

FREQUENTLY ASKED QUESTIONS

What is a Historic District?

A Historic District is a portion of a town with buildings, properties or sites that have been designated as having significant cultural, historical or architectural significance to a town or area. Buildings in a District are usually categorized a “Contributing” or “Non-Contributing” to the period of significance as defined for the District. The sizes of the districts may vary from a small number to a large number of structures. In addition to local districts, a Historic District can be designated at the State and National Level on the State and National Registers of Historic Places.



What are the National and State Registers of Historic Places?

The National Register of Historic Places was established in 1966 by the National Historic Preservation Act. It is an official list of the nation’s historic resources worthy of preservation. The New Jersey Register of Historic Places was created by the New Jersey Register of Historic Places Act of 1970 and is closely modeled after the National Registry program. Both Registries have the same criteria for eligibility, nomination forms and review process.



What permits a municipality to create a Historic District?

The National Historic Preservation Act of 1966, amended in 1980 has encouraged states and their component municipalities to assume active roles in historic preservation. New Jersey’s Municipal Land Use Law sets forth the standards, criteria and procedures by which municipalities may regulate the use of land including the designation and regulation of historic sites and districts. In January 1986, New Jersey adopted historic preservation enabling legislations. These amendments to the Municipal Land Use Law 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.

What is the Mendham Borough Historic District and how long has it been in existence?

The formal objective of the District is to preserve and protect the visual integrity, character, and period architectural style of Mendham Borough. Though formally defined for land use regulation purposes by ordinance as an overlay zone in 2001, the boundaries of the original district were first identified in 1984 when it was designated on the State and National Historic Registers. The Register District contains approximately 140 properties that were determined through formal study to have a significant effect on the character of the Borough. It corresponds with the original Mendham PO (Village Core Containing the Post Office) represented on the earliest maps of the Mendham. In 2009 an additional seven properties



were added to the Borough's Historic District Overlay Zone aligning the local District with the Borough's National and State Register listings. In 2011, an additional 66 properties were added to the Borough's Overlay District. Currently there are 213 properties in the District. The properties added since 2009 are awaiting approval for the State and National Registries. A map of the Historic District is included in this package for your reference.

What is the difference between the Historic District and the Main Street Corridor?

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. Main Street contributes to the present and future historic character of the Borough. The Historic District Overlay Zone and the Historic Business Zone Ordinances are designed to preserve the character of Main Street within the center of town. The Main Street Corridor Ordinance and the proposed expansion of the Historic District help to preserve the character end to end. Some properties at each end of town were developed after the years of cultural and architectural significance being defined for the District. These properties cannot be designated in a District, but can contribute to the preservation of the Borough through complimentary design standards which have been incorporated in the Main Street Corridor Ordinance. A map of the Main Street Corridor is included in this package for your reference.

Why did Mendham Borough expand the original local Historic District and list it on the State and National Registers?

Historic preservation has been a longstanding goal of Mendham Borough and the fabric of the heart of the village. The existing State and National Register listings obtained in 1984 concentrated on areas originally identified in the original "Mendham PO". The existing Historic District was created in 2001 and concentrated on areas originally identified in those Register listings. The expansions in 2009 and 2011 largely focused on the west side of town and a few ancillary properties nearer the center and eastern section of the Borough. The Historic District expansion plus the Main Street Corridor designations moved to establish an end-to-end corridor through Mendham Borough, thus preserving its character for residents, businesses and those passing through. This will insure that construction and renovations will be in keeping with the character.

Plans for further preservation were identified in the 2006 Mendham Borough Master Plan. Implementation began with the 2007 adoption of the Main Street Corridor Ordinance that introduced design elements to support the transition from the eastern gateway to the Historic District, and a small expansion of the existing district in 2009 to reconcile the zone with the Historic Register listings. The next step was the further expansion of the Historic District in 2011 to include more of Main Street and other significant properties.

How were properties considered for inclusion in the District?

To implement all phases of the Historic District, the services of professional Historic Preservation Consultants who examined the individual properties were used. All homes and buildings were reviewed, profiled and identified as contributing and non-contributing to the historic character of the village. The period of significance for the District is now up to the years just prior to WWII which represent the point at which a major change occurred in the type of architecture being constructed in the Borough.

What are the benefits to the town in creating a Historic District and being listed on the State and National Registers?

As a physically mature community with little available land, there will be increased pressure to redevelop land on which older homes currently stand. It becomes more important to protect the historic nature of the town. Main Street is the major thoroughfare through town and provides a streetscape which defines Mendham Borough not only to those passing through, but to residents as well. Also some other significant areas along Orchard, Hilltop and Mountain contribute to the historic fabric.

Having an overlay Historic District not only helps to protect the streetscape by the preservation of historic homes/businesses, but it provides a basis for protection of the roads along its boundaries. When the initial District was being considered there was considerable talk by the County about expanding Main Street to accommodate additional traffic. With traffic continuing to grow, the Historic District provides us with a layer of protection.

When a Historic District is listed on the State and National Registers, there is a degree of review and protection from public encroachment. Section 106 of the National Historic Preservation Act of 1966, as amended, provides for review of any federally licensed, financed or assisted undertaking for properties listed in, or eligible for listing in, the National Register. The New Jersey Register Law requires review of any state, county or municipal undertaking involving properties listed in the New Jersey Register. These reviews are designed to prevent destruction of or damage to historic resources by public agencies.



With all of the activity today at the state level with the Highlands, State Development and Redevelopment Plan, there is more and more emphasis being placed on removing planning control from the locality. An Historic District provides a layer of protection to help keep Mendham the way its residents chose it in the first place.

What are the benefits to the property owner to being in the Borough Historic District and National/State Registers?

Implementation of Borough ordinances designed to help to protect the historic fabric benefit the property owners within the District as well as the town in general from incongruous development, uncharacteristic infill and intrusive State and Federal projects as identified above. While a homeowner may look at the fact that they need an approval, so does their neighbor whether they are residences or businesses in the District. While there is no guarantee for denial, State and federal projects also require a review. This helps to



provide a consistent view of the neighborhood and could protect against a modern elaborate structure being built next to a historic home or front yards potentially becoming roadways.

While a homeowner may initially ask many questions about the practicalities of reviews, standards, etc., preserving a neighborhood and the community of its fabric can also benefit the homeowner by assuring that the homeowner's property does not end up being located between structures that have been developed without symmetry for itself or the District. The homeowner is not required to make a "historic" structure from a non-historic structure, but is required to keep the consistency of the home and the area.

Inclusion in the National Register enables the owner of an income-producing building to obtain a 20% federal income tax credit for a substantial rehabilitation of the building. The building must be a certified historic structure that is subject to depreciation, and the rehabilitation must be certified as meeting standards established by the National Park Service. There is also pending legislation for homeowners, but the future outcome is unknown.

For properties listed in the New Jersey Register, the New Jersey Historic Trust offers matching grants and low-interest loans for rehabilitation and restoration to state, county and municipal agencies and non-profit organizations.

Also, the New Jersey Uniform Construction Code (NJAC Title 5:23-6:33) includes provisions for rehabilitation of historic buildings that provide owners of registered listed buildings a measure of relief from strict interpretation of rehabilitation code requirements.

As a practical matter, what does it mean to me to be a homeowner in the Historic District?

All ordinances that pertain to the residential and business zoning remain in effect for all improvements. It is still necessary to obtain building permits, Planning Board or Board of Adjustment approval as necessary. This is no different than if one lived in another part of town. The only significant difference is that for any exterior improvement requiring a permit, a review by the Historic Preservation Commission is required. For permit only applications, the Commission has the authority for approval or denial. In the case of Board of Adjustment or Planning Board approval, the Commission makes a recommendation for consideration by the appropriate Board.



As important as the approval process, another benefit is the ability of the homeowner to obtain advice from the Commission. With a professional architect on the Commission, plus experience of members, suggestions can be made to the homeowner to help them move through the process and meet their goals.

How have the rules, regulations and ordinances been developed for the Borough?

When the initial Historic District Ordinance was proposed in 2000, many residents attended the Council meeting to question and voice concern. They were concerned about what regulations would exist on their properties and how they would be implemented. As a result of the concern, the Borough Council created an ad hoc committee composed of residents living in the proposed Historic District. They worked with the Council to rewrite the ordinance that provides the historic protection while offering flexibility in various areas for the homeowners. It was also determined that the membership of the Historic Preservation Commission that reviews the applications would have preference for representatives from the Historic District. When the District was expanded in 2009 and 2011, informational meetings and public hearings were once again held to address any resident concerns. The ordinances that were passed in those years, did not change the originally agreed upon content of the 2000 ordinance, just the number of properties.

What is the Historic Preservation Commission and who are the members?

The Historic Preservation Commission consists of 7 members, 5 regular and 2 alternates who are appointed by the Mayor and approved by the Borough Council. At least one of the members must be knowledgeable in building design and construction or architectural history. Preference for the other membership is first given to residents or property owners within the Historic District Overlay Zone and then to residents of the Borough. The Commission is supported by an attorney and a Historic Preservation Consultant as needed.



In addition to reviewing applications, the Commission has responsibility to prepare surveys of historic sites and make recommendations to the Planning Board dealing with the Historic Preservation Element of the Master Plan. They also carry out other advisory, educational and informational functions to promote historic preservation in the Borough.

What is subject to review?

In accordance with Mendham Borough's Historic District Overlay Ordinance, subdivisions, demolition and/or relocation of structures, exterior renovation or improvements requiring a building permit and new construction are subject to review. The Mendham Borough ordinance does not require

review for ordinary maintenance on structures and does not include review of any color or colors for a structure to be painted, or maintenance work that does not require a building permit. While changes to roofing and siding are permitted, they also require a review. The Historic Preservation Commission has further defined its focus to principally cover items that are visible from a public right of way although reviews are required for any viewpoint.

What is the timeframe and cost for a review?

The Historic Preservation Commission meets once per month to review applications which need to be submitted at least a week in advance. In most cases a decision is made on the application in one evening and approval, denial or recommendation to the appropriate Board is generated shortly thereafter. In order to expedite reviews on less complex items, the Commission has identified minor applications such as roofing to be reviewed quickly by the Chair and/or Vice Chair of the Commission only, thus providing timely response to our residents.

There are no application and escrow fees involved with a review. The only cost is the applicant's own administrative cost for preparing and submitting copies of the application and respective plans.

What philosophy and standards does the Borough use in implementing the ordinances?

It is very important to understand the philosophies by which Commissions in varying towns operate and review applications. Some towns have Historic Preservation Commissions that are advisory in nature and offer guidance to property owners thinking of making alterations to their property. Others have Historic Preservation Commissions that are regulatory, and they enforce local ordinances that address restoration and renovation projects. Mendham Borough's Commission does both. Mendham Borough's Commission also works with the home/business owner to reach a result that is not only appropriate to the District, but takes cost consideration of the applicant into account.

The Historic Preservation Commission is charged with reviewing applications from an aesthetic and visual compatibility perspective. Changes to homes are evaluated based on compatibility to the existing home and to the neighborhood. There is no requirement to change a 50's ranch to an 1860's Victorian. More details about the review standards can be found in the Borough Ordinance.

Some towns have very strict regulations on what can and cannot be done in the Historic District up to what color paint on can use. Mendham Borough has chosen to permit some flexibility while maintaining the historic fabric. For example, the color that you choose to paint your home is not regulated; roofing material can be changed, but needs a review; vinyl siding can be used, but needs a review. The Commission attempts to work with the homeowner in the context of the historic nature and the cost considerations.

A detailed listing of the standards of consideration for various types of applications can be found in Section 215-51 "Standards of Consideration" within the Mendham Borough Code.

Has the Borough achieved results that it wants with the Historic District?

The Borough has been very pleased with how we have been able to continue to maintain the historic fabric while working with residents and businesses to approve additions, renovations, fences and signage. In some cases, the Historic Preservation Commission has been able to offer advice to residents to help them maintain the historic nature and consider cost saving options at the same time. The emphasis has been on protecting the visual effect from the streetscape. Most of our residents only want to improve upon their existing historic character through expansion or renovation.

Through the efforts of the Historic Preservation Commission in conjunction with the Planning Board and Board of Adjustment, new commercial plans have also been developed in accordance with the historic fabric of the town. This includes the Gateway building at the corner of East Main and Cold Hill Road, the Ford Dealership, and pending plans for 25 East Main (Old Mariques' Restaurant). In fact, the Commission along with the Planning Board obtained an Achievement in Planning Award from the New Jersey League of Municipalities.



The only disappointment has been that some have chosen to take action without permits and approvals. When this happens, it places an unnecessary burden on the Historic Commission and a potential financial burden on the applicant that could have been avoided.

What if I disagree with the Historic Preservation Commission?

While the Historic Preservation Commission would hope to work cooperatively and collaboratively with residents and businesses, should there be occasion that the applicant does not agree with the ultimate decision of the Commission, there is an appeal process through the Mendham Borough Board of Adjustment.

Where do I go if I have any questions?

If you have any questions on the ordinance or the procedures of the Historic District or Commission, you can contact Lisa Smith, Land Use Coordinator at 973-543-7152 ext. 20 or email planning@mendhamnj.org.

You can always also attend a Historic Preservation Commission meeting at the Phoenix House. They are usually held the third Monday of each month. Given holidays and potential changes in the schedule, you should contact Ms. Smith or check out the meeting schedule on the Borough's website.

The Mendham Borough website, mendhamnj.org, contains a page under the Land Use Department for the Historic Preservation Commission. You can follow the links to maps, ordinances, meeting schedules and minutes.

