

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-22

1st Reading 9-12-23

Date to Mayor 9-27-23

2nd Reading &
Public Hearing 9-26-23

Date Returned 9-27-23

Date Adopted:
9-26-23

Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date:
10-19-23

Township Attorney

AN ORDINANCE AMENDING CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, CHAPTER 14-61, DESIGNATION OF HISTORIC LANDMARKS

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X				X	
Keyes-Maloney			X			
Schroth	X					
Steward	X					X
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					
Keyes-Maloney	X				X	
Schroth	X					
Steward	X					X
Wollert	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-22

AN ORDINANCE AMENDING CHAPTER 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, CHAPTER 14-61, DESIGNATION OF HISTORIC LANDMARKS

WHEREAS, the Township of Ewing (the “Township”) previously adopted Ordinance No. 98-13, which established Chapter 14, Article VI, Historic Preservation Commission; and

WHEREAS, pursuant to §14-56, and in accordance with N.J.S.A. 40:55D-107, *et seq.*, the Township created the Ewing Township Historic Preservation Commission (the “Commission”); and

WHEREAS, the Township has determined that several amendments to the ordinance are necessary to conform with state requirements and updates to master plan documents, better stabilize Commission membership, and clarify the requirements for historic property maintenance; and

WHEREAS, for that reason, the Township has determined to amend Chapter 14, Boards, Commissions and Committees, Article VI, Historic Preservation Commission, Chapter 14-61, Designation of Historic Landmarks.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 14, BOARDS, COMMISSIONS AND COMMITTEES, ARTICLE VI, HISTORIC PRESERVATION COMMISSION, is hereby added as follows:

§ 14-61 Designation of historic landmarks.

A. The Commission shall recommend to the Planning Board guidelines for review to be utilized in determinations of historic landmark status and for review of development applications or permits affecting historic landmarks or improvements within historic districts. The Planning Board may recommend modifications of the guidelines and shall make the final decision as to their adoption.

B. The Commission shall consider for historic designation buildings, structures, objects, sites and districts within the Township which merit landmark designation and protection by reason of possessing integrity of location, design, setting, materials, workmanship or association, based on its review or upon the recommendation of other Township bodies or of concerned citizens. The Commission shall make a list of landmarks recommended for designation. For each landmark, there shall be a brief description of the landmark, of the landmark's significance pursuant to the criteria set forth above, a description of the landmark's location and boundaries and a map. The Commission shall, by certified mail:

- (1) Notify each owner that his property is being considered for historic landmark designation and the reasons therefor.
- (2) Advise each owner of the significance and consequences of such designation, and advise him of his opportunities and rights to challenge or contest such designation.
- (3) Notify each owner of the date, time and location of the public meeting to be held.

C. The list of potential landmarks, as well as the description, significance, location, boundaries and map of each, shall be subject to review at a Commission public hearing. At least 10 days before such a hearing, a preliminary list and a map showing proposed landmarks shall be

published, together with notice of the hearing, in an official newspaper of the municipality. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for landmark designation. The Commission shall then vote on its recommendation to the Planning Board for resources to be designated as local landmarks.

D. The Commission shall prepare a concise report of its recommendations for sites to be designated as local landmarks. Copies of the report shall be delivered to the Planning Board and the Municipal Clerk and a notice of action published by the Commission Secretary in an official newspaper. The published notice shall state the Commission's recommendations and also that final designation shall be made by the Planning Board at a public meeting specified on a date not less than 15 nor more than 45 days from the date of publication.

E. Final determination that landmark status exists shall be made by the Planning Board and incorporated into the Master Plan. Such a final determination by the Planning Board shall create landmark status. A certificate of designation shall be issued by the Planning Board. Within seven days of the creation of landmark status, the Planning Board shall, by certified mail, notify the owner of the property involved of the determination and advise him of his rights with respect to an appeal of said determination to Superior Court.

F. After Planning Board review and approval, the Commission shall submit the list of designated landmarks and a map to the Municipal Clerk. The Township Council shall then consider the designation list and map and may approve, reject or modify the same by ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted. Upon adoption, the designation list and map shall be incorporated by reference into the Municipal Master Plan and Zoning Ordinance.

G. Copies of the designation list and official map, as adopted, shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included in the list, and a true copy thereof shall be filed with the County Clerk for recording in the same manner as a certificate of a lien upon real property.

H. The following properties, reviewed and approved by the Historic Preservation Commission and the Planning Board, as more particularly described in proceedings before said bodies, be and the same are hereby approved and designated historic landmarks:

- (1) William Green House, on the grounds of The College of New Jersey (formerly Trenton State College), (circa 1730), Section 215, Lot 42.
- (2) ~~Trenton~~ Bath House and Day Camp of the Ewing Senior and Community Center (Trenton Bath House), on the grounds of the ~~Jewish~~ Ewing Senior and Community Center, 999 Lower Ferry Road, (circa 1930), Section 345, Lot 140.
- (3) West Trenton Railroad Train Station, Railroad Avenue, 400 Sullivan Way (circa 1930), Section 392, Lot 1.
- (4) Fish-Howell House, 481 Grand Avenue, (circa 1830), Section 411, Lot 1.
- (5) Temple Ryan Farmhouse, (Benjamin Temple House), 27 Federal City Road, (circa 1750), Section 223, Lot WP.
- (6) Anthony Cook Farm House, 1189 Parkside Avenue, (circa 1750), Section 293, Lot 18.
- (7) David Howell House, 2 Peck Avenue, (circa 1730 and 1790), Section 506, Lot 43.
- (8) Green Reading Knight and (Knight and Green Farm) Houses, on the grounds of the State of New Jersey, 107 Upper Ferry Rd. and Wilburtha Road, (circa 1795), Section 411, Lot 11.

- (9) ~~The last remaining quarry workman's house, a two-story frame building, circa 1840, currently on the southwest quadrant of Mansion Hill Estates, Ewing Township, New Jersey. Woodruff House, 146 Summit Ave. (circa 1897), Section 382, Lot 11.01.~~
- (10) The Nathaniel Lanning House, 2051 Pennington Road, (circa 1812), Block 229H, Lot 5.
- (11) The Spafford-Bergen House, 2061 Pennington Road, (circa 1890), Block 229H, Lot 6.
- (12) The Tindall-Lanning House, 2071 Pennington Road, (circa 1790), Block 229H, Lot 8.
- (13) The original Log Cabin Barracks at the headquarters of the New Jersey State Police, (circa 1930), Block 423 Lot 17.
- (14) Wilmot House, 9 Wilburtha Road, (circa [1800], Block 419, Lot 19.
- (15) Ewingville School, 440 Ewingville Road, (circa 1858/[built] 1896), Block 214, Lot 13.
- (16) St. Michaels Cemetery, on the grounds of Trenton Psychiatric Hospital, established 1703, (circa 1702), Block 414, Lot 2.
- (17) (S.T.)Atchley Farmouse, 24 Rockleigh Dr. (circa 1802), Block 541, Lot 14.
- (18) Scudder-Reeder House, 295 W. Upper Ferry Rd. (circa 1780/1850), Block 422, Lot 2.
- (19) Sherratt House, 16 Wilburtha Rd. (circa 1926), Block 420 Lot 16.
- (20) Hills-Hollow, 26 Wilburtha Rd. (circa 1765), Block 420.01 Lot 23.
- (21) Cornell-Brophy Spring House, 2260 Pennington Rd. (circa 1750), Block 223.10 Lot 135
- (22) Paxson House, 453 Grand Ave. (circa 1892), Block 411 Lot 6.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.