

## **VII. HISTORIC PRESERVATION ELEMENT**

### **INTRODUCTION**

The National Historic Preservation Act of 1966, as amended in 1980, has encouraged states and their component municipalities to assume active roles in historic preservation. New Jersey's Municipal Land Use Law NJSA 40:55D-1 et.seq. sets forth the standards, criteria, and procedures by which municipalities may regulate the use of land including the designation and regulation of Historic Sites or Districts.

The New Jersey Register of Historic Places was set up by legislation NJSA 13-1B-15.128 in 1970, which intends to preserve the State's historic, architectural, archeological, and cultural heritage. The State Register mirrors the National Register and lists the buildings, districts, sites, structures, and objects of national, state, and local significance.

In March 1984 the Mendham Historic District was nominated to and accepted by the National Register of Historic Places. This Register officially lists those historic and cultural resources of the Nation worthy of preservation.

In January 1986 New Jersey adopted historic preservation enabling legislation. These amendments to the Municipal Land Use Law (MLUL) allow for a "historic preservation plan" element of the Master Plan, a local ordinance, and a commission, officially establishing historic preservation planning as part of zoning. By making historic preservation an element of the Master Plan, the concept of historic preservation is incorporated into the planning process. After July 1, 1994, all Historic Sites and Districts designated in the zoning ordinance must be based on identification in the historic preservation plan element. The statute provides that the zoning ordinance may provide design criteria and guidelines. (See the Federation Planning Information Report, Historic Preservation Law, New Jersey Federation of Planning Officials, Vol. XX No. 2., p. 217).

In early 1995 the Borough was designated as a "Village Center within an environmentally sensitive area" by the New Jersey State Planning Commission. Later that year the Borough Council adopted Village Center Cluster zoning regulations to stimulate development reflective of the historic patterns of the Borough. In 1995 and 1997, the Borough upgraded its development standards for historic buildings within the Mendham Historic Business District. Also in 1997 the Borough adopted a new ordinance to preserve and protect the visual integrity, character, and period architectural style of the Historic Business Zone.

In late 1999 the Borough Planning Board drafted an ordinance designed to establish a Historic Preservation Commission. This ordinance was drafted in concert with efforts to establish a Historic District Zone and regulations, which preserve individual historic landmarks and sites identified in the Historic Preservation Element of the Borough Master Plan.

## MUNICIPAL LAND USE LAW

The New Jersey Municipal Land Use Law (MLUL) authorizes the planning board to prepare a master plan that contains, among other things, a historic preservation plan element (See N.J. Stat/Ann. 40:55D-28b(10)).

In its purposes the statute encourages historic conservation as follows:

- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land.*

It goes on to offer in 40:55D-4 the following definitions:

***Historic District*** – means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

***Historic Site*** – means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

Similarly, the Code of the Borough of Mendham sets forth the following definitions in dealing with the Historic Preservation Commission in section 27-2:

***Commission*** – The Historic Preservation Commission

***Historic District*** – Any area which has been designated as a historic district pursuant to the provisions of Chapter 215, Zoning.

***Historic Landmark*** – Any improvement, any part of which has a special character or special historic or aesthetic interest or value as part of the development, heritage or cultural characteristics of the borough, state or nation and which has been designated as an historic or landmark site pursuant to the provisions of Chapter 215, Zoning.

The following is the purpose of the Historic District Overlay Zone as stated in 215-47:

*The purpose of the provisions of the Historic District Overlay Zone is to establish procedures and regulations within the Zoning Ordinance applicable to development of properties located in historic districts established in the Borough of Mendham and to individual historic landmarks and historic sites identified on the Historic Preservation Plan element of the Master Plan. Among the objectives of the provisions are the following:*

- A. *To identify and establish historic landmarks and an historic district within the Borough.*
- B. *To conserve, protect, enhance and perpetuate such landmarks and such improvements within the historic district, which represent or reflect elements of Mendham Borough cultural, social, economic, political or architectural history.*
- C. *To stabilize and improve property values in the historic district.*
- D. *To foster civic pride in the historic and architectural accomplishments of the past.*
- E. *To promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the Borough.*
- F. *To encourage owners of historic landmarks and owners of property within historic districts in their efforts to preserve the historic character of such properties.*

## **STATE DEVELOPMENT AND REDEVELOPMENT PLAN (SDRP)**

The State Development and Redevelopment Plan (SDRP) adopted by the State Planning Commission in June 1992, and readopted in March 2001, define Historic Corridors, Sites, and Districts. The Plan's definitions of Historic District and Historic Site are somewhat broader than those of the Municipal Land Use Law. The definitions are:

***Historic Corridor** means a right-of-way or an area comprising one or more landmarks, historic sites or historic district.*

***Historic District** means one or more historic sites and intervening or surrounding property united historically or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history significantly affecting or affected by the quality and character of the historic site or sites.*

***Historic Site** means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing formally designated by the state, county or municipality or documented as being of historical, archaeological, cultural, scenic or architectural significance.*

## **KEY HISTORIC BUILDINGS AND SITES**

In the Borough's Master Plan of 1988, there were 140 principal buildings identified in the Historic Area. Of these 140 buildings, nine (9) were identified as "key buildings". These buildings are the anchors of the Borough's Historic District. Exhibit #6, *Proposed Historic Expansion including Historic Buildings*, at the end of this chapter shows the location of the following historic buildings:

- #21 BLACK HORSE INN – circa 1742  
1 West Main Street

A **key** building and Borough landmark, the inn was started by Ebenezer Byram in the 1740s. It was extensively remodeled in the early 19<sup>th</sup> century and contains many original and rare interior and exterior features and fittings. The two and a half story tall clapboard-sided building features the Dutch gambrel roof treatment. It has been in continuous use as an inn or restaurant since 1742.

- #112 PHOENIX HOUSE – circa 1820  
2 West Main Street

A **key** building, it is one of the finest examples of Federal period architecture in the region. The brick building with its gambrel roof was built before 1820 and H.A.B.S. documentation suggests a date of 1801-05. The two and a half-story brick building was laid in Flemish bond. The central door of the five (5) bay façade is topped by a lovely fanlight. An exterior two-story porch on the Phoenix House was added about 1830 by local builder Aaron Hudson, in a successful combination of Greek and Gothic Revival motifs. The porch was supported on giant pillars and linked each bay with Gothic-derived arches in the gallery railing and as delicate tracery above. It served as an inn from the time of its construction until 1938, when it was deeded to the Borough.

- #114 ST. JOSEPH'S CHURCH – circa 1860  
8 West Main Street

A **key** building, the historic chapel features an unusual two-stage steeple and carpenter-Gothic details. The little frame building has a large steeply pitched gable roof, small wooden buttresses and pointed arch openings. The interior retains only a portion of its original polychromed wall decoration.

- #114 ST. JOSEPH'S CONVENT – circa. 1790-1840  
10 West Main Street

The gambrel roof, an unusual feature, helps to date this **key** building.

- #37 THE METHODIST CHURCH – circa 1893  
10 East Main Street

This **key** building is an example of Richardson Romanesque architecture, with nice stonework.

#77 ST. MARK'S CHURCH – circa 1872  
9 East Main Street

A **key** building, it demonstrates carpenter Gothic architecture. St. Mark's has board-and-batten siding, a steep gable roof with tiny triangular dormers, and a small boxy cupola rather than a steeple over the front entry. It has a modern addition connecting the church and the parish hall.

#85 HILLTOP MANSE – circa 1832  
14 Hilltop Road

This **key** building is one of Mendham's early brick buildings with gambrel roof and Federal-era construction date. It was built in 1832 and enlarged and improved at various times in the nineteenth century. The main house, a two and a half story brick building, three (3) bays wide, with side hall plan and end chimneys is quite similar in appearance to the Phoenix House.

#86 HILLTOP CHURCH AND CEMETERY – circa 1860  
20 Hilltop Road

This **key** building was built by Aaron Hudson in 1860 in the Gothic Revival style. The Church's tall multi-paned windows on the sides of the Church are enhanced by the three vertical stacks of shutters on each side of the window. The Church is frame construction with narrow clapboard siding.

#106 AARON HUDSON HOUSE – circa 1840  
11 Hilltop Road

Mr. Hudson was born in Mendham in 1801 and designed and built the two-story porch on the Phoenix House. His own house is a **key** landmark Italianate structure in Mendham.

## **BACKGROUND**

Mendham Borough encompasses approximately six (6) square miles in the south central part of Morris County and is primarily known for its small town village character. What is now Mendham Borough was settled in the 1740s by the Byram family, who gave the settlement several of the landmarks which still provide the community with its historic character: the Black Horse Inn and the original Hilltop Church.

The Borough has developed away from its agricultural roots over the second half of the 20<sup>th</sup> century, becoming a local mercantile center and a residential community of increasingly affluent families. As the community has become more tied to the character and quality of its residential identity, the historic character of the Borough has become a key component of this identity. This historic character now defines Mendham and is intimately tied to the Borough's status and prosperity as well as to the identity of Mendham for its residents.

As detailed above, since 1999 Mendham Borough has had a Historic Preservation Ordinance designed and intended to enhance and preserve this historic character. This ordinance was drafted in concert with efforts to establish a Historic District Zone and regulations, which preserve individual historic landmarks and sites identified in the Historic Preservation Element of the Borough Master Plan.

## **HISTORIC PRESERVATION ORDINANCE**

The Historic Preservation Ordinance includes a map delineating the Historic District Overlay Zone (see Exhibit #6 at the end of this chapter). This map set forth the areas of the Borough considered to be the core of the Historic Area of the Borough. This area, with the greatest concentration of historic structures, is considered crucial to the historic village character of the community. This village character is at the core of the Borough's identity and thus the Historic Preservation Ordinance is key to fostering and protecting the past, present, and future of Mendham Borough.

The regulations of the current ordinance apply to all permit applications and to all applications for development, including subdivisions, site plans, and variances, involving properties situated in the Historic District or involving individual Historic Landmarks or Historic Sites. Included in this purview are:

- ◆ Subdivisions of land within the Historic District
- ◆ The demolition of a historic landmark or of any other improvement within the District
- ◆ Relocation of any historic landmark or of any other improvement within the District
- ◆ Change in the exterior appearance of any existing landmark or of any improvement within the Historic District by addition, alteration, or replacement
- ◆ Any new construction of a principal or accessory structure

The ordinance specifically does not apply to ordinary maintenance on structures and does not govern colors of structures to be painted or maintenance work, which does not require a building permit.

Residents who desire to have the character of their homes preserved and who are not in the designated zone may request to become part of this program and be subject to the Borough's preservation guidelines. To date, two (2) homeowners have volunteered to have their homes be included in this preservation program: 88 West Main, Block 1801 Lot 6 and 72 Cold Hill Road, Block 804 Lot 1.

## **SCOPE OF THE HISTORIC PRESERVATION COMMISSION - PRESENT**

The Historic Preservation Ordinance is administered by the Historic Preservation Commission, which acts on referrals from the Planning Board, the Board of Adjustment, or the administrative officer, depending on the individual situation. The Commission meets on a monthly basis to review such referrals and applications and provides a written report to the applicable board or to the individual applicant.

Generally, the Historic Preservation Commission considers the following factors in administering the ordinance:

- ◆ Historic, architectural, and social significance
- ◆ Compatibility, nature, and character of current and proposed conditions as they relate to the stated goals of the Ordinance
- ◆ Visual compatibility factors, as affected by any proposed change or addition to any landmark or other structure located within the District, including: height, proportion of the building's façade, proportion of openings, rhythm of solids to voids, rhythm of spacing of building on streets, rhythm of entrance and/or porch projections, relationship of materials and textures, roof shapes, walls and fences, scale of the building, directional expression of the front façade, and the siding of a building, although the material of the siding shall not be restricted as long as the form of the siding is consistent with an original intent.
- ◆ The Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Buildings is consulted by the Commission for guidance on materials and methods for historic rehabilitation.

## **SCOPE OF THE HISTORIC PRESERVATION COMMISSION - FUTURE**

It is the vision of the Commission to expand the Historic District Overlay Zone to include more of the significant historic structures existing in the Borough. Mendham Borough is a physically mature community. There is relatively little additional land in the Borough to be developed. One result of the scarcity of land for new construction is the increase in values of property in general and an increase in pressure to redevelop land on which older homes currently stand.

As these physical and economic pressures become greater, it is more important than ever to the historic character of the Borough to protect the historic core of the community. This is especially true along the Main Street, from one side of the Borough to the other. Main Street is the major thoroughfare through town and provides a streetscape which defines Mendham Borough, not only to people passing through but to residents as well. This is, in fact, the heart of the "historic village character".

The Historic Preservation Commission has prepared Exhibit #6, *Proposed Historic Expansion Including Historic Buildings* on the following page. It is to be presented to the Borough Council as the proposed expansion of the Historic District Overlay Zone along Main Street to the western boundary of the Borough. It would also expand the District between Main Street and Adams Place along Orchard Street. This area is contiguous with the existing District and has significant densities of historic properties. The Zone may also be enhanced by targeting historic properties whose owners desire to preserve their historic character by being individually recognized in the Borough Master Plan as being part of the Zone. One such property is the Community of St. John Baptist at the western end of the Main Street Corridor, which is currently applying for recognition as both a local and national landmark property.

The Commission is also in the process of discussing the remainder of the Main Street Corridor, on the eastern end of the Borough, along which the majority of buildings are not of historic character. The Commission takes the view that this Corridor contributes to the present and the future historic character of the Borough.

EXHIBIT #6 HISTORIC EXPANSION INCLUDING HISTORIC BUILDINGS