

**MINUTES OF THE
PROPOSED HISTORIC DISTRICT EXPANSION MEETING**

Tuesday, June 15, 2010
Garabrant Center, 4 Wilson Street

ATTENDANCE:

Neil Henry, Jr., Mayor
Richard Kraft, Planning Board Chair
Michael Zedalis, Historic Preservation Commission Chair
Ellen Sandman, Business Administrator
Dennis Bertland, Historic Preservation Consultant
Peter Henry, Esq., Historic Preservation/Planning Board Attorney
Diana Callahan, Land Use Coordinator

CALL TO ORDER

Mayor Henry called the meeting to order at 7:30 p.m. and made all introductions. He provided background on the creation of the existing Historic District in 2001 and the small expansion in 2009. He explained that the purpose of this meeting was to educate the public and obtain their input before moving forward with the proposed expansion of the District.

PRESENTATIONS

Mr. Zedalis presented an overview of the Historic District Overlay Zone Ordinance and the Historic Preservation Commission. He summarized that the Borough has homes that date back to the 18th century forming the beginning of the historic fabric of the Borough. In reviews, the Commission comes from the perspective of preserving the historic streetscape. They view the exterior elements, but are not concerned with the color of paint, or change of roofing materials or siding. They primarily give advice to the homeowners. The ordinances balance protection and flexibility for the property owners and the review process emphasizes streetscape, consultation and timely response.

Continuing, Mr. Zedalis explained that residents would still need to obtain their PB or BOA approvals as they do today. On BOA and PB applications, the HPC makes a recommendation to the respective Board for their decision. HPC approval is required before approval of “permit only” improvements. The HPC will be looking at compatibility of construction and elements.

Required reviews include subdivisions, demolition, relocation, changes in the exterior requiring a building permit and new construction. Excluded are paint colors and maintenance not requiring a building permit. Change of roofing materials and vinyl siding are permitted, but a review is still required. The Commission also provides advice for residents as they begin their projects and attempts to work within cost considerations.

Mr. Zedalis concluded by describing the composition of the current Commission, including an architect with knowledge appropriate to historic structures. He also explained that preference for commission membership is given to residents who live in the Historic District. He also provided

some examples of recent reviews, including one involving of working with a resident on an addition in the Historic District and the Gateway project in the Main Street Corridor.

In terms of the operations of the Commission, the applications are relatively simple with no fees. The Commission meets the first Monday of every month, but does review some minor applications such as roofing within 24 to 48 hours.

He concluded by stressing that communication between the applicant and the Commission in the early stages of a project is important to success. Problems occur if improvements are made without building permits and without HPC approval.

Mr. Bertland followed by explaining that he had conducted a study for the proposed expansion and made recommendations to the Borough. He explained that a National/State Historic District is not regulated by the local ordinance. It is separate. The National/State listing for Mendham Borough has been in existence for 25 years. In 2001, a local ordinance was adopted. Review of the possible expansion of the District began as there were certain properties on the National/State listing that had not been included with the original district and the Borough was interested in protecting the Main Street corridor east to west. He provided the map that was developed as a result of the study conducted and outlined the areas that are identified for proposed inclusion in the District.

He continued that the original District recognized Mendham's 18th century roots and ended the period of significance at 1906 when the Borough was incorporated. In the western end of town some homes from that period as well as homes representing the "country place" environment of the late 19th century were not included. There are also simple frame homes to be considered. Utilizing the map and photos of various homes in the areas under consideration, Mr. Bertland reviewed the home and type of architecture that they represented. He explained that the period of significance would now be extended to WWII when the type of development in the Borough changed.

In terms of the eastern part of town, there is some simple colonial-style housing stock from the 1920's and 1930s. On Orchard Street there are examples of 20th century housing including four square, colonial revival and bungalows. There are also a few homes on Hampton that are being considered. In the southern part of town, the "country place" homes are being considered.

Mr. Bertland elaborated on the difference between the local ordinance and the National/State Registry. The National/State Registry was developed in the 1960s in response to interstate highway development. For example, in Morristown, there is an interstate a few yards from Washington's headquarters. The program provides a level of protection by requiring review for government projects. New Jersey is one of the few states that also has a State Registry program. It is a tool to be used to protect a community from government action.

Being listed on the National and State Registers also provides eligibility to non-profits and public entities for grants. Morris County has a program and the Phoenix House renovation benefitted from it. For private homeowners, there is a relaxation from strict interpretation of the building code. He cited an example of a railing height. Also income producing properties are eligible for tax credits.

PUBLIC COMMENTS

Mayor Henry opened the meeting to questions and comments by the public. He advised the public that the meeting was being recorded and that minutes would be produced.

Mr. Michael Hoc, 16 Prospect Street stated that they live on a private road and questioned whether the Borough has the authority to make it part of the historic district. The town has previously wanted to make the road public. Mr. Henry, Esq. advised that the private road and the historic district are two separate issues. Having a home in the historic district does not affect private road status.

Mr. Hoc continued that all the neighbors except one have gone through the renovation process. There is no benefit for them now. Mr. Bertland stated that work in the past would not be affected; it would only be future work. Mr. Kraft added that if a new neighbor came in and wanted to change a home not in keeping with the character, the review requirement would catch it and help to keep consistency in the neighborhood. Other homes on Prospect Street are already in the District.

Mr. Christopher Larsen, 2 Country Lane, stated that his house does not face Main Street; it is a corner lot. He questioned the difference between a contributing and a non-contributing home. Mr. Bertland explained that in accordance with the National Register criteria, homes are classified as contributing or not contributing to the historic significance. A contributing home would have been built in the period of significance and embodies the characteristics of the district. A non-contributing building would be more modern, but happens to be in the district. It is not from the period of significance, or it is an older building that has been so altered that it has lost its significance.

Responding to Mr. Larsen on whether a non-contributing home would still require a review, Mr. Bertland advised that the Commission does not distinguish between contributing and non-contributing. Mr. Zedalis added that they would still need a review, but they would not expect to make a contemporary building take on a "historic" look. The improvement would need to be within reason. In response to whether a dead tree would need approval, Mr. Kraft stated that the trigger is a building permit. Landscaping and routine maintenance are not included.

Mr. Larsen questioned whether the controls could be accomplished through town codes. He has not seen deterioration in Chester, and they do not have a historical code. He does not see any advantages to the expansion. Mendham lives in the past and does not have a consolidated school district or police department. The library disappeared. There are other things that are more important. Reflective street signs should be considered as people cannot find the streets. The Borough will need to comply by 2012.

Mr. Kraft responded that Chester Borough has a Historic District. Several years ago when they determined that Larsen's Turkey Farm was going to be changed, they had to take action to get it included. The Borough street signs pre-date many of us and have been in existence for about 30 years.

Mr. Larsen concluded by stating that the community overall, with the exception of a small group of people, could care less. He has heard stories from other towns where demands were made on people and they ended up having to go to court to overturn decisions. He is skeptical. There are good intentions, but expansion would increase the reviews and the time to review could be affected.

Mayor Henry reiterated that the purpose is to listen. No action is being taken yet. He encouraged the public to speak.

Marjorie Hersch, 18 Prospect St., questioned why the private road homes on Prospect St. were included this time and not in the first district. She wondered what changed. Mr. Kraft stated that the initial district paralleled the original boundaries that had been drawn based on the register that had been in place for many years. Expansion is now being considered.

Darrel Hersch, 18 Prospect St., stated that Prospect is a private road and they do not take advantage of any public services for maintenance of it. They are now being asked to be part of a district and they have no historical significance. He questions why they were chosen. They are currently in the process of renovating and have already spent significant amounts of money on architectural designs.

Commenting on the private road portion of Mr. Hirsch's comment, Mr. Bertrand responded that private versus public roads were not taken into consideration. They did not know how the roads were classified when they did the study. In terms of the National Register, they noted that there were properties beyond the existing boundary that contributed to the period of significance. It would have been arbitrary not to include them; they should be included for the consistency of the district.

In terms of the money that has already been invested in his project, Mr. Zedalis acknowledged that the timeframes would be taken into consideration. It will take a while to get the District in place as changes to the Master Plan and Ordinances are required. He added that usually when homeowners have professional help with their renovations, it is done well and in keeping with the character of the home.

Addressing Ms. Hersch's concern about why a developer could build what they did near her home, Mr. Kraft stated that is one of the reasons for the proposed District. There is no intention in changing developable property. What is built behind her home, was developable land and not part of the District, it was not historic. He noted that in the years the Commission has been operating there have not been any challenges or lawsuits. It has been a consensus process.

Responding to Mr. Hersch on whether a home can be removed from the District, Mr. Henry, Esq. advised there is not a process for removal. The purpose of the meeting is to test the boundaries. The exclusion of a home has to be balanced with the District in its entirety. Mr. Hirsch stated he would like to be removed from the proposed boundaries as the road is a private road and no one goes down the road. If the purpose is to maintain historic integrity, no one is looking at his home. He is surrounded by homes that have been developed in the last ten years and are oversized.

Mr. Jim Willse, 4 Talmage Road. stated that he understood the rationale for the proposed district as streetscape preservation. That would imply the home can be seen from the street, and if it cannot be seen, there is no reason to include it in the historic district. Mr. Zedalis responded that when the Commission conducts a review, they look at streetscape. When Mr. Bertrand conducts his reviews, he looks at the home itself.

Mr. Henry, Esq. explained that there are two levels to consider. One is the local ordinance that determines what can and cannot be done in accordance with the ordinance subject to the appropriate HPC, PB and/or BOA reviews. When looking at the ordinance, the Commission wants to protect streetscape. National and State Register listing is a different level that identifies

whether it is an historic place. The latter is Mr. Bertland's analysis. As a practical matter, both levels usually end up having the same boundaries. In terms of a property on a private road, each property benefits from the fact that the other is being governed by an ordinance. They all protect each other from the construction of what could be a "big glass cube" in an historic area. Mr. Willse clarified with Mr. Henry, Esq. that the local ordinance, not the National Register would trigger the reviews.

Mr. Bertland explained that there are criteria for evaluating whether or not a property should be considered for the National Register. Municipalities may use those as well for rationale in creating a local district. Consistency between the two is a desirable objective to avoid confusion between the boundaries. The visual streetscape is one thing, but the resources exist and the National Registry listing for the Borough took place in the 1980s. The ordinance was put into place later.

Mr. Dave Nalven, 58 East Main St., requested a definition of the phrase "historical significance". Mr. Bertland explained that the National Register program has characteristics that make a property significant. Significance can be related to historical events, people, architecture, and archeology. The existing National Register criteria for Mendham has significance in the areas of agriculture, architecture, commerce and religion. The proposed expansion area has significance in the area of architecture. When they did their study, they determined that there were areas that had the same characteristics in the area of architecture that had not been included in the initial district. They also thought that the period of significance should be considered up to WWII as the development patterns changed after that period in time.

Mr. John Morrell, 70 East Main St. stated that in 2001 he had confirmed that he was not in the Historic District. In 2007, he spoke against the Main Street Corridor, but was included. Now he is in the new historic district and his neighbors are not included. He does not want to be included. He has rehabilitated his home historically, and he wants to make the decisions as to what he has done. There is a flag lot behind him with a Main St. address that is not included in the district. The homes where he is are not historical. If this is important for the town, why is the entire town not included, for example Dean Road.

Responding to Morrell on why all of Main St. is not included in the district, Mr. Bertland explained that there are certain properties that are modern buildings that were built after WWII.

Responding to Mr. Morrell on whether there is any information on the cost of a home in a historic district versus outside of a historic district, Mr. Zedalis stated that the analysis has not been done. Realtors could not provide input as to whether there is any difference. Mr. Morrell countered that the town revaluation was just completed, and it considered a Main St. property less valuable than property anywhere else in the Borough. The first two homes that Mr. Bertland showed in his presentation are beautiful historic homes that have had great difficulty in selling. Larison's Turkey Farm went out of business because they could not survive. The Borough needs to think very strongly about the economic impact to an individual homeowner and the commercial owners.

Responding to Mr. Morrell on what are the negatives of the district, Mr. Bertland responded that he has not found any. He has lived in historic districts and has been through the approval process as a non-conforming lot. Mr. Morrell expressed his opinion that going through the process with a non-conforming lot without historical review is difficult enough. He would not have been able to do what he did if the Main Street Corridor had been in effect.

Mr. Kraft commented that the Main St. Corridor does not have any architectural requirements. Mr. Morrell did not agree and added there were design requirements. If one goes to the BOA he would need to adhere to the Main St. Corridor. Mr. Henry, Esq. stated that the binding provisions did not apply to residences, unless the BOA was discussing items in conjunction with a variance.

Mrs. Hirsch questioned the extent of the advice the Commission may offer versus the authority that they have to not permit a renovation. Mr. Zedalis responded that the Historic Commission makes a recommendation to the Planning Board and the Board of Adjustment. Mr. Henry, Esq. clarified that if there the applicant needs to go to the Board of Adjustment or the Planning Board, the HPC is in an advisory role. Those boards usually take the HPC recommendation into consideration, but additional information may surface during the hearing that may change the result. If one does not need to go before a Board and simply needs a building permit, the Commission can tell the Construction Official not to issue a building permit. As a practical matter, that does not generally happen as there is a collaborative process.

Mr. Larsen commented that the Commission in place now appears to be more liberal in their interpretations. Moving forward there could be another group of people on the Commission that view things differently and become stricter. Messrs. Zedalis and Henry, Esq. agreed that it is dependent on the people; however Mr. Henry, Esq. explained that the required composition of the Commission includes people from the District who are making rules that govern their own lives. His observation is that people who buy historic homes want to do the right things with their homes and have their neighbors do so as well. They come to the process positively to have it work.

An unidentified person questioned Mr. Zedalis on whether he lives in a historic home and has done any renovations. He wanted to know who is on the Commission. Mr. Zedalis responded that he does not live in a historic home, but has done renovations. Ms. Jones-Curl, Commission Member, was in the audience and responded that she added on to her historic home and built a garage. She went before the Commission and they did not make changes. The unidentified person wanted to make the point that everyone on a Board should have experience going through a major renovation.

Mr. Brad Keating, New Street, commented that he has been through the process about three times and he was also a Commission member at one time. He has always had a positive experience. There is flexibility and it was designed that way. Various materials can be used. Mr. Morrell stated if that is the point, why is it needed. He wants to make decisions and have choices.

Mr. Zedalis explained that there were a couple of applications that came in that were in poor taste. They were not appropriate for the Main Street. In many cases, they have taken something that is close to where it should be and offered minor adjustments. They have done a lot of review for signage for commercial buildings. He believes that the majority of people that leave a meeting have appreciated the advice and the outcome.

Mr. Philip St. Jacques, 17 Orchard St., expressed his opinion that it is a good thing, but he has questions on what it does to property values and property taxes. Mr. Kraft expressed that a compatible addition to a home would probably draw a higher market value than a non-compatible addition. Tax appraisals are done on comparable values, not visuals and aesthetics. In a historic district, consistency in the neighborhood should make a home easier to sell. The value should be maintained.

Mr. Robert Brooks, 6 Orchard Street, questioned teardowns and demolition. Mayor Henry advised that the ordinance does cover demolition. Review of the Historic Preservation Commission would be needed. Mr. Kraft added that they would need to know what would replace the structure. Mr. Zedalis referenced discussions on 24 East Main St. that is in disrepair. The Commission discussed maintaining the existing character for the streetscape, yet permitting major renovations.

Mr. Brian Graham, 88 West Main St. stated that he had reservations when he went before the Historic Preservation Commission, but had a pleasant experience.

Mr. Robert Klemme, 55 West Main St., was in general support of the idea of preserving the historic character of the town. He questioned the layer of protection dealing with Route 24 referenced in the Q&A. Mr. Bertland responded that being listed on the National and State Register offers a level of protection. If the County or the State had a proposal to widen the road, they would need to go through a hearing procedure and demonstrate how it would not have a negative effect. Mr. Kraft added that during the COAH and Highlands process, the Borough became concerned about the center designation and the potential requirement to create higher density in the core part of town which would result in infill. It adds a level of control.

Mr. Zedalis referenced the cell tower and the ability of the HPC to offer their opinion. There are benefits that go beyond the individual property. The goal is to protect the Corridor that runs from the east end to the west end of the town. It is to preserve the historic fabric, not to mandate specific historic content.

Mayor Henry, clarified that there has been no talk of widening of Route 24; however paving will be taking place beginning July 6.

Ms. Maureen (unidentified) stated that they are in the process of renovating their home. She requested clarification on the local ordinance versus the National/State Register. Mr. Bertland explained that in the 1980s Mendham Borough received a National/State Registry listing for the heart of Mendham Village. About 15 years later, the town enacted a local historic zoning overlay district through ordinance. Initially the boundaries were not the same. The plan is to expand both the National/State Registry and the local district to have the same boundaries. An application would need to be filed with the National Historic Preservation Office. The local ordinances would need to be adopted in the town. The town can decide if they want to institute a local ordinance.

Mr. Kraft clarified that the existing local ordinances would remain in effect even with a change in boundary. The process is as we have it today. Addressing the questioner's concern relative to restrictions by the National and State Registry, Mr. Bertland advised that they do not have a regulatory process. The only process they have is for review of government action.

Ms. Julie Pierson, 7 Orchard St. questioned how the ordinance would affect outdoor lighting. Mr. Zedalis stated that the town has certain restrictions on lighting and fencing. He cited the example of Hilltop Church where there was opposition from the neighborhood. The Commission worked with the Church and residents on the historic nature of the lighting, but another Board worked the lighting ordinances with them. Mr. Kraft reiterated that a review is only needed if a building permit is required.

An unidentified person posed a question dealing with why some properties are not included in the proposed district. Mr. Bertland advised that they were determined not to be significant.

Following on, the resident questioned whether they could be replaced with incompatible homes if they are in the Main Street Corridor. If a resident is located in the Main Street Corridor and only requires a building permit, they are not mandated to appear before the Historic Preservation Commission. The Commission can make a recommendation only. The hope is that the resident would like to cooperate. They are not bound by the recommendation.

Responding to Mayor Henry on whether teardowns would need to go to the PB or BOA, Mr. Henry, Esq. advised that it could be done on a “permit only” basis if it is conforming.

ADJOURNMENT

Mayor Henry summarized stating that the meeting was the first step. The group now needs to review the comments and determine the next steps. There is a lot to be discussed and nothing will probably transpire until later in the year. Mr. Zedalis encouraged everyone to continue to raise questions. He invited all to attend a Historic Preservation Commission meeting.

After encouraging continuing dialog, the Mayor adjourned the meeting at 9:30 p.m. Meeting materials will be placed on the Borough website.

Respectfully Submitted

Diana Callahan
Land Use Coordinator