

ORDINANCE NO. 2023 - 40

**AN ORDINANCE OF THE TOWNSHIP OF STAFFORD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AMENDING CHAPTER 123 OF THE TOWNSHIP CODE OF
THE TOWNSHIP OF STAFFORD ENTITLED "HISTORIC
PRESERVATION"**

WHEREAS, the Township of Stafford desires to preserve its rich cultural and architectural history; and

WHEREAS, the Township Council has established the Stafford Township Historical Commission by ordinance 87-14 on 2-17-1987 to advise the Township with its historic properties; and

WHEREAS, the Stafford Township Council wants to create incentives to preserve and creatively adapt uses of historic structures; and

WHEREAS, the Stafford Township Council recognizes the loss of historic structures identified in past inventories and the danger of the loss of the Township historic fabric and the subsequent loss of identity and economic value for the entire Township; and

WHEREAS, this ordinance is enacted to promulgate regulations by which historic preservation will be implemented.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Stafford, County of Ocean, State of New Jersey that Chapter 123 of the Code of the Township of Stafford, be and is hereby enacted to be entitled "Historic Preservation" and to read as follows:

§123-1. **Short Title.** This chapter shall be known and may be referred to by the short title of the Historic Preservation Ordinance of Stafford Township.

§123-2. **Establishment of a System of Historic Preservation Regulations.**

A. This chapter does not require or prohibit any particular architectural style; rather, its purpose is to preserve the past by making the past compatible with and relevant to the present. To that end,

B. This ordinance is not intended to apply to structures in subdivisions of twenty-four lots or more approved since 1950.

C. The ordinance is not intended to apply to the following styles of construction:

1. Cape Cod
2. Ranch
3. Millennial Mansion

4. Lagoon Home
5. CH Cranmer/Oliphant Cottage

D. Unless on or eligible to be on the New Jersey or National Register of Historic Places, no structure built after 1950.

E. The following tools are intended to be used to persuade and induce preservation and adaptive reuse of historic structures. These tools will require further authorizations before implementation.

1. Historic Façade Easement to be owned by the Township of Stafford (. The Historic Façade easement is an agreement in part to maintain the structure consistent with the Secretary of the Interior standards as interpreted by the Historical Commission.
2. The Stafford Township Zoning or Planning Boards may relax certain development standards in consideration of the preservation of historic structures. Such standards may include but not be limited to the following:
 - (1) Parking, Lot coverage, underground recharge, density, mixed use; and
 - (2) The square footage of the historic structure (in the original or relocated site on the same parcel of development may be a bonus above and beyond what otherwise might be allowed).
3. The Township may authorize grants to improve historic structures with funds from the Open Space Tax. Grants would be conditional, requiring that funded improvements be consistent with the Secretary of the Interior standards as interpreted by the Historical Commission, Zoning Board, and Planning Board. Property Owners would be required to maintain the Historic elements of structures maintained or improved using Township grants with a Historic Façade Easement. If the property owners desired to modify the structure in a fashion inconsistent with the Historic Easement, any Grant funds would need to be refunded to the Township and the Historic Easement be removed with approval prior to modification. The Grant process would require that Open Space funds be available and approved by the Township Governing Body after review and approval by the Historic Commission.

F. The following tools are not intended to be used to regulate historic structures:

1. interior finishes, uses or design
2. exterior finishes including color or materials for sidings, windows or roofing

G. The provisions of this Chapter shall not apply within the Pinelands Area portion of Stafford Township. In the Pinelands Area portion of the Township, the historic resource provisions at §211-9G(14) shall apply as required by the Pinelands Comprehensive Management Plan.

§123-3 **Intended Purposes.** These historic preservation regulations are intended to effectuate and achieve the protection, enhancement and preservation of distinctive elements of the Township's environment or character in order:

- A. To safeguard the heritage of Stafford Township by preserving resources within the Township which reflect elements of its cultural, social, economic, agricultural and architectural history.
- B. To provide for Quality of Life, sense of place and uniqueness of this Township among many other suburban communities in New Jersey and the nation.
- C. Revitalize underutilized historic structures or neighborhoods.
- D. To encourage the continued use of Historic Landmarks and to facilitate their reuse.
- E. To maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, or site objects within Stafford Township.
- F. To stabilize and improve property values and foster civic pride in the built environment.
- G. To promote appreciation of historic resources for education, pleasure and the welfare of the local population.
- H. To encourage beautification and private reinvestment.
- I. To discourage the unnecessary demolition of historic resources.
- J. To recognize the importance of individual Historic Landmarks by urging property owners and tenants to maintain their properties in keeping with the requirements and standards of this ordinance.
- K. To encourage the proper maintenance and preservation of historic settings and landscapes.
- L. To encourage appropriate alterations of Historic Landmarks.
- M. To enhance the visual and aesthetic character, diversity, continuity and interest in the Township.
- N. To promote the conservation of historic sites and to invite and encourage voluntary compliance.
- O. To provide conservation of embodied energy or the captured carbon foot-print and life cycle energy cost of a structure. In other words, the most sustainable building is the building that already exists.

§123-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

Addition shall mean the construction of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any landmark.

Administrative Officer shall mean the person designated by the Township Council to handle the administration of historic project review applications, as well as the coordination of building permit applications, as referenced in this chapter.

Alteration shall mean any work done on any improvement which (1) is not an addition to the improvement and (2) constitutes a change by addition or replacement in the exterior architectural appearance of an improvement.

Architectural Styles

References to architectural styles are for general identification and should be interpreted in the broadest way. The use of these terms is intended to either exclude or include structures to be protected by this ordinance. Styles are an indication of "an embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering."

Building shall mean a structure created to shelter human activity.

Certificate of Appropriateness shall mean the certificate issued by the Administrative Officer required prior to undertaking demolition of an individually designated historic structure and its accessory buildings or structures, pursuant to this chapter. In all cases where either land use Board has jurisdiction over an application, the Certificate shall operate as an advisory recommendation to the Board.

Demolition shall mean partial or total razing or destruction of any landmark or of any improvement.

Demolition by Neglect shall mean the purposeful or neglectful care or lack of care to structure to render the building structurally unfit, subject to fire or other natural destruction to render the building effectively demolished or qualifying to be demolished.

Disrepair shall mean the condition of being in need of repairs; a structure or building in poor condition.

Historic Facade Easement is an easement recorded against the property requiring that the property and its façade be preserved indefinitely by the grantor their successors and assigns. Such an easement shall be offered by the property in exchange for some municipal benefit such as variance relief of some nature.

Historic Landmark(s) shall mean: any buildings, structures, sites, objects or which possess integrity of location, design, setting, materials, workmanship, and association and which have been determined pursuant to the terms of this ordinance to be:

- a. Of particular historic significance to Stafford Township by reflecting or exemplifying the broad cultural, political, economic, agricultural or social history of the nation, state or community, or
- b. Associated with the historic personages important in national, state or local history, or
- c. The site of a historic event which had a significant effect on the development of the nation, state or community, or
- d. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering, or
- e. Representative of the work or works of a locally, regionally or nationally important builder, designer, artist or architect, or
- f. Significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation, or
- g. Able or likely to yield information important in pre-history or history

Historic Landmark (Icon) shall be buildings determined to be essential to the historic fabric of Stafford Township. Such structures will have the highest level of scrutiny. Structures that are hard to imagine Stafford Township if they are lost.

Additional criteria shall include but not be limited to one or more of the following:

1. On the New Jersey or National Registers of Historic Places, or
2. Having a certificate of eligibility, letter of interpretation or similar, or determination from the NJ State Historic Preservation Office (SHPO)
3. Otherwise eligible for such determination, or
4. Inclusion on the Stafford Township Historical Society Afghan first designed on or about 1991.

Historic Landmark (Protected) shall be buildings that meets the criteria of 123(3)(a) that have been additionally been designated to be of intermediate level of protection.

A. The designation includes but is not limit to following styles of architecture constructed before 1950:

1. 18th or 19th century Cottage
2. Vernacular Greek Revival
3. Vernacular Victorian
4. Vernacular Two Bay
5. Second Empire
6. Early Commercial Building

7. Vernacular Farmhouse
- B. Structures identified on past inventories of Historic Structures including but not limited to one or more of the following:
1. 1981 Historic Structures Inventory, or
 2. 1964 Tercentennial List, or
 3. 1991 Stafford Township Historic Preservation Commission List, or
 4. 2016 Stafford Township Historic Preservation Commission List, or
 5. Structures selected for the designation of the tercentennial triangles in 1964 or 2007, or
 6. Structures with Stafford Township Historic Site Signs issued by the Stafford Township Historic Preservation Commission in cooperation with the Stafford Township Historical Society.

Historic Landmark (Advisory) shall be buildings that meets the criteria of 129(3)(a) that are worth preserving on an advisory level. These style houses include but are not limited to:

1. Bungalows
2. Four Square
3. Early commercial properties constructed before 1950.

The following individual lot and block designations are incorporated into the Historic Element of the 2017 update to the 2007 Stafford Township Master Plan:

HISTORIC PRESERVATION COMMISSION - LIST OF PROPERTIES TO INCLUDE IN ORDINANCE						
BLOCK	LOT	QUALIFIER	TAX MAP	HOUSE NUMBER	PROPERTY/STREET	Description
1	6		1	1423	Main Street, Warren Grove	Church*
1	14		1		Simm Place Rd, Warren Grove	Club*
4	22		1	1478	Pancoast Rd, Warren Grove	*
50	4.01		55	904	North Main Street	
51	1.1		51	103	Beachview Avenue	
51.14	46		69	550	North Main Street	
58	3		75	312	North Main Street	
59	1		75	190	North Main Street	
59	2		75	182	North Main Street	
59	12.0		75	120	North Main Street	Baptist Church
59	1		75	120	North Main Street	
59	14		75	140	North Main Street	
62	20		75	45	Oxycocus Road	

121.01	14		81	49	West Bay Avenue	Grist Mill at Heritage Park
123	34		82	180	Old Broadway	
123.01	18.0 1		86	386	South Main Street, Cedar Run	
123.01	19		91	386	South Main Street, Cedar Run	
123.01	20		91	400	South Main Street, Cedar Run	
123.01	21		61	406	South Main Street, Cedar Run	
123.01	22		91	412	South Main Street, Cedar Run	
123.01	27		90	48	Oak Avenue, Cedar Run	
123.01	33		90	74	Oak Avenue, Cedar Run	
124	46		96	478	South Main Street	
124	54.0 2		96	508	South Main Street	
124	55		96	550	South Main Street	
124	56		96	560	South Main Street	
124	57		96	570	South Main Street, Cedar Run	Cedar Run Methodist
124	58		96	576	South Main Street	
124	87		100	720	South Main Street	
124	87.0 1		100	726	South Main Street	
124	88		100	732	South Main Street	
124	89		100	738	South Main Street	
124	90		100	744	South Main Street	
124	91		100	750	South Main Street	
124	92		100	28	South Main Street	
124	95		100	48	Lamson Road, Mayetta	
124	96		100	62	Lamson Road, Mayetta	
125	2.01		107	758	South Main Street	
125	4		107	770	South Main Street	
125	8.01		107	52	Pollypod Road, Mayetta	
129	4		107	878	South Main Street	
133.01	2		101	775	South Main Street	
133.01	3		101	789	South Main Street	
133.01	5		101	31	Mayetta Landing Road, Mayetta	
134	4		101	731	South Main Street	
135	2		91	575	South Main Street	

135	3		91	569	South Main Street	
135	6		91	551	South Main Street	
135	7		91	549	South Main Street	
135	11		91	541	South Main Street	
135	12		91	531	South Main Street	
	13.0					
135	1		91	517	South Main Street	
135	15		91	507	South Main Street	
137	3		91	487	South Main Street	
138	1		91	435	South Main Street	
138	5		91	415	South Main Street	
138	9		91	405	South Main Street	
144	36		86	305	South Main Street	
144.01	7		128	37	East Bay Avenue	
144.01	8		128	41	East Bay Avenue	
144.01	9		128	45	East Bay Avenue	
144.01	10		128	57	East Bay Avenue	
144.02	13		128	83	East Bay Avenue	
145	21		128	149	East Bay Avenue	
145	22		128	155	East Bay Avenue	
145	23		128	165	East Bay Avenue	
145	24		128	175	East Bay Avenue	
145	27		128	201	East Bay Avenue	
145.02	1		128	105	East Bay Avenue	Worden House
146	23		129	301	East Bay Avenue	
	10.0					
152	1		132	777	East Bay Avenue	
229	5.01		123	59	Parker Street	
229	6		123	53	Parker Street	
229	7		123	49	Parker Street	
229	5		123		Parker Street	
229	11		123	15	Parker Street	
	19.0					
229	1		123	292	East Bay Avenue	
	24.0					
229	1		123	340	East Bay Avenue	
229	25		123	348	East Bay Avenue	
229	45		124	580	East Bay Avenue	
229.01	1.02		119	195	Beach Avenue	
229.01	2		119	133	Parker Street	
230	1		118	158	East Bay Avenue	
230	2		118	142	East Bay Avenue	

230	3		118	9	North Union Street	
230	5		118		North Union Street	
230	6		118	21	North Union Street	
230	12		118	66	Parker Street	
230	14		118	50	Parker Street	
	15.0					
230	2		118	42	Parker Street	
	15.0					
230	3		118		Parker Street	
230	16		118	196	East Bay Avenue	
231	5		118	11	Letts Avenue	
	12.0					
231	1		118			
231	13		118	99	Stafford Avenue	
	14.0					
231	1		118	231	North Union Street	
231	15		118	20	North Union Street	Methodist Parsonage
231	16		118			
231	19	c11	118	102	East Bay Avenue	
231	19	c12	118			
231	19	c1	118			
231	19	c2	118			
231	19	c4	118			
231	20		118	2	North Union Street	
232	1		118	11	North Main Street	Quaker Store
232	4.01		118	32	East Bay Avenue	
232	5		118			
232	6		118	25	Stafford Avenue	
232	7		118	31	Stafford Avenue	
232	8		118	39	Stafford Avenue	
232	9		118	59	Stafford Avenue	CH Cranmer House
232	10		118	63	Stafford Avenue	
232	11		118	67	Stafford Avenue	Letts-Vienna Bakery
232	12		118	10	Letts Avenue	
232	16		118	56	East Bay Avenue	
	17.0					
232	1		118	52	East Bay Avenue	
232	18		118	49	Stafford Avenue	
233	4		118	19	Beach Avenue	
233	5		118	23	Beach Avenue	
233	6		118	27	Beach Avenue	

233	7		118	31	Beach Avenue	
233	8		118	50	Division Street	
233	9		118	44	Division Street	
233	10		118	38	Division Street	
233	11		118	32	Division Street	
233	12		118	26	Division Street	
233	13		118	52	Stafford Avenue	
234	1		118	59	North Main Street	
234	3		118	79	North Main Street	
234	5		118	9	Hilliard Drive	
234	6		118	13	Hilliard Drive	
234	7		118	19	Hilliard Drive	
234	9		118	36	Beach Avenue	
234	10		118	30	Beach Avenue	
234	11		118	26	Beach Avenue	
234	12		118	20	Beach Avenue	
234	13		118	14	Beach Avenue	
235	1		118	74	Stafford Avenue	
235	2		118	27	Division Street	
235	3		118	33	Division Street	
235	5		118	45	Division Street	
235	6		118	51	Division Street	
235	7		118	133	Beach Avenue	
235	10		118	97	Beach Avenue	
	13.0					
235	1		118	109	Beach Avenue	
235	14		118	119	Beach Avenue	
235	16		118	155	Beach Avenue	
235	24		118	148	Stafford Avenue	
235	25		118	136	Stafford Avenue	
235	26		118	132	Stafford Avenue	
235	28		118	116	Stafford Avenue	Methodist Church
235	30		118	100	Stafford Avenue	Calvary Cottage
235	31		118	94	Stafford Avenue	Stafford Hall
235	32		118	90	Stafford Avenue	
235	35		118	75	Stafford Avenue	
237	6		112	137	Division Street	
237	9		112	125	Division Street	
	10.0					
237	1		112	119	Division Street	
237	11		112	109	Division Street	
237	12		112	101	Division Street	

238	11		112	10	Hilliard Drive	Shins Funeral Home
242	4		116	295	North Main Street	
242.05	10		116	156	Beach Avenue	
242.05	11		116	162	Beach Avenue	
243	1		112	194	Beach Avenue	
243	2.02		112	190	Beach Avenue	
243	3		112	182	Beach Avenue	
296	6		56	909	North Main Street	
296	7.02		56	903	North Main Street	
296	48		112	810	Beach Avenue	

Map
Key

Orange - low priority - little risk of being demolished

Yellow - priority - recommended to be included on the list

Blue - icons - high priority - national register

Historic Preservation Commission shall mean the advisory body appointed by the Township Council under the authority of N.J.S.A. 40A:63-7(d), but, for the purposes of this chapter, performs the duties of a historic preservation commission as identified in N.J.S.A. 40:55D-1 et seq.

Improvement shall mean any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than 120 continuous days.

Minor Application shall mean any application for a Certificate of Appropriateness which (a) does not involve the demolition or removal of a landmark; or (b) will not substantially affect the building's, structure's or landmark designation.

Major Application shall mean any application for a Certificate of Appropriateness which (a) does not qualify as a Minor Application.

Ordinary maintenance shall mean repairing any deterioration, wear or damage to a structure or any part thereof, in order to return the same as nearly as practicable to its condition prior to the occurrence of such deterioration, wear or damage. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs using the same materials having the same appearance.

Object shall mean a thing of functional, aesthetic, cultural, historic, or scientific value that may be by nature of design, movable yet related to a Specific Setting or environment

Repair shall mean any work done on any improvement which:

- a. Is not an addition to the improvement; and
- b. Does not change the exterior architectural appearance of any improvement.

Replacement shall mean the act or process of replicating any historic or architecturally defining exterior architectural feature with the same materials (or with materials that satisfactorily simulate the appearance of the original) in order to substitute for a feature that has been deteriorated or extensively damaged.

Removal shall mean to partially or completely cause a structure or a portion of a structure to change to another location, position, station or residence.

Restoration shall mean the act or process of accurately depicting the form, features and character of an historic property as it appeared at a particular period of time by means of the removal of features inappropriate to that period and the reconstruction of missing but appropriate features. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within the scope of restoration activities.

Salvage Plan shall mean a written plan to salvage historic fabric and artifacts from historic structures to be demolished including but not limited to Sandstone/Ironstone foundation materials. The purpose of such a plan is to preserve historic fabric and insure environmental recovery of resources.

Site shall mean the place where a significant event or pattern of events occurred. It may be the location of pre-historic or historic occupations or activities that may be marked by physical remains, or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

Structure shall mean any man made work arranged in a definite pattern of organization.

Structural Soundness shall be determined based on a report submitted by the applicant from a NJ licensed professional engineer or architect with historic preservation experience and the analysis of an expert appointed by the Commission. The permit fee for demolition of houses on this list will include fees to have the Stafford Township designated qualified professional make an independent analysis of the structure and review the expert analysis submitted by the applicant.

§123-5 **Preservation by zoning incentive.**

- A. Use variances.** The Zoning Board is encouraged to consider granting a use variance to a non-conforming proposal that would result in the preservation of a listed historic structure and further provided it is secured by a preservation deed restriction and provided the benefit outweighs the negative criteria.
- B. Area and height regulations.** Both land use boards are encouraged to consider granting bulk variance relief that would result in the preservation of a listed historic structure and further provided it is secured by a preservation deed restriction and provided the benefit outweighs the negative criteria.

§123-6. **Actions Requiring Review by the Historic Preservation Commission**

All development applications involving activities that affect a Historic Landmark or an improvement shall be reviewed by the Commission prior to the issuance of any construction, zoning, or other permits, except as set forth in §123-7. Such review shall be required for the following actions:

1. Demolition of a Historic Landmark identified in this ordinance or by the commission by the methods set forth here;
2. Relocation of any improvement of any Historic Landmark as identified in this ordinance or by this commission by the methods set forth here;
3. All land use applications on a lot that contains a historic landmark. In making a recommendation on an application, the Commission shall endeavor to balance the legitimate needs of the applicant with the goals of this ordinance in making its recommendations. Before an applicant formally submits his plans, he may bring same to the Commission for informal review and comment.

§123-7 **Actions not requiring Historic Preservation Review**

Review by the Commission is not required:

1. When a Historic Landmark requires immediate emergency repair to preserve the continued habitability of the landmark and/or the health and safety of its occupants or others. Emergency repairs may be performed in accordance with applicable codes, without the necessity of first obtaining the Commission's review. Under such circumstances, the repairs performed shall only be such that are necessary to maintain the habitability of the structure. A request for the Commission's review shall be made as soon as possible and no additional work shall be performed upon the structure until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this chapter.
2. For changes to the interior of structures; and

3. For external changes that do not constitute demolition or demolition by neglect.

§123-8. Permit procedure Certificate of Appropriateness

- A. Anyone seeking to perform any demolition on a lot containing a historic structure must submit a request for a Certificate of Appropriateness from the Historic Preservation Commission at least 45 days prior to a request for a demolition permit.
- B. The Historic Preservation Commission is to consider this request within that time period, if the HPC takes no action, the Certificate of Appropriateness shall be deemed issued.
- C. The Commission shall first consider whether preservation of the Historic Landmark in place is feasible or, failing that option, whether preservation of the Historic Landmark at another location is feasible and practical.
- D. In determining whether demolition is necessary and appropriate the Historic Preservation Commission shall consider:
 - a. The Historic Landmark's importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 - b. The Historic Landmark's status with regard to the New Jersey and National Registers of Historic Places; i.e., whether it is individually listed or eligible to be listed.
 - c. The extent to which the Historic Landmark's is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with difficulty.
 - d. The extent to which the Historic Landmark's retention would promote the general welfare by maintaining and increasing real estate values, generating business, creating new jobs, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest and studying architecture and design, educating citizens in American culture and heritage or making the Township a more attractive and desirable place in which to live.
 - e. The probable impact of the Historic Landmark's removal upon the ambience of the Township.
 - f. Whether the site contains any extant archaeological resources.

- g. Whether the Historic Landmark is among the last or best remaining example of its kind in the Township that possesses research potential or public education values.
- h. Whether the Historic Landmark can be preserved by protecting its location from disturbance.
- i. Whether redesign of the development proposal to avoid impact can result in the preservation of the building or structure in question.
- j. The historic, architectural, aesthetic and social significance of the structure or building and/or importance and uniqueness to the Township and the extant archaeological resources.
- k. Whether protective measures will result in the long-term preservation of the Historic Landmark.
- l. Whether the steps necessary to preserve the Historic Landmark are feasible and practical.

In the event, that the Commission determines that preventing demolition is not feasible and recommends that the demolition of a listed or contributing Historic Landmark a certificate of appropriateness shall promptly be issued and the property owner will be required to create and document the building and provide a salvage plan to be approved by the Historic Preservation Commission.

§123-9. Procedures for the Commission's Review of Development Applications.

- A. When an applicant submits a land use request to either land use board plan which affects a Historic Landmark, the applicant is required to submit the copies of the plan and exterior renderings to the Historic Preservation Commission for their review and comment.
- B. The Commission shall be allowed at least 14 days from the day it receives the complete application to prepare its recommendations to the Board. Said recommendations shall be in the form of a written report which will be directed to the Board. The Commission's recommendation shall focus on how the proposed undertaking would affect a landmark's historic or architectural significance as outlined in §123-4. The Report should include as much historical data regarding the historical significance of the structure as possible including: the time of construction, the architectural style and any other historically relevant data.

§123-10. Criteria for Review of Applications.

In reviewing an application for its effect on a Historic Landmark, the following criteria shall be used by the Historic Preservation Commission. In addition, in interpreting and applying the

standards and criteria set forth herein, the Commission shall be guided by the principles of the current version of the Secretary of Interior Standards for Rehabilitation and the Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

A. In regard to all applications affecting a Historic Landmark the following factors shall be considered:

1. The impact of the proposed change on the historic and architectural significance of the landmark.
2. The landmark's importance to the Township and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.
3. The use of any structure involved.
4. The extent to which the proposed action would adversely affect the public's view of a landmark or structure from a public street.
5. Rhythm of Entrance and /or Porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with buildings and places to which it is visually related.
6. Roof Shape. The roof shape of a building shall be visually compatible with buildings and places to which it is visually related.
7. Scale of Building. The size of a building, the mass of a building in relationship to open spaces, the windows, door openings, porches and balconies shall be visually compatible with buildings and places to which it is visually related.
8. Directional Expression of Front Elevation. 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 regard to an application for any construction, alterations, additions, or replacement on a lot containing a Historic Landmark, the following factors shall be considered:

1. Height. The height of the proposed building shall be visually compatible with adjacent buildings.
2. Proportion of the building's front facade. The relationship of the width of the building to the height of the front elevations shall be

visually compatible with buildings and places to which it is visually related.

3. Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with buildings and places to which it is visually related.
4. Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and places to which it is visually related.
5. Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with buildings and places to which it is visually related.
6. Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with buildings and places to which it is visually related.
7. Roof shape. The roof shape of a building shall be visually compatible with buildings and places to which it is visually related.
8. Scale of building. The size of a building, the mass of a building in relationship to open spaces, the windows, door openings, porches and balconies shall be visually compatible with buildings and places to which it is visually related.
9. Directional expression of front elevation. 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.

[1] The significance of the structure in relation to the historic character of the Township and the probable impact of its removal.

[2] Its potential for use for those purposes currently permitted by the zoning ordinance.

[3] Its structural condition and the economic feasibility of alternatives to the proposal.

[4] Its importance to the Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.

- [5] The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could be reproduced only with great difficulty and expense.
- [6] The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, attracting tourists, attracting new residents, stimulating interest and study in architecture and design, or making the Township an attractive and desirable place in which to live.
- [7] The probable impact of its removal upon the ambiance of the Township.

C.. In regard to an application to move any Historic Landmark or to move any structure within the Township, the following matters shall be considered:

- [1] The historic loss to the site of original location as a whole.
- [2] The reasons for not retaining the landmark or structure at its present site.
- [3] The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the protection of interest and values referred to in this chapter.
- [4] If the proposed new location is within the Township, visual compatibility factors as set forth in §123-14B.
- [5] The probability of significant damage to the landmark or structure itself.
- [6] If it is to be removed from Stafford Township, the proximity of the proposed new location to the Township, including the accessibility to the residents of the Township and other citizens.

§123-11. Demolition by Neglect.

As part of its mission the Historic Preservation Commission is to periodically check on the condition of all structures on the list. Should it determine that a structure is being neglected in a way that will cause its demolition, the Commission will send a letter via certified and regular mail to the property owner, at least 30 days in advance of the hearing, providing the owner with an opportunity to be heard. At the hearing whether the owner participates or not the Commission may rule that the structure is deteriorating, if so a referral may be made to the code enforcer, who will require the property owner take curative steps.

§123-12. Denial of Certificate of Appropriateness.

- A. In the event, the Historic Preservation Commission rejects the request for a Certificate of Appropriateness the Construction Official must deny the demolition permit request

and a One Year stay shall be triggered in accordance with N.J.S.A. 40:55D-44 in order to allow for the acquisition of the historical site by purchase or condemnation. The one year time period shall run from the code officials issuance of a denial.

- B. The denial of the Certificate of Appropriateness shall be appealable to the Zoning Board of Adjustment in accordance with N.J.S.A. 40:55D-72

§123-13. Stay of Demolition.

Either Land Use Board or the Historic Preservation Commission, upon affirmative vote of a majority of the quorum present, may postpone demolition of a landmark for the period designated for each class.

1. Icons – 6 months with the right to extend said postponement for an additional 6 months
2. Protected – 4 months with the right to extend said postponement for an additional 4 months
3. Advisory – 4 months without the right to extend said postponement
4. Voluntary – by mutual consent, the applicant and the Planning Board may extend the postponement to allow further negotiations.

The Historic Preservation Commission and either Land Use Board may utilize this time period to consult with the Ocean County Cultural & Heritage Commission, the New Jersey Department of Environmental protection or other similarly qualified organizations to ascertain how the Township may preserve the building and/or the premises. The Historic Preservation Commission shall be empowered to assist the owner in developing plans to preserve the structure when moving or demolition thereof would be a great loss to the Township. When an applicant wishes to demolish a landmark, a building or structure on a landmark site, or a building, the Historic Preservation Commission shall negotiate with the applicant to see if an alternative to demolition can be found. No Township official shall issue a demolition permit for a landmark without review from the Historic Preservation Commission and either Land Use Board approval. If it determines to postpone demolition, either Land Use Board may request that the Township Council initiate such actions as may lead to the preservation of the premises within the initial (or extended) hiatus. In its review of an application to demolish a site, the Historic Preservation Commission may require the applicant to prepare a financial analysis which may include any or all of the following:

1. Amount paid for the property, date of purchase, and party from whom purchased including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
2. Assessed value of the land and improvements thereon according to the most recent assessment.

3. For depreciable properties, a pro forma financial statement prepared by an accountant or broker of record.
4. All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property.
5. Bona fide offer of the property for sale or rent, price asked and offered received, if any.
6. Any consideration by the owner as to profitable, adaptive uses for the property.

The Historic Preservation Commission shall study the question of economic hardship for the applicant and shall determine whether the site or the property can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income producing building, the Historic Preservation Commission shall also determine whether the applicant can obtain a reasonable return from his existing building. The Historic Preservation Commission may ask applicants for additional information to be used in making these determinations. Prior to the issuance of a demolition permit, either Land Use Board may require the applicant to provide documentation of the resource proposed for demolition. Such documentation may include photographs, floor plans, measured drawings, an archeological survey, and any other comparable form of documentation stipulated by the Historic Preservation Commission during the demolition, either members of the Historic Preservation Commission or Ocean County Historical Society shall be present to save, protect, and/or receive valuable parts of the building. There shall be an ability on the part of the Historic Preservation Commission to conduct a dig at the site, if necessary. The site shall be properly restored after demolition, to include grading and landscaping.

In the event of demolition, the owner shall provide and perform a salvage plan to preserve historic fabric and recover environmentally significant resources. The owner shall provide a complete set of interior and exterior photos and measured drawing documentation of the structure and present same to the Historic Preservation Commission according to the Guidelines originally published in the Federal Register on September 29, 1983. A revised version was published in the Federal Register on July 21, 2003 (Vol. 68, No. 139, pp. 43159-43162).

§123-14. **Penalties.**

A. Any person who shall undertake an activity which would demolish or alter a historical landmark without first obtaining the approval of the Historic Preservation Commission shall be deemed to be in violation of this chapter.

B. Any person found to be in violation of this chapter shall be subject to a penalty in an amount not to exceed \$2,000 per violation per day.

C. The Zoning Officer is empowered to enforce this ordinance through either a stop work order or through the above referenced violation.

§123-15. General.

A. No duties or powers of the Historic Preservation Commission shall supersede or infringe on the powers of other Township statutory boards or bodies.

B. If any section or provision hereof shall be adjudged invalid, such determination shall not affect the other provisions hereof which shall remain in full force and effect to the extent of such conflict or inconsistency, provided not otherwise required by law.

C. All ordinances and provisions thereof inconsistent or conflicting with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency, provided not otherwise required by law.

D. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

E. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed by the Mayor and Township Council on first reading at a regular meeting of the Township Council of the Township of Stafford held on the **24th day of October, 2023**, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the **21st day of November, 2023 at 7:00 pm.**, at the Municipal Building, 260 E. Bay Avenue, Manahawkin, NJ, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



**SUSAN FARRELL, RMC
STAFFORD TOWNSHIP
MUNICIPAL CLERK**

Introduction: October 24, 2023


Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito		✓	✓			
Henken			✓			
Krier				✓		
Mower						✓
Otte	✓		✓			
Steadman			✓			
Myhre			✓			

Adoption: November 21, 2023

Gov. Body	Motion	Second	Yes	No	Abstain	Absent
Esposito	✓		✓			
Henken			✓			
Krier				✓		
Mower			✓			
Otte			✓			
Steadman		✓	✓			
Myhre			✓			

CERTIFICATION

I, **SUSAN FARRELL**, Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the **21st** day of **November, 2023**.



SUSAN FARRELL, RMC
STAFFORD TOWNSHIP
MUNICIPAL CLERK