

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 17-2023

AN ORDINANCE AMENDING CHAPTER 28: "LAND DEVELOPMENT REGULATIONS" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO MODIFY SECTION 28-16.4: "ESTABLISHMENT" AS TO MEMBERSHIP OF THE HISTORIC PRESERVATION COMMISSION.

BE IT ORDAINED by the Mayor and Council of the Borough of Allentown, County of Monmouth, State of New Jersey, that Chapter 28: "Land Development Regulations" of the Borough's Revised General Ordinances is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

28-16 HISTORIC PRESERVATION.

* * *

28-16.4 Establishment.

- a. *Members.* There is hereby established a Historic Preservation Commission to be appointed by the Mayor which Commission was established by prior ordinance and is hereby continued consistent with N.J.S.A. 40:55D-107 et seq. The Commission shall consist of ~~seven~~nine regular members and two alternate members. Members shall serve without compensation. At the time of appointment, at least one member shall be designated from each of the following classes:
1. *Class A.* A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and
 2. *Class B.* A person who is knowledgeable, or with a demonstrated interest in, local history and who may reside outside the municipality; and
 3. *Class C.* Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board. Class C members should have at minimum a demonstrated interest in history, historic preservation or a related field. Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." Of the ~~seven~~nine regular members, at least one less than a majority shall be of Classes A and B.

b. *Terms.*

1. Members of the Historic Preservation Commission who have been appointed under the prior ordinance shall continue in office until expiration of their respective terms. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years.
2. 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.
3. A vacancy occurring other than by expiration of term shall be filled within 60 days for the unexpired term only.

c. *Alternates.* The alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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. *Council Liaison.* The Allentown Borough Council shall designate a member to act as a liaison between the Historic Preservation Commission and the Council.

e. *Officers.* Annually, the Commission shall elect a chair and vice-chair from its members and select a recording secretary, who may or may not be a member of the Commission or a municipal employee.

f. *Budget.* The Borough Council shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by Borough Council, unless Council by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by Borough Council for the Commission's use. In the event that the Commission receives gifts or grants, they will be placed in a dedicated fund for the exclusive use of the Commission.

g. *Finances.* The Borough Council shall establish by ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of certificates of appropriateness and reviews of applications for development. These fees are in addition to any other required under any portion of this or any other applicable ordinance.

BE IT FURTHER ORDAINED by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

BE IT FURTHER ORDAINED by Mayor and Council that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

BE IT FURTHER ORDAINED by Mayor and Council that this ordinance shall be in full force and take effect after final passage and publication according to law.

ATTEST:

THOMAS FRITTS, Mayor

LAURIE A. ROTH, MAS, RMC, CMR
Municipal Clerk

Introduced: November 21, 2023

Adopted: December 12, 2023