

**BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 04-01

AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS AND STATE OF NEW JERSEY, TO AMEND THE CODE OF THE BOROUGH OF MENDHAM TO ESTABLISH AN HISTORIC PRESERVATION COMMISSION

BE IT ORDAINED by the Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

SECTION 1. The Code of the Borough of Mendham, County of Morris, State of New Jersey is hereby amended and supplemented by the addition of a new Chapter 120 to read as follows:

"CHAPTER 120

HISTORIC PRESERVATION COMMISSION

120-1 Establishment

There is hereby established an Historic Preservation Commission for the protection, enhancement and preservation of districts, sites, buildings and structures of historic, cultural or architectural value and interest within the Borough of Mendham.

120-2 Definitions.

As used in this chapter, the following terms shall mean and include:

COMMISSION – The Historic Preservation Commission.

HISTORIC DISTRICT – Any area which has been designated as an 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.

120-3 Composition of the Historic Preservation Commission

The Commission shall consist of five (5) members and two (2) alternate members who shall be appointed by the Mayor provided, however, that Class A and Class B members, as defined in paragraph C. herein, may be compensated as provided by the Borough Council.

The Commission shall have the responsibility to:

- (1) Prepare a survey of historic sites of the Borough pursuant to the criteria identified in the survey report.
- (2) Make recommendations to the Planning Board on the Historic Preservation Plan Element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements;
- (3) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;
- (4) Advise the Planning Board and Board of Adjustment on applications for development as provided herein;
- (5) Provide written reports on the application of the zoning ordinance provisions concerning historic preservation as provided herein;
- (6) Carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough.
- (7) Hold hearings and take testimony on any application as it deems necessary.

120-9 Advice on Certain Applications.

The Planning Board and Board of Adjustment shall refer to the Commission every application for development in historic zoning districts or on historic sites 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 first. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice in written or oral form, which shall be conveyed through the delegation of one of its members or staff to testify orally at the hearing on the application and/or to explain any written report which may have been submitted.

120-10 Reports on Certain Applications.

If the zoning ordinance designates and regulates historic sites or districts pursuant to the Municipal Land Use Law (MLUL) the Administrative Officer shall refer applications for issuance of permits pertaining to historic sites or property in historic districts to the Commission for a written report on the application of the zoning ordinance provisions concerning historic preservation to any of those aspects of the change proposed which were not determined by an approval granted by the Planning Board or Board of Adjustment. The Commission shall submit its report to the Administrative Officer.

In the case of a referral by the Administrative Officer of a minor application for the issuance of a permit pertaining to historic sites or property in historic districts, as defined in the zoning ordinance, the Chairman of the Commission may act in the place of the full commission for purposes of this section.

120-11 Review of Referrals

The Commission shall report to the referring Board or to the Administrative Officer within 45 days of referral of the application for development or permit application as the case may be, to the historic preservation commission.

In the case of a permit application only, if within the 45-day period the Commission recommends to the Administrative Officer against the issuance of a permit or recommends conditions to the permit to be issued, the Administrative Officer shall deny issuance of the permit or include the conditions in the permit, as the case may be. Appeal from a denial of a permit shall be taken pursuant to the provisions of NJSA 40:55D-70a.

Failure of the Commission to report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

120-12. Compliance with Open Public Meetings Act.

All meetings of the Historic Preservation Commission shall comply with the Open Public Meetings Act. (NJSA 10:4-6 et seq.)"

SECTION 2. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

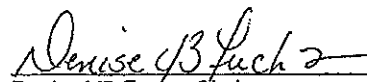
SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a Court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 4. This Ordinance shall take effect upon passage and publication according to law.

INTRODUCED: March 13, 2001

ADOPTED: May 7, 2001

ATTEST:


Denise VB Fuchs, Clerk

APPROVED:


Richard G. Kraft, Mayor