

§ 160-28. Historic, archaeological and cultural resources.

A. Establishment of a system of historic preservation regulations.

- (1) Chapter 12A of the General Ordinances of the Township of Evesham, being entitled "Historic Preservation Commission," establishes the body referred to as the Historic Preservation Commission and is referred to in this section as the "Commission."
- (2) In adopting this section, it is the intention of the Evesham Township Council to create a framework of regulations that will be employed by the Commission and used to review all development activities involving the exterior of individually designated historic landmarks or buildings and structures located within designated historic districts.
- (3) This section 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, new construction upon or near a landmark should not necessarily duplicate the exact style of the landmark; it must be compatible with and not detract from the landmark.
- (4) The boundaries of the locally designated historic district are depicted on the Evesham Township Zoning Map and are situated within a specific Historic District Overlay designation. Additionally, there are over 40 designated individual historic landmarks in Evesham Township that are not located within the Historic District Overlay, but do fall under the jurisdiction of this section. Other historic districts or individually designated historic landmarks may be established from time to time according to the criteria enacted by this section.

B. Intended purposes. These historic preservation regulations are intended to effect and accomplish the protection, enhancement and perpetuation of especially noteworthy examples or elements of the Township's environment in order to:

- (1) Safeguard the heritage of Evesham Township by preserving resources within the Township which reflect elements of its cultural, social, economic, archaeological and architectural history;
- (2) Encourage the continued use of historic landmarks and to facilitate their appropriate use;
- (3) Maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, objects, or districts within the Township of Evesham;
- (4) Stabilize and improve property values within the historic districts and foster civic pride in the built environment;
- (5) Promote appreciation of historic landmarks for education, pleasure and the welfare of the local population;
- (6) Encourage beautification and private reinvestment;
- (7) Manage change by preventing alteration or new construction not in keeping with the historic districts or individually designated historic landmarks;
- (8) Discourage the unnecessary demolition of historic resources;
- (9) Recognize the importance of individual historic landmarks located outside of historic districts by urging property owners and tenants to maintain their properties in keeping with the requirements and standards of this section;
- (10) Encourage the proper maintenance and preservation of historic settings and landscapes;

- (11) Encourage appropriate alterations of historic landmarks;
- (12) Enhance the visual and aesthetic character, diversity, continuity and interest in the Township;
- (13) Promote the conservation of historic sites and districts and to invite and encourage voluntary compliance.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ADDITION — The construction of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any individually designated historic landmark or any structure within a designated historic district.

ADMINISTRATIVE APPROVAL — An approval issued by the administrative officer following referral to an action by the Chairman of the Township Historic Preservation Commission, in place of action of the full Commission, and in accordance with the provisions of N.J.S.A. 40:55D-111.

ADMINISTRATIVE OFFICER — The person designated by the Township Manager to handle the administration of historic project review applications as well as the coordination of building permit applications as referred in this section.

AFFECTING A LANDMARK OR HISTORIC DISTRICT — Any development activity which alters the exterior architectural appearance of an historic landmark or any improvement within an historic district.

ALTERATION — Any work done on any improvement which is not an addition to the improvement and constitutes a change by addition or replacement in the exterior architectural appearance of an improvement.

APPLICANT — Any private person, persons or any representative of any private entity, private organization, association, or public agency with legal authority to make an alteration, addition, renovation, repair or demolish a structure that is governed under this section of the municipal ordinances.

ARCHITECTURAL FEATURE — Any element or resource of the architectural style, design or general arrangement of a structure that is visible from the outside, including, but not limited to, the style and placement of all windows, doors, cornices, brackets, porch spindles, railings, shutters, the roof, type, color and texture of the building materials, signs and other decorative and architectural elements.

BUILDING — A structure designed for the habitation, shelter, storage, trade, manufacture, religion, business, education and the like, enclosing a space within its walls, and usually, but not necessarily, covered with a roof.

CERTIFICATE OF APPROPRIATENESS — The certificate issued by the administrative officer that is required prior to undertaking rehabilitation, restoration, renovation, alteration, ordinary and nonordinary repair work or demolition work undertaken within an historic district or on an individually designated historic structure pursuant to this section of the municipal ordinances.

CULTURAL RESOURCE INVENTORY — The municipal-wide inventory of cultural resources that was undertaken by J.W. Foster and R.P. Guter in 1985 and the municipal-wide inventory of cultural resources that was prepared by Preservation Design Partnership, of Philadelphia, PA in 1996.

DEMOLITION — Partial or total razing or destruction of any historic landmark or of any improvement within an historic district.

DISREPAIR — The condition of being in need of repairs; a structure or building in disrepair.

HISTORICALLY CERTIFIED COLORS — Those paint colors that are found to be traditionally associated with specific architectural styles or periods of architectural design. For the purposes of an application made to the Evesham Township Historic Preservation Commission, such paint color or combination of colors shall be obtained from the following paint manufacturer color charts, or documented equivalents: Finnaren & Haley Authentic Colors of Historic Philadelphia; Finnaren & Haley Victorian Hues; Sherwin-Williams Heritage Colors; Pratt & Lambert Historical Homes; and Benjamin Moore Historical Color Collection.

HISTORIC DISTRICT — A geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures and/or objects which, viewed collectively:

- (1) Represent a significant period(s) in the development of the Township; or
- (2) Have a distinctive character resulting from their architectural style; or
- (3) Because of their distinctive character can readily be viewed as an area or neighborhood (district) distinct from surrounding portions of the Township.

HISTORIC DISTRICT RESOURCES — Those resources classified as either key, contributing, or noncontributing, which are defined as:

- (1) **KEY** — Any buildings, structures, sites or objects which, due to their significance, would individually qualify for landmark status.
- (2) **CONTRIBUTING** — Any buildings, structures, sites or objects which are integral components of the historic district either because they date from a time period for which the district is significant, or because they represent an architectural type, period, or method for which the district is significant.
- (3) **NONCONTRIBUTING** — Any buildings, structures, sites or objects which are not integral components of the historic district because they neither date from a time period for which the district is significant nor represent an architectural type, period, or method for which the district is significant.

HISTORIC LANDMARK(S) — Any buildings, structures, sites, objects or districts which possess integrity of location, design, setting, materials, workmanship, and association and which have been included in the 1985 and 1996 municipal-wide Cultural Resource Inventories, and determined, pursuant to the terms of this section, to be:

- (1) Of particular historic significance to the Township of Evesham by reflecting or exemplifying the broad cultural, political, economic or social history of the nation, state or community; or
- (2) Associated with the historic personages important in national, state or local history; or
- (3) The site of an historic event which had a significant effect on the development of the nation, state or community; or
- (4) An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering; or
- (5) Representative of the work or works of a locally, regionally or nationally important or recognized builder, designer, artist or architect; or

- (6) Significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation; or
- (7) Able or likely to yield information important in prehistory or history.

HISTORIC PRESERVATION COMMISSION — The body which, for the purposes of this chapter, acts as the Historic Preservation Commission as cited in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and as set forth in Chapter 12A of the ordinances of Evesham Township.

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

MASTER PLAN — The Master Plan of the Township of Evesham, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

MUNICIPAL LAND USE LAW — The Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), as amended from time to time.

NONORDINARY REPAIR — Any repair which does not constitute an "ordinary repair" under the definition of that term as set forth in this section of this chapter.

OBJECT — 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.

ORDINANCE — A legislative act of the governing body of a municipality adopted in accordance with statutory requirements as to notice, publicly, and hold public hearings as required by law.

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

PRACTICAL — A determination by the Historic Preservation Commission, after review of an application, if the applicant has demonstrated sufficient negative criteria or provided sufficient special reasons explaining how the preservation, rehabilitation, restoration or reconstruction of an historic resource will impact the applicant's ability to use the property in accordance with the guidelines as set forth in the Standards of the Secretary of the Interior or as may be set forth in the Olde Marlton Master Plan and Design Guidelines book and local zoning requirements.

PRESERVATION — The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this particular activity; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make properties functional is appropriate within a preservation activity.

RECONSTRUCTION — The act or process of depicting, by means of new construction, the form, features and detailing of a nonsurviving site, landscape, building, structure or object, for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION — The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those proportions or features which convey its historical, cultural or architectural values.

REMOVAL — To partially or completely cause a structure or portion of a structure to change to another location, position, station or residence.

REPAIR — Any work done on any improvement which:

- (1) Is not an addition to the improvement; and
- (2) Does not change the exterior architectural appearance of any improvement.

REPLACEMENT — The act or process of replicating any exterior architectural feature that is used to substitute for an existing and deteriorated or extensively damaged architectural feature.

RESTORATION — The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected. 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.

SECRETARY OF THE INTERIOR'S STANDARDS — The publication issued by the U.S. Department of the Interior, National Park Service, entitled "The Secretary of the Interior's Standards for the Treatment of Historic Properties as the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings," issued in 1995 and revised from time to time.

SITE — The place where a significant event or pattern of events occurred. It may be the location of prehistoric 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, or the location itself possesses historic, cultural, or archeological significance.

STRUCTURE — A combination of materials used to form a construction for the purposes of occupancy, use or ornamentation, having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above, or below the surface of the land. For purposes of this section of this chapter only, the word "structure" shall also include fences which are over three feet in height; walls, other than retaining walls not projecting more than 12 inches above the ground at the highest level; independent radio and television antennas; gasoline pumps; gazebos, pergolas and swimming pools.

- D. Application of provisions. The following regulations shall apply to all historic resources in a district and to any other historic landmarks which are designated in accordance with the procedures outlined in Subsection F.
- E. Permitted uses. All uses permitted for an historic landmark or for structures or buildings located within an historic district shall be those uses designated by the Official Zoning Map and such sections of this chapter that are applicable. Such uses zoned for shall not be altered by the designation as an historic district or individual historic landmark designations.
- F. Area and height regulations. The maximum building height, minimum lot size, maximum coverage, etc., shall be as provided in this chapter for the respective zones, except that the Planning Board or Zoning Board may grant variances and waivers from such regulations where necessary to preserve historic characteristics of a building, structure, historic landmark or site.
- G. Designation of historic landmarks, historic districts.
 - (1) There is hereby created an Historic District Overlay within the Township of Evesham, the

boundaries of which are depicted on the Official Zoning Map.

- (2) Notwithstanding nonconforming uses, the permitted uses in the Historic District Overlay area shall be those of the underlying zoning district(s).
- (3) All buildings and/or structures surveyed or identified as having architectural, historical or archaeological significance in the Cultural Resources Survey (on file with the Township Clerk), including all structures identified in the appendixes, are hereby designated as local historic landmarks. The regulations pursuant to this designation as contained herein shall all be in addition to those otherwise in force in the respective zoning district of which the landmarks are a part.
- (4) If the Commission desires, it may recommend that the Planning Board and Township Council create new historic district(s) or landmark(s), or add any additional land area to the zone district that includes the historic district by means of extending the boundaries. The Commission shall first review each proposed property in consideration of, but not limited to, the National and New Jersey Register Criteria for designating historic sites as referenced in N.J.A.C. 7:60-6.154 (Pinelands designation criteria), and the Historic Preservation Office's criteria as contained and referenced in the Historic Preservation Plan Element of the Township of Evesham's Master Plan. The Commission shall then make a list and map of each property recommended for historic landmark designation by specifying the location, boundaries, property owner's name, brief description and significant reasons for such designation. The Commission shall then by certified mail:
 - (a) Notify each landowner that his or her property is being considered for historic landmark designation and explain the significant reasons therefor and consequences of such designation.
 - (b) Advise each property owner of their opportunities and right to challenge or contest such consideration.
 - (c) Notify each property owner of the public meeting or hearing to be held to discuss landmark designations.
 - (d) As soon as practicable, the Commission shall hold a public hearing at which all interested persons shall be entitled to present their opinions, suggestions and objections prior to the Commission voting on its recommendation to the Planning Board. At least 10 days before such a hearing, a notice of the hearing shall be published in a newspaper that has been officially designated by the municipality.
 - (e) After full consideration of the evidence brought out at the public hearing held on any such proposed designation, the Commission shall make its final recommendation on the designations and shall issue its final report to the public stating reasons in support of its actions with respect to each historic landmark and historic district designation. Such final advisory report shall also include a list and map of the sites being recommended and be submitted to the Planning Board, Township Manager and the Township Council. The Planning Board and Township Council may then consider whether to adopt the designation list and map by ordinance for inclusion in the Master Plan and the Land Use Ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted.
 - (f) Following adoption by the Planning Board and Township Council, certificates of

designation shall be served by certified mail upon the property owner of each designated landmark, and a true copy thereof shall be filed with the Tax Collector and Tax Assessor who shall maintain a record of all historic designations on the tax rolls. Copies of the designation list and map as adopted shall be made public and distributed to all municipal agencies reviewing development applications, construction and zoning permits.

H. Actions requiring certificates of appropriateness and review by the Historic Preservation Commission.

- (1) Before work can commence on any of the following activities within the zone district incorporating the historic district, or work that affects the exterior of any historic landmark, as identified in the "Cultural Resources Survey," a certificate of appropriateness shall first be issued by the administrative officer for:
 - (a) Demolition, in whole or in part, of an historic landmark or of any improvement within a designated historic district.
 - (b) Relocation of any improvement within a designated historic district or of any historic landmark.
 - (c) Significant, nonhistoric changes in exterior appearance by means of repainting (not to include repainting in the same color or an historically certified color).
 - (d) Changes in exterior appearance by means of nonordinary repairs, replacement, rehabilitation, alteration or addition to any historic landmark or any improvement within a designated historic district.
 - (e) New construction taking place within a designated historic district or on the tax map lot of a designated historic landmark.
 - (f) Changes in or additions of new signage or exterior lighting.
 - (g) Zoning variances affecting an historic landmark or any improvement within a designated historic district.
 - (h) Roadway widening projects.
- (2) A certificate of appropriateness shall not be required for the following:
 - (a) Any plan, project or work requiring site plan and/or subdivision approval by the Planning Board or Zoning Board.
 - (b) Changes to the interior of buildings and structures, unless the interior has been expressly found to contribute to the historic significance of the building or structure. This section shall apply only to those buildings and structures within the Pinelands Area. **[Amended 2-5-2002 by Ord. No. 30-10-2001]**
 - (c) Repair and replacement work to noncontributing buildings within a designated historic district which shall include the following:
 - [1] Exterior painting.
 - [2] The replacement of glass in any window or door. However, the replacement of glass shall be the type and quality so as to comply with the minimum requirements of the code.

- [3] The installation and replacement of any window or door, including garage doors, in the same opening without altering the dimensions or framing of the original opening. This shall include storm windows and storm doors. Any new door or window shall be of the same type, and operation, as the existing and shall not reduce the minimum requirements of the Code for means of egress and emergency escape.
 - [4] Repair of any nonstructural member such as a railing.
 - [5] The repair of existing roofing material with like material.
 - [6] The repair of existing siding with like material.
 - [7] The repair of any part of a porch or stoop which does not structurally support a roof above.
 - [8] The replacement or installation of screens.
 - [9] Replacement of exterior rainwater gutters, downspouts and leaders.
 - [10] The repair or replacement of any exterior trim, decoration or moldings.
- (d) When an historic landmark or any improvement within a designated district requires immediate or emergency nonordinary repair to preserve the continued habitability of the landmark and/or the health, safety and welfare of the occupants, such nonordinary repairs may be performed in accordance with the Township codes, without the necessity of first obtaining the Commission's review. Under such circumstances, the nonordinary repairs shall be only such as are necessary to protect the health and safety of the occupants of the historic landmark, to protect the health and safety of the general public, and/or to maintain the habitability of the landmark as determined by the Township Construction Official. The repair shall be temporary in nature until the Historic Preservation Commission has had the opportunity to review and comment on the nonordinary repair work. In such cases, the property owner shall immediately notify the administrative officer of such nonordinary repairs. A request for a review shall be made as soon as possible, and no further work shall be performed upon the historic landmark until an appropriate approval is obtained in accordance with the procedures set forth in this chapter. The Chairperson may call a special meeting of the Commission in accordance with the provisions for emergency review with cases of extreme emergency which call for extensive nonordinary repairs or alterations, and in accordance with the requirements of N.J.S.A. 40:55D-111, as amended. Before any work shall be undertaken which involves any resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154(a) or (b)1, notice shall be given to the Commission in accordance with the provisions of Subsectoin J(4).
- (3) Procedures for emergency review.
- (a) The Commission, in addition to conducting reviews at its regularly scheduled meetings, may conduct emergency review meetings when necessary at the call of the Chairperson to review an application on an accelerated basis.
 - (b) The emergency meetings may be held when any action requiring consideration of an historic landmark requires immediate or emergency nonordinary repair to preserve the continued habitability of the landmark and/or the health, safety, and welfare of its occupants or others.

- (c) An emergency meeting may be held as soon as possible upon appropriate notification and normal public notice.
- (4) Appellate review of any decision of the Commission may be taken to the Zoning Board of Adjustment.
 - (a) In the case of any item not requiring a certificate of appropriateness, or significant, nonhistoric changes in exterior appearance by means of repainting [i.e., the use of a new color or color scheme, as described in Subsection H(1)(c)], the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70, Subdivision a, shall determine whether there is an error in any order, requirement, decision or refusal made by the administrative officer or the Commission. Furthermore, pursuant to N.J.S.A. 40:55D-70.2, the Zoning Board of Adjustment shall include the reasons for its determination in the findings of its decision thereon.
 - (b) In the case of an appeal as referenced in Subsection H(4)(a), the aggrieved party shall notify the Zoning Board of Adjustment of said party's intention to appeal the order, requirement, decision or refusal made by the administrative officer or the Commission. Said notice of appeal must be filed within 30 days of the adoption of the order, requirement, decision or refusal being appealed. Failure to provide said notice within the thirty-day limit will act as a bar to any future appeal.
 - (c) The scope of appeal by the Zoning Board shall be de novo based upon the record before the Commission and any supplemental or corroborative evidence. The Commission or its representative shall be entitled to present any evidence deemed necessary to address or contradict any new evidence or substantially different evidence from that presented to the Commission.
- (5) In the case of a referral by the administrative officer of a minor application for the issuance of a permit pertaining to historic sites or property in historic districts, as defined in the Zoning Ordinance, the Chairman of the Historic Preservation Commission may act in the place of the full Commission in issuing a recommendation for the certificate of appropriateness.
- (6) A certificate of appropriateness may also be issued by way of an administrative approval for the following types of minor work:
 - (a) Changes to the appearance of existing signage that does not involve altering the existing area of the sign.
 - (b) Replacement of fences employing similar materials.
 - (c) Work involving repairs and replacements, provided period-appropriate, in-kind materials are utilized of proper size, scale, configuration, color and/or texture.
 - (d) Installation of landscaping plantings.

I. Standards and review design criteria of application for a certificate of appropriateness.

- (1) It shall be the duty of all property owners, and/or municipal officials reviewing permit applications involving real property or improvements thereon, to confer with the administrative officer for a determination whether such application involves any activity which should be subject to a certificate of appropriateness. If a formal review by the Commission is warranted, the Commission shall serve in an advisory capacity to the administrative officer making

recommendations based on its findings, in accordance with N.J.S.A. 40:55D-111.

- (2) An application for a certificate of appropriateness shall be submitted on forms provided by the administrative officer. Each application submission shall include, at a minimum, the following information:
 - (a) Those drawings, plans, photographs, manufacturer specifications, and sample materials that are required by the administrative officer, and/or as may be noted in the application checklist.
 - (b) Detailed drawings, when required by the administrative officer, which shall be drawn at the appropriate scales and shall depict the exact work to be performed, including renderings of the exterior of any proposed new building and/or structure or any exterior alterations to existing improvements. A detailed plot plan delineating the relationship of the renderings of the proposal in relation to adjacent improvements, buildings and/or structures or surrounding lands may be required as determined by the administrative officer. Drawings shall be prepared and sealed by either a New Jersey licensed registered architect or other New Jersey licensed design professional or by the residing property owner of a single-family dwelling under his/her ownership with an accompanying affidavit of ownership, as required by P.L. 1989, Chapter 277 (commonly known as the "Building Design Services Act"¹) or other applicable laws of the State of New Jersey.
 - (c) A statement of the relationship of the proposed work to the standards for designation in N.J.A.C. 7:50-6.154(b) and the standards for approval of certificates of appropriateness as set forth in the following subsections.
- (3) The aforesaid information, when required, shall be submitted by the administrative officer to the Historic Preservation Commission for a report of review and recommendation in accordance with N.J.S.A. 40:55D-111.
- (4) The administrative officer shall, upon receipt of an application for a certificate of appropriateness, when required, schedule the application for a meeting with the Historic Preservation Commission, and shall give written notice to the applicant confirming the date, time and location of said meeting. The Commission's deliberations shall be conducted in accordance with the Open Public Meetings Act. The applicant or a duly authorized representative shall be present at the scheduled meeting. Any application which is not properly represented may be denied without prejudice by the administrative officer.
- (5) Hearings relating to applications for a certificate of appropriateness for demolition or relocation of historic landmarks shall be public hearings advertised in the manner provided by N.J.S.A. 40:55D-1 et seq. In these cases, the applicant shall be responsible for providing the required legal notice in accordance with the law and shall submit the following:
 - (a) A list of all property owners' names and addresses within 200 feet of the subject property boundary lines that have been sent certified mail notice of the hearing not less than 10 days before it is to be heard; and
 - (b) Proof of publication of a notice of the scheduled hearing in the official newspaper of the municipality not less than 10 days before the hearing.
- (6) In reviewing the application, the administrative officer or the Historic Preservation

1. Editor's Note: See N.J.S.A. 45:4B-1 et seq.

Commission, as the case may be, shall consider and make specific findings upon whether the applicant may make any responsible use of the subject property (as permitted by the applicable Zoning Ordinance) in the event that the application should be denied or granted with conditions. No application may be denied or modified in the absence of a specific finding by the administrative officer that such denial or condition of approval will not render the property useless for a permitted use. The administrative officer shall be bound by the decision rendered by the Historic Preservation Commission, the Zoning Board of Adjustment, or the Planning Board, as may be the case, depending upon which agency has review authority on the application.

- (7) In its review, the administrative officer or the Historic Preservation Commission, as the case may be, may also be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and the Preservation Briefs (prepared by the U.S. Department of the Interior, National Park Service, Washington, D.C., and as amended from time to time), as well as the Cultural Resources Survey, the Historic Preservation Plan Element of the Evesham Township Master Plan, and the Pinelands Cultural Resources Management Plan for Historic Period Sites. The Olde Marlton Master Plan and Design Guidelines, Olde Marlton Village Historic District Architectural Design Guide Book, and Historic Tree and Landscaping Plant List may also be used in the determination. In the event that there is a conflict between any of the documents referenced above and the Secretary of the Interior's Standards, the Standards of the Secretary of the Interior shall prevail.
- (8) With respect to applications for demolition, 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.
 - (a) In determining whether preservation of the historic landmark in place is feasible, the following shall be considered:
 - [1] Whether the historic landmark represents the last or best remaining example of its kind in the Township that possesses research potential or public education values.
 - [2] Whether the historic landmark can be preserved by protecting its location from disturbance.
 - [3] Whether affirmative measures, such as stabilization, rehabilitation, restoration or reuse, can result in preservation of the structure in order to comply with the requirements of the Uniform Construction Code.
 - [4] Whether redesign of the development proposal to avoid impact can result in preservation.
 - [5] Whether the steps necessary to preserve the historic landmark are feasible and practical.
 - [6] Whether the protective measures will result in long-term preservation of the historic landmark.
 - [7] The extent to which the historic landmark is an attraction for tourists and students.
 - [8] The historic, architectural, aesthetic and social significance of the structure and/or importance and uniqueness to the Township and extant archaeological resources.

- (b) In determining whether preservation of the historic landmark at another location is feasible, the following shall be considered:
 - [1] Whether the historic landmark can be removed and still retain its historic significance.
 - [2] Whether the historic landmark is sufficiently well preserved to permit relocation.
 - [3] Whether alternative locations that are compatible with the historic landmark are available.
 - [4] Whether it is feasible and practical to relocate the historic landmark.
 - [5] Whether the relocation will result in long-term preservation of the historic landmark.
- (c) Nothing in this section shall preempt the administrative authority of the municipal Construction Code Official.
- (9) With respect to applications for relocation within and/or out of the district or municipality, the Commission shall first consider whether preservation of the historic landmark in place is possible. In making this determination, the following shall be considered:
 - (a) Whether the historic landmark represents that last or best remaining example of its kind in the Township that possesses research potential or public education values.
 - (b) Whether the historic landmark can be preserved by protecting its location from disturbance.
 - (c) Whether affirmative measures, such as stabilization, rehabilitation, restoration or reuse, can result in preservation of the structure in order to comply with the requirements of the Uniform Construction Code, or other applicable construction codes as may be adopted by the State of New Jersey and the Township of Evesham.
 - (d) Whether redesign of the development proposal to avoid impact can result in preservation.
 - (e) The probability of significant damages to the historic landmark and whether protective measures will result in long-term preservation of the historic landmark.
 - (f) The extent to which relocation would affect the value of surrounding buildings and/or structures and the ambience of the historic district (if the landmark should be located within such a district).
 - (g) The historic loss to the site of the original and extent to which it is an attraction for tourists and students.
 - (h) The historic, architectural, aesthetic and social significance of the structure and/or importance and uniqueness to the Township and extant archaeological resources.
 - (i) The compelling reasons for not retaining the historic landmark at the present site.
- (10) With respect to applications for certificates of appropriateness relating to changes in exterior appearance, new construction, alteration(s), addition(s), nonordinary repair(s), rehabilitation, replacement(s), signage or exterior lighting, excavation, ground disturbance, or any other improvement within the historic district, the following should be considered:

- (a) The use of any building and/or structure involved.
 - (b) The historical or architectural value and significance of the building and/or structure and its relationship to the historic value of the surrounding area.
 - (c) The effectiveness of the proposal in adhering to the building's and/or structure's original style or destroying or otherwise affecting the exterior texture, materials and architectural features.
 - (d) The overall effect that proposed work would have upon the protection, enhancement, perpetuation and the use of the property, adjoining properties and the historic district in which it is located.
 - (e) The general compatibility of exterior design, arrangement and materials proposed to be used and any other factor, including aesthetic, which is found to be pertinent.
 - (f) The practicality and feasibility of performing the work with materials or workmanship of a type equivalent or similar to the historical or architectural era during which the structure, building or place was constructed.
 - (g) The impact of the proposed change upon archaeological resources.
 - (h) The Commission may also consider the general purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2, including but not limited to the following:
 - [1] The appropriate use or development of all lands in a manner which promotes the public health, safety, morals and general welfare;
 - [2] Promotion of a desirable visual environment through creative development, techniques and good civic design and arrangements;
 - [3] Conservation of historic sites and districts, open space, energy resources and valuable natural resources to prevent degradation of the environment through improper use of land;
 - [4] Encouraging coordination of the various public and private procedures and activities, shaping land development with a view of lessening the cost of such development and to the more efficient use of land.
- (11) In assessing visual compatibility, the following factors (commonly known as "visual compatibility factors") shall be considered in reviewing applications for new construction, alterations, additions, or replacements affecting an historic landmark or an improvement within an historic district:
- (a) Height. The height of the proposed building and/or structure should be visually compatible with adjacent buildings and/or structures.
 - (b) Proportion of the building's front facade. The relationship of the width of the building and/or structure to the height of the front elevation should be visually compatible with buildings and/or structures and places to which it is visually related.
 - (c) Proportion of window and door openings. The relation of the width of windows to the height of the doors in a building and/or structure should be visually compatible with the buildings and/or structures and places which it is visually related.

- (d) Rhythm of filled spaces between buildings and/or structures. The relationship of filled spaces to open space between it and adjoining buildings and/or structures and places to which it is visually related.
 - (e) Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building and/or structure should be visually compatible with the buildings and/or structures and places to which it is visually related.
 - (f) Rhythm of entrance and porch projections. The relationship of entrance and porch projections to the street to which it is visually related.
 - (g) Roof shape. The roof shape of a building and/or structure should be visually compatible with buildings and/or structure to which it is visually related.
 - (h) Relationship of materials, texture and color. The relationship of materials, textures and color of the facade and roof of a building and/or structure should be visually compatible with the predominant materials used in the buildings and/or structures to which it is visually related.
 - (i) Scale of building and/or structure. The size and mass of a building and/or structure in relationship to open spaces, the windows, door openings, porches and balconies should be visually compatible with the buildings and/or structures and places to which it is visually related.
 - (j) Wall of continuity. Appurtenances of a building and/or structure, such as walls, open-type fencing, evergreen-landscape masses, should form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building and/or structure and places to which it is visually related.
 - (k) Directional expression of front elevation. A building and/or structure should be visually compatible with the buildings and/or structures to which it is visually related in its dimensional character, whether this is vertical character, horizontal character, or nondirectional character.
 - (l) Exterior features. A building and/or structure's related exterior features such as lighting, fences, signs, sidewalks, driveways and parking areas should be compatible with the features of those buildings and/or structures which it is visually related to and should be appropriate for the historic period for which the building and/or structure is significant.
- (12) In addition to the visual compatibility factors listed in Subsection I(11), the following standards for rehabilitation, as promulgated by the U.S. Secretary of the Interior, should be considered with respect to work proposals dealing with historic landmarks:
- (a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building, structure and its site and environment.
 - (b) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - (c) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or

architectural elements from other buildings, shall not be undertaken.

- (d) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (e) Distinctive stylistic features, finishes, and construction techniques or examples of craftsmanship which characterize a building, structure or site shall be preserved.
- (f) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (g) Chemical or physical treatments, such as sand-blasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings and/or structures, if appropriate, shall be undertaken using the gentlest means possible.
- (h) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (i) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property, neighborhood and its environment.
- (j) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. Procedures for review of site plan or subdivision applications.

- (1) In conjunction with all applications presented to the Planning Board or Zoning Board of Adjustment for site plan or subdivision approval(s) (which applications relate to land, buildings or structures within the zone district including the historic district or for any buildings and/or structures designated as an historic landmark pursuant to § 160-28), an applicant shall also submit a copy of such application to the Historic Preservation Commission for review pursuant to N.J.S.A. 40:55D-110. Such an application shall solely pertain to the proposed development review.
- (2) The application shall be scheduled for review by the Historic Preservation Commission at its next regular scheduled meeting. Upon completion of its review, the Commission shall forward a report of its findings to either the Planning Board or Zoning Board of Adjustment, as the case may be, recommending an approval (with or without conditions) or recommending denial. The recommendation shall be in the form of a written report conveyed to the appropriate board. The Historic Preservation Commission shall provide its advice through the Commission's delegation of one of its members or staff to testify orally at the hearing on the application and to explain any technical comments or recommendations as outlined in the written report.
- (3) The Commission's recommendations shall focus on how the proposed undertaking would affect a landmark's historic or architectural significance guided by the documents, standards and design criteria for review of applications established in Subsection H. Neither the Planning Board or Zoning Board of Adjustment shall take action on any development application request

affecting an historic landmark or an improvement within the historic district without first reviewing and considering the Commission's recommendations. In considering the Commission's recommendations, the Planning Board or Zoning Board of Adjustment shall also be guided by the review criteria established in this § 160-28.

- (4) In addition to the notification requirements set forth in Chapter 94, Land Use Regulations, of the Code of the Township of Evesham relative to applications for development, notification to the Pinelands Commission shall be required for any certificate of appropriateness involving a Pinelands designated site. When notification to and review by the Pinelands Commission is required, the development review procedures set forth in Chapter 94, Land Use Regulations, of the Code of the Township of Evesham shall apply.

K. Effect of a certificate of appropriateness; approval, denial, appeal.

- (1) Within 45 days of a submission of an application for a certificate of appropriateness as described in Subsections F and G, the Historic Preservation Commission shall report to the administrative officer; its report may recommend issuance of the certificate of appropriateness (with or without conditions) or may recommend denial of the certificate of appropriateness. A timely report shall be binding on the administrative officer. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the certificate of appropriateness and without the recommendation of conditions to the certificate of appropriateness.
- (2) A certificate of appropriateness which permits new construction, demolition, relocation, alteration, additions, nonordinary repairs or replacements affecting an historic landmark shall be conditioned upon the appropriate treatment of the resources according to the provisions of N.J.A.C. 7:50-6.156(c)3.
- (3) The work authorized by the certificate of appropriateness must be initiated within one year from the date that the certificate has been granted. If a construction permit is required for such work, the certificate of appropriateness shall be valid for the life of the permit and any extensions thereof; otherwise, the certificate of appropriateness shall be valid for a period of two years from the date of issuance. For the purpose of this section, a certificate of appropriateness shall be deemed invalid if the work ceases for a period of six months after commencement of the work. Reasonable extensions may be granted based upon appropriate persuasive evidence.
- (4) An applicant for a certificate of appropriateness who is dissatisfied with the actions of the administrative officer in denying the certificate of appropriateness or in issuing the certificate of appropriateness with the objectionable conditions may appeal that action to the Zoning Board of Adjustment within 30 days from the date of the administrative officer's written decision. The hearing on such an appeal shall be conducted in the same fashion as any appeal from the administrative officer's determinations. This right of appeal is limited to the applicant.

L. Violations and penalties.

- (1) In the event that any person shall undertake or cause to be undertaken any exterior work on an historic landmark or improvement or an historic landmark or improvement within the historic district or any exterior work on an historic site or property for which a certificate of appropriateness is required without first having obtained such a certificate of appropriateness, such person(s) shall be deemed to be in violation of this section and shall be subject to the fines and penalties as provided by law in the Code of the Township of Evesham for violation of local ordinances and subject to the following:

- (a) Upon learning of the violation, the administrative officer shall promptly serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and giving the owner a specific time frame to abate the violation by restoring an historic landmark or improvement to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted on site and a copy shall be mailed to the owner by certified mail, return receipt requested, at the owner's last known address as it appears on the municipal tax rolls.
- (b) In the event that the violation is not abated within the specified time from receipt of the notice or posting on site, whichever is earlier, the administrative officer shall cause to issue a summons and complaint, returnable in the Municipal Court, charging violation of this section. Each day the violation continues to persist shall constitute a separate and new offense.
- (c) In the event that any action which would permanently adversely change the historic landmark or historic district as demolition or removal without a certificate of appropriateness and construction permit having been issued, the administrative officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any landmark.

M. Interpretative statements.

- (1) Nothing contained within this section shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or municipal ordinances or regulations.
- (2) In the event of any inconsistency, ambiguity or overlapping of requirements between these provisions and any other requirements enforced by the municipality, the more restrictive shall apply, to the effect that state and/or federal legislation has not preempted the municipality's power to enforce more stringent standards.
- (3) These ordinance requirements should not be viewed as requiring or prohibiting the use of any particular architectural style; rather the purpose is to preserve the past by making it compatible with and relevant to the present. To that end, new construction in or near an historic building and/or structure should not necessarily duplicate the style; rather it should be compatible with and not detract from the building, structure, neighborhood and its environment.
- (4) In no case shall this section be interpreted to review or regulate activities for repair or installation of public utility lines, including water, sewer, telephone, gas, electric; or any underground improvement; any other utility improvement that does not affect the exterior of an existing structure or does not constitute a new building or structure; or improvements within the public right-of-way.