Containers with operators) have been analyzed and found to be fair and reasonable for the rental of this service; and

WHEREAS, the low bid received for **Part B - Loaders**, has been analyzed and found to be fair and reasonable for the rental of this service, and

WHEREAS, the Town received multiple bids for **Alternate A-1 – Hauling from the Street** (Tri-Axle Dump Trucks), however, has chosen not to award a contract for this item at this time; and

WHEREAS, Certificate of the Town Treasurer, certifying to 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 to be charged to Public Works account 137-246, in a total amount not expected to exceed \$170,000.00.

NOW THEREFORE BE IT RESOLVED, that the following contracts be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract

PART A
ELITE TRUCKING & RIGGING

P.O. Box 948
not to
Hopatcong, NJ 07843

Hauling from Street/Trucks w/operators (1) \$83.00/HR,
exceed \$40,000.00 under Purchase Order #20-02930

FRANK GALBRAITH & SON

831 Raitan Road
not
Scotch Plains, NJ 07076
02931

Hauling from Street/Trucks w/operators (1) at \$84.50/HR,
expected to exceed \$40,000.00 under Purchase Order #20-

AMERITICO DISPOSAL, INC.

2295 South Avenue

Scotch Plains, NJ 07076

Hauling from Street/Trucks w/operators (1) at \$84.50/HR,
not
expected to exceed \$40,000.00 under Purchase Order #20-
02932

PART B

JESCO, INC.

expected to
1790 Route 38

Front End Loaders w/o Operators (5) at \$63.00/HR, not
exceed \$50,000.00 under Purchase Order #20-02933

Mount Holly, NJ 08060

TOWN OF WESTFIELD
WESTFIELD NEW JERSEY

RESOLUTION NO.

CODE REVIEW & TOWN PROPERTY COMMITTEE

SEPTEMBER 8, 2020

BE IT RESOLVED that the Mayor and appropriate town officials are hereby authorized to sign the Interlocal Agreement for Leaf Collection Services between the Township of Scotch Plains and the Town of Westfield.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
RESOLUTION NO.

PUBLIC WORKS COMMITTEE

SEPTEMBER 8, 2020

WHEREAS, sealed bids were received by the Town Clerk on September 2, 2020 for the **2020 Improvement of Scotch Plains Avenue** in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$284,077.45, 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 is to be charged to S.O. 2216A, account #C-07-19-221-6A1, under Purchase Order PO# 20-02934 .

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$284,077.45 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, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY

RESOLUTION NO. 2020

COMMITTEE OF THE WHOLE

SEPTEMBER 8, 2020

WHEREAS, the Town Council of the Town of Westfield, in recognition of POW/MIA Remembrance Day on Friday, September 18, 2020, encourages all Veterans and Westfield residents to observe this important date while adhering to CDC guidelines designed to slow the spread of COVID-19; and

WHEREAS, Friday, September 18, 2020 has been declared “POW/MIA Remembrance Day” in the Town of Westfield, recognition day to give thanks, remember and honor the many brave men and women veterans who have given so much to make and keep us free and secure in this country; and

WHEREAS, POW/MIA Remembrance Day was established after the families of more than 2,500 Vietnam War prisoners of war and those missing in action wanted accountability from President Jimmy Carter and Congress; and

WHEREAS, since WWII, over 100,000 United States service members become POWs or MIA. The Defense POW/MIA Accounting Agency’s efforts to find these service members are constant. So far 41 men have been accounted for that went missing in the Korean War.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Westfield hereby declares Friday, September 18, 2020 as:

“POW/MIA Remembrance Day”