

ORDINANCE NO. 2024:15

AN ORDINANCE TO AMEND CHAPTER XXX ENTITLED “LAND USE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD THEREBY AMENDING ARTICLE V ENTITLED “HISTORICAL PRESERVATION”

WHEREAS, the Historic Preservation Commission has made a recommendation to the Mayor and Council to revise Chapter XXX, Article V entitled “Historical Preservation” of the Revised General Ordinances of the Borough of New Milford; and

WHEREAS, The Mayor and Council have reviewed the Historic Preservation Commission’s recommendation and wish to amend Chapter XXX, Article V entitled “Historical Preservation.”

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of New Milford that Chapter XXX, Article V “Historical Preservation” is hereby amended as follows:

Section 1. *Section 30-46 is repealed and replaced as follows:*

§ 30-46 DESIGNATION OF HISTORIC PROPERTIES.

Historic Sites.

In accordance with the Historic Preservation Plan Element of the Master Plan the following sites are designed as historic sites:

Site Name	Block	Lot	Location
a. Muser Ely (Lyons) House	119	15	1141 River Road
b. Demarest Cole Siegel House	112	1	2 Lynwood Ave.
c. Perrone's Farm, (designated preserved farmland. Now, New Bridge Farm and Garden Center)	904	44	563 River Road
d. Klinger's Farm, (designated preserved farmland,. now Fresh and Fancy Farms)	904	43	575 River Road
e. Bogert-Forster House,	114	23	157 New Bridge Road
f. Bloomer Hart House, (on National Register) c. 1830	901	1	147 River Edge Ave.
g. The O'Malley House,	318	54	975 River Road
h. Ames House, (Listed on ordinance as Davis Karlsson.)	118	8	201 Rambler Ave.
i. Battali-Graf Farmhouse,	1606	25	65 Trench Drive

Site Name	Block	Lot	Location	
j.	Snow House,	1307	4	202 Boulevard
k.	Bridge Structure at Old New Bridge Road. c. 17th & 18th Centuries			Foot of Old New Bridge Road.
l.	French Burying Ground, c. 1680	502	6	Ray Woods Drive
m.	Zabriskie House c. 18th Century	909	1	629 River Road
o.	New Bridge Historic Area			Area runs Faller drive south to Teaneck border; from French Brook West to Hackensack River.
p.	Old Bridge Historic Area			Area runs from to Madison south to River Edge Avenue; Boulevard West to Hackensack River.
q.	Peetzburgh Historic Area			Area runs from Oradell border south to Main Street; Boulevard West to Hackensack River
r.	Jacobus (David) Demarest House locally known as the Demarest Gurd Casey House – (on National Register)	903	17	618 River Road
s.	Demarest Heitsche Latz House	104	1.01	1056 River
t.	Original St. Mathew’s Lutheran Church now known as Art Center of Northern New Jersey	1521	1.01	250 Center Street
u.	Demarest - Grant House	1420	7	175 Boulevard

Section 2. *Section 30-46.1 is repealed and replaced as follows:*

§ 30-46.1 Historic Designation Criteria.

In considering whether an individual site, building or structure is of particular historical, archaeological, scenic or architectural significance to the Borough, the County of Bergen, the State of New Jersey or the nation and reflects or exemplifies the cultural, political, scenic, economic or social history of the nation, State, or locality the Historic Preservation Commissions shall give consideration to the following criteria.

- a. That it is associated with events that have made a significant contribution to the broad patterns of our history; and/or
- b. That it is associated with the lives of persons significant in our past; and/or

- c. That it embodies the distinctive characteristics of a type, period or method of construction or that it represents the work of a master, or that it possesses high artistic values, or that it represents a significant and distinguishable entity whose components may lack individual distinction; and/or
- d. That it has yielded or may be likely to yield information important to pre-history or history.
- e. Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purpose, structures that have been moved from their original locations, reconstructed historic buildings properties primarily commented in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for designation as a landmark. However, such properties will qualify if they are integral parts of landmarks that do meet the criteria or if they fall within the following categories:
 - 1. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - 2. A building or structure removed from its original location, but which is significant primarily for architectural value or which is the surviving structure most importantly associated with a historic person or event; or
 - 3. A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building associated with his productive life; or
 - 4. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
 - 5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of the restoration master plan, and when no other building or structure with the same association has survived or
 - 6. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance or exceptional importance.
 - 7. A property achieving significance within the past 50 years if it is of exceptional importance.

Section 3. *Section 30-47 is repealed and replaced as follows:*

§30-47 PROHIBITION.

- a. None of the following activities shall commence on the property of any landmark, or within the historic site or district, without appropriate review and approvals;
 - 1. Demolition of an historic landmark or of any improvement or accessory building at an historic site or within any historic district.

2. Relocation of any historic landmark.
 3. Changes to the existing structure or the addition of new commercial signs attached to the facade of the building or structure.
- b. Exceptions. The following shall be permitted as an exception to paragraph a. above, any repainting, repair, or exact replacement of any existing improvement, so long as the appearance shall not be changed as a result of such repainting, repair or replacement. Historic markers or signs are also excepted.
 - c. On application to the Historic Preservation Committee, that Committee may, pursuant to Section 30-48 of this historic preservation article, recommend to the administrative officer for, or against the issuance of a permit for the work specified in paragraph a. hereof, and may further include such conditions and/or recommendations as it may deem appropriate to the issuance of such permit.

Section 4. *Section 30-47.1 is added as follows:*

§ 30-47.1 Historic Preservation Committee Guidelines.

- a. In reviewing matters referred to under the Borough Ordinance, the Historic Preservation Commission shall take into consideration the following specific standards:
 1. The impact of the work proposed under an application on the subject site's historic and architectural character.
 2. The site's importance to the Borough and the extent the historic or architectural interest would be adversely affected to the detriment of the public interest.
 3. The extent to which there would be involvement of textures and materials that could not be reproduced only with great difficulty.
 4. Any change of use of the structure or site involved.
 5. The following factors shall be used in determining the visual compatibility of a building, structure, or appurtenance thereof with the buildings and places to which they are visually related and shall be known as "Visual Compatibility Factors."
 - (a) Height. The height of the proposed building shall be visually compatible with existing or adjacent buildings.
 - (b) Proportion of the Building's Front Facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with the buildings and places to which it is visually related.
 - (c) Proportion of Openings within the Facility. The relationship of the width of the windows to the height of the windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (d) Rhythm of Solids to Voids on Front Facade. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.

- (e) Rhythm of Spacing of Buildings on Streets. The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (f) Rhythm of Entrance and/or Porch Projections. The relationship of the entrance or entrances and the porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (g) Relationship of Materials, Texture and Color. The relationship of materials, textures and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
 - (h) Roof Shapes. The roof shapes of a building shall be visually compatible with the buildings to which it is visually related.
 - (i) Walls of Continuity. Appurtenances of a building such as walls, open-type fencing, every green landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (j) Scale of Building. The size of a building, the mass of a building in relation to open spaces, and to the existing windows, door openings, porches and balconies shall be visually compatible with the existing structure of streets and places to which it is visually related.
 - (k) Directional Expression of Front Facade. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character
- b. In making its determinations and recommendations, the Historic Preservation Commission shall also take into consideration specific standards, as set forth below.
1. Demolitions. In regard to an application to demolish a landmark, the following matters shall be considered:
 - (a) Its historic, architectural, archaeological and/or aesthetic significance.
 - (b) Its use.
 - (c) Its importance to the Municipality and the extent to which its historical, architectural, or archaeological value is such that its removal would be determined to the public impact.
 - (d) The extent to which it is of such old, unusual, or uncommon design craftsmanship, texture, or material that it could not be reproduced or should be reproduced only with great difficulty.
 - (e) The extent to which its retention would promote the general welfare by maintaining real estate values, generating business, creating new jobs. Attracting tourists, student writers, and historical artists. Attracting new residents, encouraging study and importance in American History, stimulating interest and study in architecture and

- design educating citizens in American culture and heritage or making the Municipality a more attractive and desirable place in which to live.
2. **Removals Out of the Borough.** In regard to an application to move an historic landmark to a location outside of the Borough, the following matters shall be considered:
 - (a) The historic loss to the site at the original location.
 - (b) The compelling reasons for not retaining landmark at its present location.
 - (c) The proximity of the proposed new location to the Borough including the accessibility to the residents of the Borough and other citizens.
 - (d) The probability of significant damage to the landmark, as a result of the move.
 - (e) The applicable matters set forth in this section.
 3. **Removals Within the Borough.** In regard to an application to move an historic landmark to a location within the Borough, the following matters shall be considered in addition to the other matters set forth in this section.
 - (a) The compatibility, nature, and character of the current and of the proposed surrounding areas as they related to the intent and purposes of the section.
 - (b) The visual compatibility factors as set forth in this section.

Section 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 6. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.