BOROUGH OF FRANKLIN

ORDINANCE No. 03-2024

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING THE HISTORIC PRESERVATION COMMISSION

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Franklin Borough Code is amended as follows:

SECTION I. Chapter 10 of the Code is hereby modified to replace Sections 10-11 through 10-13 as follows:

Article III. Historic Preservation Committee

§ 10-11. Membership; terms; meetings.

A. The Historic Preservation Committee (HPC) is hereby established consisting of five regular members and two alternate members, each of whom shall be appointed by the Mayor, of the following three classes:

(1) Class A: persons who are knowledgeable in building design and construction or in architectural history;

(2) Class B: persons who are knowledgeable or have a demonstrated interest in local history; and

(3) Class C: persons who are residents of the municipality.

(4) There shall be at least one regular member from each class.

(5) 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.

B. Terms of membership.

(1) The term of each regular member shall be four years, and the term of each alternate member shall be two years.

(2) Alternate members. Alternate members shall be designated at the time of their appointment as "Alternate No. 1" and "Alternate No. 2."

(3) The term of any member in common with the Planning Board shall be for the term of membership on such Board.

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. Any member may be removed by the governing body for cause but only after public hearing and other due process proceedings.

G. Conflict. No member or alternate member of the HPC shall be permitted to act on any matter in which he or she has either 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 Committee on the hearing of such matter, nor shall participate in any discussion or decision.

H. Organization. The HPC shall elect from its members a Chairman and Vice Chairman and select a Secretary who may or may not be a member of the HPC or a municipal employee.

I. Funding. The governing body shall make provisions in its budget and appropriate funds for the expenses of the Historic Preservation Committee.

J. Rules and procedures. The HPC shall adopt and may amend internal rules and procedures for the transaction of its business subject to the following:

(1) A quorum for any action by the HPC shall be three members.

(2) All HPC minutes and records shall be public records.

(3) All HPC meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq.).

(4) HPC meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the Planning Board, governing body, or Construction Official.

§ 10-12. Role.

A. For applications that would otherwise not require Planning Board review, that are historic sites or in historic districts, the Zoning Officer shall refer the application to the HPC for a written report on the application and its compliance with the Borough's historic district regulations. This report shall be submitted to the Zoning Officer, who shall issue a written approval or denial based on the HPC report, pursuant to N.J.S.A. 40:55D-111. The report of the HPC shall also be provided to the applicant and the Planning Board. The report shall be sent to the Zoning Officer within 45 days of the referral to the HPC. Failure of HPC to report within the forty-five-day period shall constitute a determination that the application is consistent with the historic district regulations and that no condition on the issuance of the permit shall be imposed.

B. For applications that require Planning Board review based on provisions of the Borough Land Development Ordinance that are historic sites or in historic districts, the application shall be referred to the HPC for a written report on the application and its compliance with the Borough's historic district regulations. This report shall be submitted to the Planning Board which shall make a final decision on the matter. The report of the HPC shall be sent to Planning Board and applicant within 45 days of the referral to the HPC or prior to the scheduled public hearing before the Board on the matter, whichever is sooner. Failure of the HPC to report shall constitute a determination that the application is consistent with the historic district regulations and that no condition shall be imposed on the issuance of any approval.

C. An applicant may appeal any determination of the Zoning Officer to the Borough Planning Board. Said appeal shall occur within 45 days of the final determination by the Zoning Officer.

D. The HPC shall advise the Planning Board from time to time through the process of amending the Historic Preservation Element of the Master Plan.

E. The HPC 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.

§ 10-13. Duties and responsibilities.

The Historic Preservation Committee shall have the following duties and responsibilities:

A. To prepare a survey or surveys of historic sites and districts pursuant to criteria established in such survey;

B. To make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications of any other element on the preservation of historic sites and districts;

C. To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;

D. To advise the Planning Board on applications for development;

E. To provide written reports on the application of the zoning provisions of this article or other land development regulations on historic sites and districts;

F. To provide technical assistance upon request to property owners on the preservation, restoration, and rehabilitation of historic structures;

G. To carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality.

SECTION II.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION V

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST:

Darlene J. Tremont, CLERK

BOROUGH OF FRANKLIN

John M. Sowden IV, MAYOR

DATED: March 12, 2024