

**ORDINANCE NO. 2018-15**

**ORDINANCE OF THE BOROUGH OF RED BANK,  
COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING  
CHAPTER 490, PLANNING AND DEVELOPMENT REGULATIONS,  
RELATING TO HISTORIC DISTRICT REGULATIONS AND ARTICLE VIII RELATING TO  
THE HISTORIC PRESERVATION COMMISSION**

\_\_\_\_\_ offered the following ordinance and moved its introduction on first reading:

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Article VIII and Chapter 490 of the Revised General Ordinances of the Borough of Red Bank, Monmouth County is hereby amended and supplemented as follows:

**SECTION 1.** Article VIII Historic Preservation Commission is hereby replaced with:

Article VIII: ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION.

- A. Establishment and Classes of Members. A Historic Preservation Commission (HPC) is hereby established consisting of five (5) regular members and which may include two (2) alternate members, each of whom shall be appointed by the Mayor, of the following 3 classes:
1. Class A - A person who is by occupation a professional in building design and construction or architectural history;
  2. Class B - Persons who are knowledgeable or have a demonstrated interest in local history;
  3. Class C - Persons who are residents of the municipality and who hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.
  4. There shall be one member each from Classes A and B fulfilling the terms.
  5. Those regular members who are not designated as Class A or B shall be designated as Class C. Of the regular members a total of at least one less from a majority shall be of Classes A and B. Alternate members shall meet the qualifications of Class C members and shall be designated "Alternate No. 1" and "Alternate No. 2" at the time of appointment.
  6. All members shall be residents of the municipality excepting Class A and Class B.
  7. Terms of Membership.
    - a. The term of each regular member shall be 4 years and the term of each alternate member shall be 2 years.
    - b. Alternate members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No.2."
    - c. The term of any member in common with the Planning Board or Board of Adjustment shall be for the term of membership on such Board.
- B. The terms of the members first appointed under this Ordinance shall be such that 2 members shall be appointed to a one year term, 2 members shall be appointed to a 2 year term, and one member shall be appointed to a 3 year term. Alternate No. 1 shall be appointed to a 2 year term and Alternate No. 2 shall be appointed to a one year term. The first year of the terms of all initial appointments under this Ordinance shall expire on December 31 of that year. The term of a regular member subsequently appointed shall be 3 years; and the term of an alternate member shall be 2 years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only, within 60 days of said vacancy. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board or Board of Adjustment shall be for the term of the membership on the Planning Board or Board of Adjustment, as the case may be.
- C. 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.

- D. Vacancies. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term, only.
- E. 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.
- F. Removal. A member of the Commission may, after public hearing if he requests it, be removed by Governing Body for cause.
- G. Conflict. No member or alternate member of the HPC shall be permitted to act on either any matter in which he or she has directly or indirectly any personal or financial interest. No member who is so disqualified may act on that particular matter, shall not continue to sit with the Commission on the hearing of such matter, nor shall participate in any discussion or decision.
- H. Organization. The HPC shall elect from its membership a Chairman and Vice Chairman whose terms of office shall be for one year. The Chairman shall preside over the Commission and shall have the right to vote. The Vice Chairman shall, in case of absence or disability of the Chairman, perform the duties of the Chairman. A Secretary shall be appointed by the Commission may or may not be a member of the Commission or a municipal employee. The Commission shall be governed by Roberts Rules of Order.
- I. Funding. The Governing Body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission shall have the authority to contract for the services of qualified persons to direct, advise and assist the Commission, and may acquire equipment and supplies necessary to its effective operation.
- J. Advice. The Commission is empowered to seek advisory opinions and technical assistance from appropriate municipal officers and employees on any matter within the Commissions jurisdiction.
- K. Rules and Procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:
  - a. A quorum for any action by the HPC shall be 3 members.
  - b. All HPC minutes and records shall be public records.
  - c. All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.).
  - d. The Commission shall adopt rules for the transaction of its business, which shall provide for time and place meetings.

**SECTION 2.** §490-55 Historic District Regulations, is hereby replaced with:

- A. Purpose and Intent.
  - (1) The purpose of this section is to encourage desirable development in those areas of the Borough which possess unique historical character and to further enhance, promote and expand the cultural and historical identity, character and environment of such areas through the review and approval of exterior architectural design and other significant features of buildings and other structures to be modified or erected and/or sites to be improved.
  - (2) It is intended that demolition of historic structures shall be discouraged as their loss will be a common loss to the Borough and the neighborhood. Moving a landmark, historic structure or other property in the historic district should be encouraged only as the last resort as an alternative to demolition, if there is no other way to save the structure.
  - (3) It is also intended that the Historic Preservation Commission shall review plans for new construction so that such construction is compatible with existing and nearby structures. it is not intended that new construction be a copy of a particular historic period or style, but rather that is be compatible in the use of materials, scale, color, size and setback.
- B. Applicability. This section shall apply to the following:
  - (1) All properties in the Design District Overlay (DDO) Zone as depicted on the Borough's Official Zoning Map. If a property is partly within the DDO zone this section shall apply to the entire property.
  - (2) The Washington Street Historic District as depicted on the Borough's Official Zoning Map.

- (3) Any individual properties outside of (1) and (2) above that are included on the most recent version of the Borough's Historic Preservation Element of the Master Plan.

C. Application Procedures to the Historic Preservation Commission.

An application for a Development (zoning) Permit shall be required precedent to the issuance of a building permit to construct, alter, repair, move or demolish any building, structure or sign on the applicable historic properties. The Development Permit application shall be made to the Administrative Officer, pursuant to Borough codes. No Development Permit shall be issued until a Certificate of Appropriateness has been approved by the Planning Board, Board of Adjustment, or Historic Preservation Commission, as the case may be. An application for approval of a Certificate of Appropriateness shall be completed and filed with the Administrative Officer not less than 10 days before a Historic Preservation Commission meeting.

- (1) Minor and Major Applications. The Administrative Officer shall review the application form and classify the application in accordance with the following guidelines:
  - (a) If a Certificate of Appropriateness is requested for an action which will substantially affect the characteristics of the district or historic site, the Administrative Officer shall classify the application as a major application and notify the applicant to submit a full application which shall include architectural drawings and plans prepared by a New Jersey licensed architect; photographs, sign designs, and other information described in the Historic Preservation Commission's regulations. The Administrative Officer shall be entitled to request and receive assistance in the classification from the HPC.
  - (b) If a Certificate of Appropriateness is required for an action which will not substantially affect the historic site or district, the Administrative Officer shall classify the application as a minor application.
  - (c) Completed minor application will be heard and acted upon at the next regularly scheduled meeting of the Historic Preservation Commission.
  - (d) Major applications shall be acted on within 30 days after the application is declared complete by the Administrative Officer. If the HPC does not act on a major application within 45 days, the application shall be deemed to have been approved as submitted, and the Administrative Officer shall so certify. By mutual written agreement of the applicant and the HPC, there may be an extension of time. The HPC may advise the applicant and make recommendations in regard to the appropriateness of the proposed action, and may grant approval upon such conditions as it deems appropriate within the intent and purposes of this Ordinance. The HPC shall decide on each application and shall reduce their findings and conclusions in the form of a resolution to be adopted by the Commission.
  - (e) Sign Application. Any person seeking a construction permit to construct, alter, repair, move, install or demolish a sign in the historic district or historic site outside of a district shall be required to receive a Certificate of Appropriateness from the HPC. All applications for a Certificate of Appropriateness for a sign shall be classified as minor applications.
- (2) Decisions by the Historic Preservation Commission.
  - (a) If an application is approved, the HPC shall issue a Certificate of Appropriateness and provide the applicant with a certified copy of the resolution. If disapproved, the Commission shall notify the applicant in writing of the resolution and provide to the applicant a certified copy.
  - (b) In the event that an applicant alleges that compliance with the requirements of this Ordinance would be an unreasonable hardship and that the nature of his application is such that the change sought does not justify the time and expense of a plenary proceeding, will not impact negatively on the public good, nor specifically on the historic qualities sought to be preserved, the Commission, by a majority vote of its full authorized membership, may grant such relief from the requirements of this Ordinance as it deems consistent with the public good and the purposes of this Ordinance.
  - (c) An applicant may request that a Certificate of Appropriateness be granted without fulfilling all the application requirements set forth because the change contemplated shall not be visible from any place to

which the public normally has access and, therefore, cannot adversely affect the public interest. In that event, the Historic Preservation Commission, by a majority vote of its full authorized membership, may determine that the criterion for such an exemption has been met and may grant a Certificate of Appropriateness.

(3) Effect of a Certificate of Appropriateness Approval; Denial; Appeal.

- (a) Issuance of a Certificate of Appropriateness shall be deemed to be final approval pursuant to this Ordinance. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other City ordinance to be made prior to undertaking the action requested concerning the historic site or structure in the historic district. A Certificate of Appropriateness shall be valid for 2 years within such time the applicant shall have procured a construction permit, or in the event that subdivision or site plan approval is required, filed a complete application with the Planning Board or Board of Adjustment, as the case may be, or within such time as the HPC may deem it in the public interest to grant, but in no circumstance shall such extension be for a period greater than 2 years from the date of the expiration of the original approval.
- (b) Denial of a Certificate of Appropriateness shall be deemed to preclude the applicant from undertaking tile activity applied for concerning a historic site or structure in a historic district.
- (c) Appeal from a denial of the Certificate of Appropriateness shall be to the Board of Adjustment under N.J.S.A. 40:55D-70a where no application for development is required and to Superior Court where the Certificate of Appropriateness is issued by the Planning Board or Board of Adjustment.

- (4) Emergency Repairs. When emergency repairs are required, the Administrative Officer shall notify the Chairman of the Historic Preservation Commission or his designee and a recommendation concerning the emergency repairs shall be made within 48 hours. The Administrative Officer may allow temporary repairs to a structure prior to the Historic Preservation Commission's review when these repairs are necessary for the buildings occupancy or to ensure public safety contingent upon the application for a Certificate of Appropriateness within 10 days of the onset of such emergency repairs. Such emergency repairs shall not be intended to last more than 90 days.

D. Design Guidelines

- (1) Design objectives. All proposed development within any Historic District in the Borough of Red Bank should be designed to accomplish the following objectives:
- (a) Recognize the distinctive historic and architectural characteristics of the district. The characteristics are important reminders of the Borough's cultural, social, economic, political and architectural history.
  - (b) Foster civic pride in the noble accomplishments of the Borough's past.
  - (c) Protect and enhance the attractiveness of the Borough for tourists, visitors and shoppers and thereby support and promote business, commerce, industry and overall economic benefit to the Borough.
- (2) General design standards. Every development shall comply with these general standards:
- (a) Site and building design shall be compatible with surrounding sites and buildings and with the character of this Historic District as a whole.
  - (b) The preferred architectural styles shall be those which predominated during the Victorian era, the primary period of Historic District building activity. The urban vernacular architecture generated during this period in Red Bank was "Italianate Commercial," "Eclectic Commercial" and "Victorian Functional." See "Nineteenth Century Red Bank" by Kathleen J. Murray, 1981, on file in the office of the administrative officer, for more details on architectural styles.
  - (c) Contemporary design is not encouraged but shall be permitted when such design is compatible in character, size, scale, setback, style, color and materials with adjacent properties, the remainder of the neighborhood and the Historic District as a whole. See Figures I and II.

- (d) Colors utilized should be appropriate to the concept of the Historic District. Subdued colors, earth tones and colors appropriate to the architectural period of the structure are encouraged.
  - (e) Landscaping should be compatible with the architectural character and appearance of the site and structure and with the Historic District as a whole.
  - (f) Reasonable efforts shall be made to discover, protect and/or preserve desirable archaeological resources which are likely to be affected by any proposed development or to incorporate an original architectural design, material composition, and/or maintain and not destroy any surrounding historical structures.
  - (g) Designs which seem to produce a distinctive or dramatic result and purposely include features which set them apart from the balance of the Historic District are discouraged.
  - (h) Signs shall be appropriate to the concept of the Historic District and shall be selected with a view to both historical appropriateness and conformance with Borough's sign regulations.
  - (i) Exterior building materials shall be appropriate to the architectural style selected. Use of masonry and, where appropriate, wood is encouraged, and the use of brick with appropriate attention given to color, texture, details, and bond pattern is usually appropriate. Other exterior materials, including marble, granite and limestone, are permitted, provided that they are appropriate to the style of the structure. Use of diagonal and vertical wood patterns, wood paneling, particularly upon upper-level, metal storefront and panels, glazed tile and similar materials and techniques incompatible with the significant structures in the district is discouraged.
- (3) Guidelines for existing structures. Every development involving an existing structure shall comply with these guidelines:
- (a) Sensitive treatment of distinctive stylistic features or examples of skilled craftsmanship that characterize a building or site.
  - (b) Maintenance of proportions and relationship between doors and windows in a manner compatible with the original structure architecture and with substantial adjacent buildings and other structures within the district. Minimum alteration of dimensions and locations of upper-story windows.
  - (c) When appropriate, restoration and/or repair rather than replacement of deteriorated architectural features.
  - (d) Removal of discordant building elements, especially if such removal will expose attractive details of the original building.
- (4) These actions/activities are prohibited:
- (a) Alterations or renovations which are arbitrary and seem to create the appearance of an architectural period not appropriate to the district.
  - (b) The renovation of street-level storefronts in a manner inconsistent and incompatible with the upper stories of a structure.
  - (c) Conversely, the renovation of the upper stories of a structure in a manner inconsistent and incompatible with the other portions of the structure or adjacent structures.
  - (d) The use of surface cleaning techniques or other construction methods which are likely to damage finishes, details, or other desirable architectural elements.
  - (e) The alteration, destruction or removal of existing historic structures which are ancillary to existing or formerly existing historic structures, including but not limited to barns, walls, clocks, pillars, and signs.
- (5) Guidelines for new structures. Every development involving a new structure shall comply with these guidelines:
- (a) Height and setback distance from the street should be compatible with substantial adjacent buildings and other structures in the district.

- (b) Designs in the Historic District need not be replicas of old buildings, but identified architectural styles should be similar and compatible.
- (c) Roofs should be compatible with the architectural styles and surrounding structures in the Historic District.
- (d) Size and mass of structures should reflect the neighborhood scale and the form of buildings and spaces in the district. Regardless of traditional or contemporary design, a new building should relate to the old in terms of the mass of the walls versus openings in the walls and in the differentiation between first-floor uses and upper-floor uses.
- (e) Facades of new structures should blend with other structures with regard to directional expression. New structures should be compatible with dominant horizontal and vertical expression of surrounding buildings.
- (f) Building scale, setback, mass, and landscaping should be representative of early 20th century, pedestrian-safe and friendly walkable business and residential neighborhoods.

**SECTION 2:** A copy of this Ordinance, upon introduction, shall be provided to all appropriate municipal agencies, including the Planning Board, for their review and comment pursuant to applicable New Jersey Statutes.

**SECTION 3:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

**SECTION 4:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION 5:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by

and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	( )	( )	( )	( )
Councilman Whelan	( )	( )	( )	( )
Councilman Yngstrom	( )	( )	( )	( )
Councilman Ballard	( )	( )	( )	( )
Councilman Zipprich	( )	( )	( )	( )
Councilwoman Horgan	( )	( )	( )	( )

Dated: May 9, 2018