

Ocean Grove Residential Structures -Facade Design Guidelines

VIII. Addendum: Excerpts from Neptune Township Land Ordinance

SECTION 604 ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION

- A. Statutory authority. Pursuant to N.J.S.A. 40:55D-107 et seq., there is hereby established an Historic Preservation Commission whose membership, powers and duties are intended to be those of an historic preservation commission created by the Municipal Land Use Law, the extent of which are hereinafter set forth.
- B. Board of architectural review. By adoption of this Ordinance, the Historic Preservation Commission replaces the existing Board of Architectural Review. Existing members of the Board of Architectural Review will continue to serve the balance of their respective terms as members of the Historic Preservation Commission.
- C. Membership. The Historic Preservation Commission shall be made up of seven (7) regular members and two (2) alternate members all appointed by the Mayor. All members shall serve without compensation and shall be interested in or qualified to contribute to the preservation of historic resources. At the time of appointment, members shall be designated by the following classes:
1. Class A. One (1) regular member who is knowledgeable in building designs and construction or architectural history and who may reside outside the municipality.
 2. Class B. Two (2) regular members who are knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality.
 3. Class C. Four (4) regular members and two (2) alternate members who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board. At the time of appointment, "Class C" members shall be further designated by the following criteria:
 - (a) One (1) member shall be an active member of the Historical Society of Ocean Grove (Class C1) with a demonstrated interest, competence or knowledge in historic preservation.
 - (b) One (1) member shall be an active member of the Neptune Township Historic Society (Class C2), with a demonstrated interest, competence or knowledge in historic preservation.
 - (c) Two (2) members, to be selected from the Township at large, one (1) of whom may be a member of the Planning Board or Board of Adjustment (Class C3).
 - (d) Two (2) alternate members to be designated as "Alternate No. 1" and "Alternate No. 2". Alternate members shall be selected from the Township at large, one (1) of whom may be a member of the Planning Board or Zoning Board of Adjustment.
- D. Role of alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular

member of any Class. A vote shall not be delayed in order 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.

- E. Terms. Regular members shall serve for a period of four (4) years and alternate members shall be appointed for a term of one (1) year. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment.
- F. Vacancies. A vacancy occurring otherwise than by expiration of term shall be filled within sixty (60) days and shall be filled for the unexpired term only.
- G. Organization. The Historic Preservation Commission shall elect a Chairman and a Vice Chairman from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or an employee of the Township.
- H. Compensation. Members of the HPC shall serve without compensation except that reimbursement of reasonable expenses in the execution of official duties may be made by the municipality.
- I. Removal. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.
- J. Conflict of interest. No member of the Historic Preservation Commission shall be permitted to act on any matter in which they have, either directly or indirectly, a personal or financial interest. A member who is so disqualified shall not continue to sit with the Historic Preservation Commission on the hearing of such matter, nor shall participate in any discussion or decision.
- K. Meetings. The Historic Preservation Commission shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
 - 1. The Historic Preservation Commission shall hold regular meetings at least six (6) times per year and no member shall miss four (4) consecutive meetings unless good cause can be shown.
 - 2. A quorum for the transaction of all business shall be four (4) members. Ex officio members are not entitled to vote. A majority vote of those present and voting shall prevail and shall be sufficient to grant or deny a Certificate of Appropriateness. Any approval for a demolition permit shall require the affirmative vote of at least five (5) members of the Historic Preservation Commission.
 - 3. In addition to conducting reviews at its regularly scheduled meetings, the Historic Preservation Commission will conduct emergency review meetings when necessary. These emergency meetings shall be held at the call of the Chair when any action requiring immediate consideration is necessary. This action may include a review of temporary repairs of historic properties and review of other items pertaining to safety and the necessity for immediate and prompt action. The Chair shall convene a meeting for these purposes by giving appropriate notice in accordance with the Open Public Meetings Law and notifying the members of the Historic Preservation Commission of the time, date and location of the emergency meeting and the purpose thereof.

4. The Historic Preservation Commission shall make its decisions on designation and review in an open public meeting and applicants shall be notified of meetings and advised of decisions. Written minutes of all meetings and proceedings shall be kept, including voting records, attendance, resolutions and findings. All such material shall become public record.

B. Budget/Employees.

1. The Township Committee shall budget and appropriate for the expenses of the Historic Preservation Commission. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Historic Preservation Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the Township Committee, unless the governing body, by appropriation, provides for separate legal counsel for the Historic Preservation Commission. Expenditures shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for the Historic Preservation Commission's use.
2. The Historic Preservation Commission may appoint a consultant who is a recognized professional in the field of architectural history, historic preservation or similar discipline to advise the Commission on applications before it. If the consultant has rendered an oral or written opinion, the Commission must consider the opinion of the consultant in rendering its decision and must give a statement of reasons in the event that the consultant's recommendations are not followed.
3. The Township Chief Financial Officer, Township Economic Development Director, Township Planner, Township Engineer and the Construction Official may provide such technical, administrative and clerical assistance as the Historic Preservation Commission shall require. For budgeting and purchasing purposes, however, the Commission shall be allocated its own budget.

SECTION 605 POWERS AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION COMMISSION

The powers, duties and responsibilities of the Historic Preservation Commission as hereinafter set forth shall be advisory in nature to the Planning Board and Zoning Board of Adjustment and shall extend to applications for a Certificate of Appropriateness and shall not conflict with or supersede the powers and duties of any other Board or Agency of the Township. The Historic Preservation Commission shall have the following powers, duties and responsibilities:

- A. To identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance based on the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- B. To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan, including the designation of historic site or districts, and on the implications for the preservation of historic sites and districts of other Master Plan elements.

- C. To advise the Planning Board and Township Committee on the inclusion of historic sites in the recommended capital improvement program.
- D. To advise the Planning Board and the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-110, on applications for development in historic districts designated on the zoning map or on historic sites identified in the Historic Element of the Township Master Plan. Such advice shall be conveyed through the Historic Preservation Commission's delegation of one (1) 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.
- E. To provide written reports and Certificates of Appropriateness, pursuant to N.J.S.A. 40:55D-111, in a manner hereinafter described, on the application of the Zoning Ordinance provisions concerning historic preservation to applications for the issuance of permits pertaining properties in an historic district.
- F. To advise the Township Committee and Planning Board on the relative merits of proposals involving public funds to restore, preserve and protect historic buildings, places and structures, including the preparation of long-range plans therefore, securing State, Federal and other grants and aid to assist therein and monitoring such projects once underway.
- G. To recommend to the Planning Board and the Township Committee the designation of additional historic districts and sites where appropriate, in accordance with the procedures and criteria for designation thereof set forth in this Ordinance.
- H. To draft and recommend to the Township Committee and the Planning Board ordinances or amendments to existing ordinances that would resolve any conflicts which may exist between the design standards of the Historic Preservation Ordinance and the building or zoning regulations of the Township.
- I. To purchase estates, easements, rights, restrictions and less than fee acquisitions, with the approval of Township Committee, and to acquire grants, assistance or aid either outright or in exchange in order to further the intent and purposes of this article and the welfare of the Township. The Historic Preservation Commission may negotiate and recommend such arrangements subject, however, to approval of the Township Committee as necessary for any monetary expenditures, and, at the direction of Township Committee. Legal counsel shall assist the Historic Preservation Commission in such arrangements.
- J. To advise and assist Township officers, employees, boards and other bodies, including those at County, State and Federal levels, on all matters which have potential impact on the historic buildings, places and structures in the Township or on the physical character and ambiance of a historic district.
- K. To assemble and arrange for the proper care, cataloging and availability of materials relevant to the Township's history.
- L. To secure the voluntary assistance of the public, and within the limits of the budget, to retain consultants and experts to assist the Historic Preservation Commission in its work or to provide testimony in support of the Historic Preservation Commission's position before other bodies, boards, commissions or courts.
- M. To cooperate with local, County, State or National historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this Ordinance.

- N. To recommend to applicable County, State and Federal agencies, where appropriate, recognition and protection of historic districts and historic sites and to review National and State Register nominations.
 - O. To request the Township Committee to seek, on its own motion or otherwise, injunctive relief of violations of this article or other actions contrary to the intent and purposes of this article.
 - P. To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.
 - Q. Promote historic preservation in the Township by carrying out other advisory, educational and informational functions.
 - R. Take such action consistent with law to further the intent and purpose of this chapter and to perform any other actions which effectuate the purposes of this chapter.
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Section 413.02 Flared Avenue Open Space Areas

- A. Purpose. The HD-O Zone District is subject to special setback provisions dating to the late 1870's, providing for a flared setback that widens toward the ocean from Central Avenue to Ocean Avenue. This flared setback is a unique and invaluable resource that is recognized within planning, urban design and historic preservation circles as one of the first evidences of this type of streetscape treatment in the country.
 - B. Ornamentation. Aside from an access walkway and sidewalk no greater than six feet (6') in width, shrubbery, flowers and other similar ornamentation installed and maintained at a height of less than thirty (30) inches, no structures may be placed within, or may project into, the area defined as the Historic Flared Avenue Open Space area. The area between the curb and the sidewalk shall be maintained as a planted grass strip.
 - C. Vehicles. No vehicles of any type may be parked within a flared avenue open space area. This shall not preclude the parking of vehicles within the established public right-of-way.
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SECTION 907 DEMOLITION OF STRUCTURES ON PROPERTIES IN HISTORIC ZONE DISTRICTS OR ON DESIGNATED HISTORIC SITES; NON-PUBLIC USES

- A. Applicability. This Section applies where the proposed demolition (in whole or in part) of a structure in any historic zone district or other designated historic site situated elsewhere in the Township is for a purpose other than providing a site for a public building or land for public use such as a road widening.
- B. Application for permit. An application for a permit to demolish a structure in whole or in part, which is in any historic zone district or other designated site situated elsewhere in the Township, shall be forwarded by the Zoning Officer and/or Construction Official to the Historic Preservation Commission.

- C. Written findings by Historic Preservation Commission. The Historic Preservation Commission shall make written findings on the following matters:
1. The existing ownership, use and applicant's reason for requesting demolition.
 2. The structure's historical ownership and use.
 3. The structure's architectural/historic importance and its status in the Township of Neptune, County, State, or national listings of such properties after notification by the Historic Preservation Commission to the appropriate agencies.
 4. Any unique, unusual or rare qualities of design, materials or craftsmanship found in the subject property that could not be reproduced easily.
 5. The structural soundness and integrity of the structure and the economic feasibility of restoring or rehabilitating the structure so as to comply with the requirements of any applicable building code. At the Historic Preservation Commission's request, an inspection by the Township's Construction Official shall be conducted to determine the number and extent of code violations and an estimate of the cost of needed improvements to bring the structure up to compliance with all applicable building codes.
 6. The impact of the structure's demolition on the Historic District in which it is located or on neighborhoods surrounding an identified historic site, also taking into consideration undue hardship, reasonable beneficial use and the condition of the premises. The economic base of the community shall be considered as well as the public's interest in architectural, historic and aesthetic matters generally.
 7. The structure's importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 8. The extent to which the structure 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.
- D. Public Hearings. The Historic Preservation Commission shall conduct a public hearing in order to determine whether to grant or deny the demolition permit.
1. Notice. The hearing shall be advertised, arranged and conducted by the Historic Preservation Commission as hearings are conducted by the Township for development applications. The applicant shall be responsible for sending out the appropriate notices and shall be responsible for paying the cost of the proceedings. On the date of the hearing, the applicant shall be required to provide the Historic Preservation Commission with proof of fulfilling the notification requirements specified hereinafter. The applicant shall notify in writing by certified mail, return receipt requested, the following County, State and Federal agencies at least ten (10) days prior to the date of the hearing.
 - (a) Township of Neptune Historical Society;
 - (b) Historical Society of Ocean Grove;
 - (c) State Office of Historic Preservation;

- (d) State Historic Sites Council;
 - (e) Office of Archaeology and Historic Preservation, Department of the Interior; and
 - (f) National Trust for Historic Preservation.
- 2. Stenographer required. There shall be a stenographer present to record the proceedings, the cost of which shall be the responsibility of the applicant.
- E. Issuance or Denial of Demolition Permit. Based on the Historic Preservation Commission's findings (as required in Paragraph B above) and the testimony at the public hearing and following the waiting period as specified in Paragraph E below, the Historic Preservation Commission shall act on the request for demolition by either granting or denying the demolition permit.
- F. Waiting Period. Following the date of the initial public hearing, there shall be established a waiting time period of at least ninety (90) days and no more than one hundred twenty (120) days to enable any interested parties to acquire or to establish a procedure for the preservation of the subject property.
- G. Demolition Notice Posted. During the entirety of the waiting period, as specified in Subsection F above, a notice of the proposed demolition activity shall be posted on the premises of the building, place or structure in a location such that it is clearly readable from each street frontage. In addition, the applicant shall publish notices in the official newspaper of the Township as follows:
 - 1. Within the first ten (10) days of the waiting period; and
 - 2. Within not less than ten (10) nor more than fifteen (15) days prior to the expiration of the waiting period.
- H. Procedure Where Demolition Application is Denied. In the event that the Historic Preservation Commission denies an application for a Certificate of Appropriateness to demolish a historic building, place or structure, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish such building, place or structure provided that all of the following requirements have been fully met:
 - 1. The owner has applied for the necessary demolition permit and has received notice of denial of same from the Historic Preservation Commission and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.
 - 2. The owner has met the notice requirements set forth in Subsection G above for the full waiting period as defined in Subsection F above.
 - 3. The owner has, during the waiting period and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, place or structure and the land pertaining thereto to any person, organization, government or agency thereof or political subdivision which gives reasonable assurance that it is willing to preserve the building, place or structure and the land pertaining thereto.
 - 4. The owner shall not have been a party to any bona fide contract, binding upon all parties thereto, for the sale of any such building, place or structure and the land pertaining thereto executed prior to the expiration of the notice period, except a contract made in accordance with Paragraph (3) above.

SECTION 908 DEMOLITION OF STRUCTURES ON PROPERTIES IN HISTORIC ZONE DISTRICTS AND ON DESIGNATED HISTORIC SITES; PUBLIC USES

- A. Applicability. This Section applies where the proposed demolition (in whole or in part) of a structure in any historic zone district or other designated historic site situated elsewhere in the Township is for the purpose of providing a site for a public building or land for public use such as a road widening.
- B. Notice Required. The applicant for the demolition permit shall notify the following agencies as well as the Historic Preservation Advisory Committee:
1. Township of Neptune Historical Society;
 2. Historical Society of Ocean Grove;
 3. State Office of Historic Preservation;
 4. State Historic Sites Council;
 5. Office of Archaeology and Historic Preservation, Department of the Interior; and
 6. National Trust for Historic Preservation.

Ocean Grove Residential Structures -Facade Design Guidelines

IX. Credits

The Guidelines Sub-Committee of the Historic Preservation Commission:

Philip J Capozzi, Lucinda Heinlein and Debbie Osepchuk

The Office of the Historic Preservation Commission of Neptune:

Rose C. Havey

Administrative Officer, Zoning Board of Adjustment

Historic Preservation Commission, Secretary

A Victorian House Builder's Guide - George E. Woodward

American Shelter - Lester Walker

Architecture of the Victorian Era - E. C. Hussey

Bricknell's Victorian Buildings - A. J. Bricknell and Company

Century of Color - Roger W. Moss

Clues to American Architecture - Marilyn W. Klein and David P. Fogle

Designs for Street Fronts, Suburban Houses and Cottages - M.F. Cummings & C.C. Miller

Great American Houses and their Architectural Styles - Virginia & Lee McAlester

Guidelines for the Township of Neptune's Board of Architectural Review/1983

Home Renovator's Guide for Historic Ocean Grove/1989 - Gail Hunton & Jennifer Boyd

Preservation Guidelines Manual/1989 - Constance M. Greiff and Anne Weber, AIA

Victorian City and Country Houses - George E. Woodward

Victorian Exterior Decoration - Roger W. Moss and Gail Caskey Winkler

Victorian Domestic Architectural Plans and Details - William T. Comstock

Visual Dictionary of American Domestic Architecture - Rachel Carley