

ORDINANCE NO. 2023-20

ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 96 TO REMOVE PORTIONS OF SECTION 96-6.4 OF THE ZONING ORDINANCE AND RELOCATING THOSE PORTIONS TO CHAPTER 23 ARTICLE VIII OF THE GENERAL ORDINANCES OF THE VILLAGE OF RIDGEFIELD PARK

WHEREAS, The Village of Ridgefield Park is revising its zoning ordinance, Chapter 96 and 96A; and

WHEREAS, the organizational criteria for the Historic Preservation Commission is located in the zoning ordinance, Chapter 96 and should be located in Chapter 23 of the Village's general ordinances; and

WHEREAS, the historic preservation development criteria of the C-1H commercial zone will remain in the zoning ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Commissioners of Ridgefield Park, County of Bergen, as follows:

CHAPTER 23, ARTICLE VIII SECTION 1

23-46 – Historic Preservation Commission

A. Establishment of historic district. The C-1(H) Central Business Historic District as delineated on the Zoning Map of the Village of Ridgefield Park, is hereby designated as a historic district, as provided under the Municipal Land Use Law, N.J.S.A. 40:55D-65.1. This is in recognition of the description of the district in the Master Plan as described in the preceding subsection, and also in recognition of studies of the history of the Village of Ridgefield Park describing its development by the year 1910 as the second largest railroad commuting community on any of the New York City rail lines and reflecting the extensive survival of the original architecture of the Central Business District.

B. For the purposes of administering and enforcing the required design guidelines hereunder, a Historic Preservation Commission is established as provided under N.J.S.A. 40:55D-107. The Historic Preservation Commission shall include a member of the Planning Board and a member owning or operating a business in the C-1(H) Zone and at least one member of 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.

(2) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the community.

C. The Historic Preservation Commission shall consist of five regular members and not more than two alternate members. Of the regular members, a total of at least one less than a majority shall be of Classes A and B.

(1) Those regular members who are not designated as Class A or B shall be designated as Class C. Class C members shall be citizens of the municipality who hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.

(2) Alternate members shall meet the qualifications of Class C members. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after the appointment, provided that the initial term of no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years, and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. 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, and the term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.

(3) The Historic Preservation Commission shall elect a Chairman and Vice Chairman from its members and select a Secretary, who may or may not be a member of the Historic Preservation Commission or a municipal employee.

(4) 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. No member of the Historic Preservation Commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

E. The Mayor and Commissioners shall make provision in the budget and appropriate funds for the expenses of the Historic Preservation Commission.

F. The Historic Preservation 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 the Mayor and Commissioners. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Mayor and Commissioners for the Commission's use.

G. The Historic Preservation Commission shall have the responsibility to:

(1) Prepare a survey of historic sites of the municipality pursuant to criteria identified in the survey report.

(2) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites on any other Master Plan elements.

(3) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.

(4) Advise the Planning Board and Board of Adjustment on applications for development as provided herein.

(5) Provide written reports as provided herein on the application of this chapter's provisions concerning historic preservation.

(6) Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

H. The Planning Board and Board of Adjustment shall make available to the Historic Preservation Commission an informational copy of every application submitted to either Board for development of buildings with nonresidential uses in the C-1(H) Zone. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

I. All applications for building permits involving the exteriors of buildings with commercial uses in the C-1(H) Zone visible from a public street and, even where not requiring a building permit, exterior alterations, including painting and signs, shall be referred by the Construction Official to the Historic Preservation Commission for a written report, which shall be made within 45 days. The Chairman of the Historic Preservation Commission may act in the place of the full Commission for purposes of this section.

J. If, within the forty-five-day period, the Historic Preservation Commission or the Planning Board or Zoning Board of Adjustment, as the case may be, recommends to the Construction Official against the proposed building change or recommends conditions, the Administrative Officer shall deny issuance of the permit or other approval or include the conditions, as the case may be. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of the issuance of the permit or approval and without the recommendation of conditions in the permit or approval.

K. The review criteria shall be the "Building Design Guidelines for the Ridgefield Park Central Business Historic District," which shall be maintained in the office of the Village Construction Code Official. Said criteria shall be made part of this chapter.

L. Destruction of historic and architecturally significant buildings and structures shall be discouraged. Demolition or removal may be forbidden or postponed for a period of six months, after a public hearing granted to the applicant, if requested, and the Historic Preservation Commission shall consult civic groups and public agencies to ascertain how the Village may preserve the building or structure. The Historic Preservation Commission is empowered to work out with the owner feasible plans for the preservation of buildings and structures. Moving of such buildings and structures shall be encouraged as an alternative to destruction. If no feasible alternative is reached, demolition or removal shall be permitted.

M. When it is necessary to move a historic or architecturally significant building or structure to another site within the Village of Ridgefield Park in order to preserve it, upon approval of relocation plans by the Historic Preservation Commission, said building or structure may be relocated, provided that it fulfills the area regulations of said zone as to lot size, setback and yard area. If, however, relocation is within or adjacent to the C-1(H) Central Business Historic District Zone, it may be in the public interest to grant a variance from normal yard requirements, and where it is deemed by the Historic Preservation Commission that such a variance will not adversely affect neighboring properties and will maintain the historic appearance of the site, the Historic Preservation Commission may recommend to the Board of Adjustment or the Planning Board that such variance from normal yard requirements be made.

N. Nothing in this section shall prohibit the repair or rebuilding of any historic building or structure in order to maintain or return said building or structure to its original condition prior to its deterioration or destruction nor to prevent the alteration, repair or demolition of any recent building, structure or addition out of keeping with the architectural character of said area. Nothing in this section shall be construed to prevent ordinary maintenance or repair of an exterior architectural feature now or hereafter in the C-1(H) Central Business Historic District Zone which involves no change in design, material, color or outward appearance thereof, nor shall anything in this section be construed to prevent the construction, reconstruction, alteration or destruction of any such feature which the Construction Official shall determine is required by public health, safety and general welfare because of an unsafe or dangerous condition.

SECTION 2. Planning Board review.

Upon approval of this Ordinance upon First Reading by the Board of Commissioners, this Ordinance shall be transmitted to the Planning Board for its review and recommendation pursuant to N.J.S.A. 40:55D-26.

SECTION 3. Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

SECTION 4. Inspection.

A copy of this Ordinance shall be available for public inspection at the office of the Village Clerk during regular business hours.

SECTION 5. Effective date.

This Ordinance shall take effect 20 days after final publication as required by law.

SECTION 6. Repeal of inconsistent ordinances.

All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 7. Notice to County Planning Board.

Within 30 days of the adoption of this Ordinance, a copy of same shall be transmitted to the Bergen County Planning Board in accordance with N.J.S.A. 40:27-4.



Commissioner Gerken



Commissioner MacNeill

Absent

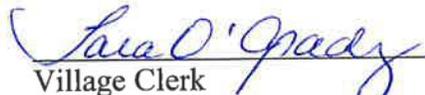
Commissioner Olson

Absent

Commissioner Portorreal



Mayor Anlian



Village Clerk
Adopted on December 12, 2023