

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE ADOPTION

NOTICE is hereby given that **Ordinance 19-2022** - Ordinance of the Borough of Eatontown Entitled **An Ordinance of the Borough of Eatontown Amending and Supplementing Chapter 39 "Historical Committee, Section 39 "Historical Committee", and Chapter 89 "Land Use", Section 4 "Definitions and Word Usage", Section 16 "Review Procedure", and Section 89-44 "Individual Zone Regulations", Concerning the Issuance of Certificates and Permits for Historic Sites and Structures** was passed after a public hearing at the regular meeting of **Wednesday, December 7, 2022** by the Governing Body of the Borough of Eatontown, at 47 Broad Street, Eatontown, NJ 07724. Borough of Eatontown - Julie Martin, RMC, Borough Clerk

ORDINANCE 19-2022

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING AND SUPPLEMENTING CHAPTER 39 "HISTORICAL COMMITTEE, SECTION 39 "HISTORICAL COMMITTEE", AND CHAPTER 89 "LAND USE", SECTION 4 "DEFINITIONS AND WORD USAGE", SECTION 16 "REVIEW PROCEDURE", AND SECTION 89-44 "INDIVIDUAL ZONE REGULATIONS", CONCERNING THE ISSUANCE OF CERTIFICATES AND PERMITS FOR HISTORIC SITES AND STRUCTURES -

WHEREAS, the Borough's Zoning Officer has proposed to the Borough Administrator and the Borough Council to modernize and update the Borough Code concerning the involvement of the Historical Committee in with certain regulated activities to Historical Sites and Structures and within the Borough's Historic District;

WHEREAS, the Borough Council believes it is in the best interest of its residents to uphold the Zoning Officer's recommendations to ensure that the Historical Committee can give input on land use applications concerning properties located in the Borough's Historic District.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends the Borough Code as follows:

(additions are underlined and deletions are ~~stricken~~)

Section 39-8. Construction, Planning and Zoning Code Compliance.

The Historical Committee shall also serve as a review or advisory committee to the Eatontown Construction Official, Zoning Board and Planning Board with respect to applications for development of historic sites and for applications for building permits within the Historic District Zone or of properties identified in the Borough's Historic Preservation Element of the Master Plan as amended.

Section 89-4. Definitions and Word Usage.

"Historic Site Or Structure" - Any real property, man-made structure, natural object or configuration or portion or group of the foregoing which have been formally designated in the Master Plan as being of historical, archeological, cultural, scenic or architectural significance., including but not limited to:

Historic Name (if known)	Block/Lot	Address
1.	905/1	35 Clinton Avenue - NE cr. Clinton Avenue and Franklin Avenue
2. Sun Eagles Country Clubhouse (Gibbs Hall and Pool}	501/1	S. side Tinton Avenue, 0.2 mi. W. of Maxwell Road, Fort Monmouth
3. Drummond Farm (Tinton Woods Clubhouse)	104/1	301 Tinton Avenue
4. Fields Cemetery		Tess Court
5. F. Littlefield House	1001/10	50 Broad Street
6. Washington F.A.M. Lodge #9	1001/8	40 Broad Street
7. Benjamin C. White House	1001/9	44 Broad Street
8.	1002/11	40 Byrnes Lane
9. Hathaway House	1002/2	68 Broad Street
10. Presbyterian Church	1002/3	72 Broad Street
11. Harmony Guest House	1003/7	154 Broad Street

12.	1113/3	395 Broad Street
13. A.M.E. Zion Church	1401/23	271 South Street
14.	1502/10	18 Buttonwood Avenue
15.	1502/15	188 South Street
16. Friends School	201/15	35 Tinton Avenue
17. Captain Flower	201/8	152 Main Street
18. Locust Grove Cemetery	2302/2	South Street
19.	2501/15.01	64 Wyckoff Road
20.	2607/9	7 Campbell Drive
21. White Ridge Cemetery (earliest section)	3001/7-9	Wall Street
22.	301/14	37 Throckmorton Avenue
23. Brower House	301/16	43 Throckmorton Avenue
24. Fred G. Steelman School	301/51	215 Broad Street
25. Eatontown Museum	303/18	75 Broad Street
26. St. James Episcopal	303/19	69 Broad Street
27.	304/15	21 Broad Street
28.		
29. Eaton's Mill Site	401/36-39	Hwy35
30. Wolcott's Tenants' House	802/29.01	67 Buttonwood Avenue
31.	902/42	84 South Street
32. Henry Corlies Farmhouse	904/5	128 South Street
Historic Name (if known)	Block/Lot	Address
33.	301/11	23 Throckmorton
34.	301/12	Throckmorton
35.	301/13	Throckmorton
36.	301/14	37 Throckmorton
37.	301/15	41 Throckmorton
38.	301/16	43 Throckmorton
39.	301/17	45 Throckmorton
40.	301/19	47-49 Throckmorton
41.	301/20	Throckmorton
42.	301/21	63 Throckmorton
43.	303/1	23 White
44.	303/2	64 Throckmorton
45.	303/3	St. James
46.	303/4	91 Broad Street
47.	303/24	19 White
48.	303/23	15 White
49.	303/22	11 White
50.	303/21	59 Broad
51.	304/1	29 Main Street
52.	304/2	10 Throckmorton

53.	304/3	Throckmorton
54.	304/4	21 Throckmorton
55.	304/26	27 Highway 35
56.	304/25	25 Main Street
57.	304/24	23 Highway 35
58.	304/23	21 Highway 35
59.	304/22	19 Highway 35
60..	304/21	Highway 35 (Main) (Rear)
61.	304/20	15 Highway 35 (Rear)
62	304/19	15 Highway 35
63.	304/18	813 Highway 35
64.	1001/4	20 Broad Street
65.	1001/6	26-28 Broad Street
66.	1001/7	Broad Street
67.	1001/8	40 Broad Street
68.	1001/9	44 Broad Street
69.	1001/10	50 Broad Street
71.	1001/12	8 White Street
72.	1001/13	2 White Street
73.	1001/20	29 Highway 35
74.	1002/1	64 Broad Street
75.	1002/2	68 Broad Street
76.	1002/3	72 Broad Street
77.	1002/4	76 Broad Street
78.	1002/5	78 Broad Street
79.	1002/6	86 Broad Street
80.	1002/7	94 Broad Street
81.	1002/8	100 Broad Street
82.	1002/9	106 Broad Street
83.	1002/10	26 Byrnes Lane
84.	1002/11	40 Byrnes Lane
85.	902/25	Highway 35 McDonald's
86.	902/26	South Street
87.	902/27	30 South Street
88.	902/28	36 South Street
89.	902/29	40 South Street
90.	902/30	44 South Street
91.	902/31	48 South Street
92.	902/32	52 South Street
93.	902/33	56 South Street
94.	902/34	South Street
95.	902/35	16 Willow Street
96.	902/36	18 Willow Street

97.	902/38.01	68 South Street
98.	902/38.02	15 South Street
99.	902/39	72 South Street
100.	902/40	76 South Street
101.	902/41	80 South Street
102.	902/42	84 South Street
103.	902/43	88 South Street
104.	902/44	92 South Street
105.	902/45	South Street
106.	902/46	100 South Street
107.	902/47	104 South Street
108.	902/48	108 South Street
109.	90/50	15 Corlies Avenue
110.	902/51	17 Corlies Avenue
111.	1001/5	22 Broad Street

Section 89-16. Review procedure.

C. Additional Historical Committee Review Required.

(1) No person shall engage or cause other persons to engage in any regulated activity as defined in § 89-44(F) on a Historical Site or Structure or within a Historic District until such person shall have applied for and received a certificate of approval or certificate of appropriateness from the Planning Board and applied for and received a development permit from the Zoning Officer.

(2) It shall be the duty and responsibility of the Administrative Officer (Zoning Officer) to refer all applications for issuance of permits pertaining to regulated activities on Historic Site or Structure or within a Historic District as set forth in § 89-44(f) to the Historical Committee for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the change proposed which aspects were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law, P.L. 1975 c. 291. The Historical Committee shall submit its written report to the Administrative Officer (Zoning Officer) and shall send a copy of the report to the applicant within 45 days of its referral to the Committee. If within the forty-five-day period the Historical Committee recommends against the issuance of a permit or recommends conditions to the permit to be issued, the Administrative Officer (Zoning Officer) shall deny issuance of the permit or include the conditions in the permit. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

(3) Applications for development which are in an Historic District or on an Historic Site or Structure and require approval by the Planning Board or Board of Adjustment shall be referred by the Administrative Officer (Zoning Officer) directly to the appropriate Board. The Board shall forward a copy of the complete application to the Historical Committee at least 14 days prior to the hearing. Failure to forward the copy shall not invalidate any hearing or proceeding. The Historical Committee may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

(4) The Historical Committee review shall not be required when a Historic Site or Structure 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 Borough codes, without the necessity of first obtaining the Historical Committee's review. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the historic landmark, or others, and/or to maintain the habitability of the structure. A request for the Committee's review shall be made as soon as possible, and no further 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. All work done under this section shall conform to the criteria set forth in § 89-44.

D. Where an application for development is found by the Administrative Officer (Zoning Officer) to require Historical Committee's review pursuant to this section, the applicant shall be required to submit an application for certificate of appropriateness to the Administrative Officer (Zoning Officer). As part of this application, the Historical Committee may

require the submission of such materials as are reasonably required for it to render a decision on the application. This application shall accompany the application for development when it is referred to the Historical Committee for review and must be complete in order to be considered. The Historical Committee shall advise the applicant in writing of the time, date, and place of the meeting at which the matter will be reviewed at least three days prior to the meeting. The Historical Committee may advise other interested parties of the meeting and may publish notices of the meeting in the newspaper. The applicant shall not be required to appear or to be represented at the meeting. The applicant may appear at the meeting and may submit additional information if he so chooses.

E. Time limit and effect of certificate of appropriateness. A certificate of appropriateness shall confer upon the applicant the right that the general terms and conditions upon which the certificate was granted shall not be changed for one year. Any certificate hereafter granted shall expire by limitation unless the approved activity has commenced within one year of the date of the certificate. The Historical Committee may extend the time period. Where other approvals or permits are required pursuant to this chapter, the certificate of appropriateness shall be valid for the life of those approvals or permits or extensions thereof.

Section 89-44 Individual Zone Regulations.

F. Regulations applying to the Historic District and Historic Sites/Structures

(1) ~~The HD (Historic District) Zone is for the purpose of preserving cultural, social economic and architectural history through the preservation of historically significant buildings and to create an appropriate and harmonious neighborhood for the historically significant buildings. Therefore, The HD (Historic District) Zone and Historic Site or Structures outside of the HD Zone shall not regulate the use of land or buildings the following activities (hereinafter "regulated activities") on any Historic Site or Structure or within a historic district:~~

- ~~(a) Change in the exterior appearance of any building, structure or improvement by addition, reconstruction, alteration, replacement or maintenance;~~
- ~~(b) Any additional or new construction of an improvement;~~
- ~~(c) Replacement, changes in, or addition of signs, shutters, outdoor displays, fences and hedges, street furniture, awnings, off-street driveway and parking materials, or exterior lighting;~~
- ~~(d) Installation or replacement of porches, fire escapes, solar panels, and satellite dish antennas.~~
- ~~(e) Demolition of any historic landmark or an improvement within the Historic District.~~
- ~~(f) Relocation of any building, structure or improvement.~~

~~It is for the purpose of preserving cultural, social economic and architectural history through the preservation of historically significant buildings and to create an appropriate and harmonious neighborhood for the historically significant buildings.~~

(2) In addition to all other requirements of this chapter, no building or structure shall ~~hereafter be erected, reconstructed, altered, restored or demolished undergo any regulated activity~~ within the Historic District and/or an historic site or structure unless and until an application for a building permit shall have been approved as to exterior architectural features which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of appropriateness issued by the Planning Board. Upon receiving an application for a building permit in the Historic Zone and/or historic sites or structures, the Construction Official shall promptly forward three copies thereof to the Administrative Secretary, who shall place it on the agenda of the next meeting of the Planning Board. ~~The Construction Official shall promptly forward a copy thereof to the Secretary of the Historical Committee for the Committee's review and comment pursuant to the procedure set forth in Section 89-16..~~

(3) In reviewing the plans, the Planning Board shall give consideration to:

- (a) The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
- (b) The general compatibility of exterior design, arrangement, texture and materials proposed to be used; ~~and~~
- (c) Any other factor, including aesthetic, which it deems pertinent; ~~and~~
- (d) ~~The input and recommendations of the Historical Committee.~~

(4) The Planning Board shall pass only on exterior features of a structure and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in the previous paragraph.

(5) It is the intent of this section that the Planning Board be strict in its judgment of plans for ~~alteration, repair or demolition~~ regulated activities of Historical Sites and Structures and existing structures deemed to be valuable according to studies, approved by the Planning Board of the Borough of Eatontown, by qualified persons using as the criteria of

evaluation those developed by the National Trust for Historic Preservation. In addition to the list of structures listed in § 89-4, a A list of such structures designated by street address and block and lot number is maintained by the Eatontown Historical Committee to guide the Planning Board in its judgments.

(6) It is the intent of this section that the Planning Board and Historical Committee shall encourage any alterations or repairs to structures on this list be made in the spirit of their architectural style, and that any additions will be made in such a manner as not to detract from a building's original appearance.

(7)-(12) No changes.

(13) The Planning Board shall not consider features not subject to public view. The Planning Board shall not make any recommendations or requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings and the Historic District and/or historic sites or structures.

(14)-(16) No changes.

(17) The following shall not be considered regulated activities under this Section:

(a) Changes to the interior of structures.

(b) Ordinary repairs and maintenance or the exact replacement of any existing architectural details that are otherwise permitted by law, provided this work on a Historic Site or Structure does not alter the exterior appearance of the building.

The following are some of the activities which may be permitted according to this criteria:

(1) Complete identical replacement of existing windows and doors.

(2) Repair of existing windows and doors involving no change in their design, scale or appearance. Installation of storm windows and doors.

(3) Complete replacement of existing material with identical material.

(4) Maintenance and repair of existing roofing material involving no change in the design, scale or appearance of the structure.

(5) Structural repairs which do not alter the exterior appearance of the building.

(6) Complete identical replacement of existing roof structures such as cupolas, dormers and chimneys, or the repair of same which does not alter their exterior appearance.

(7) Complete replacement of existing shingles, clapboards, or other siding with identical material.

(8) Maintenance and repair of existing shingles, clapboards, or other siding involving no change in design, scale or appearance of the structure.

(9) Exterior painting of existing structures. The Historical Committee may recommend colors harmonious with those currently used in the historic district.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.