

**TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE # 1785-2015**

AN ORDINANCE AMENDING SECTION 203 OF THE CODE OF THE TOWNSHIP OF HAMILTON REGARDING ESTABLISHMENT OF A HISTORIC PRESERVATION COMMISSION AND PROVISIONS FOR THE DESIGNATION, PRESERVATION AND REGULATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS WITHIN THE TOWNSHIP.

WHEREAS, the historical cultural, architectural, archaeological, economic and social heritage of the Township of Hamilton is entrusted from generation to generation, enriched and then passed on; and

WHEREAS, the members of the Township of Hamilton Committee believe that the character and quality of life of the citizen of Township of Hamilton depends in great measure upon the preservation of this rich heritage; and

WHEREAS, in order to perform this preservation, the members of the Township of Hamilton Committee wish to identify and protect certain resources located within the Township; and

WHEREAS, the members of the Township of Hamilton Committee believe that the creation of an "Historic Preservation Commission," and the establishment of certain regulations governing the designation, establishment, preservation and regulation of Historic Landmarks and Historic Districts within Township of Hamilton will greatly assist in achieving this goal. And will serve to enhance the general welfare of the citizens of Township of Hamilton.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the County of Atlantic and State of New Jersey, as that Chapter 203, Land Use and Development, of the Code of the Township of Hamilton shall be amended as follows:

Section 1. Delete existing Section 203-10, Historic Preservation Commission, in its entirety and replace it with the following:

§203-10 HISTORIC PRESERVATION COMMISSION.

- A. Establishment – There is hereby established within the Township of Hamilton an "Historic Preservation Commission," whose members shall serve without compensation.
- B. Responsibilities - The Historic Preservation Commission shall have the following duties and responsibilities:
 - 1) To identify, record and maintain a survey of all building, structures, sites, objects, improvements and districts of historical significance within the Township.
 - 2) To recommend to the Township Committee the designation of buildings, structures, sites, objects or improvements as Historic Landmarks, and to recommend the designation of Historic Districts.
 - 3) To monitor and recommend to the Township Committee any buildings, structures, sites, objects, improvements or districts for inclusion in the New Jersey or National Register of Historic Places.
 - 4) To make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of Historic Landmarks and Historic Districts of any other Master Plan elements. The Commission may provide information to the Planning Board indicating the location and significance of Historic Landmarks and Historic Districts, and identify the

standards used to assess worthiness for Historic Landmark or Historic District designation.

- 5) To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110.
- 6) To provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance provisions concerning historic preservation to proposed construction.
- 7) To review and render determinations regarding applications for Certificates of Appropriateness when so authorized by the Planning Board as set forth in §203-211.A.3.
- 8) To advise the Planning Board on the inclusion of Historic Landmarks and Historic Districts in the recommended capital improvement program.
- 9) To monitor and recommend to the Township Committee the submission of any grants related to historic preservation.
- 10) To carry out such other advisory, educational and informational functions as will promote historic preservation in the Township.

C. Membership

- 1) Appointment – The Commission shall consist of seven (7) regular members and no more than two (2) alternate members, who shall be appointed by the Township Committee. Of the regular members a total of at least one less than a majority shall be of Classes A and B. At the time of appointment, members shall be designated by the following classes:
 - a) Class A – A person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality; and,
 - b) Class B – A person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the municipality; and,
 - c) Class C – Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field.Alternate members shall meet the qualifications of Class C members. At the time of appointment, alternate members shall be designated as “Alternate No. 1” and “Alternate No. 2”.
- 2) Terms. The terms of the members first appointed under this ordinance shall be so determined that to the greatest practicable extent the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of a regular member shall not exceed four years and that the initial term of an alternate member shall not exceed two years. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the term of any member common to the Historic Preservation Commission and the Zoning Board of Adjustment shall be for the term of membership on the Zoning Board of Adjustment. The full membership of the Historic Preservation Commission shall be appointed within sixty (60) days from the effective date of this Ordinance. A vacancy occurring for reasons other than the expiration of a term shall be filled for the remainder of the unexpired term within sixty (60) days of occurrence.
- 3) Role of Alternates. The alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- 4) Officers. Annually, the Commission shall elect a Chairman and Vice-Chairman from its members and select a recording secretary who may or may not be a member of the Commission or a municipal employee.

- D. Budget. The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Commission may employ, contract for and fix the compensation of experts and other staff as it shall deem necessary. The commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body,

unless the governing body by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this Subparagraph shall not exceed, exclusive of gifts or grants, the amount appropriated by Township Committee for the Commission's use.

- E. Finances. The Township Committee shall establish by Ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of applications and development reviews. These fees are in addition to any other required under any portion of this or any other applicable Township Ordinance.
- F. Rules of Commission.
- 1) The Commission shall adopt written rules for the transaction of its business and for the consideration of applications for Certificates of Appropriateness and for the designation of Historic Landmarks and Historic Districts. Such rules shall not be inconsistent with the provisions of the Ordinance and shall include, but not be limited to, rules pertaining to all notices and hearings required herein.
 - 2) In order to make available to the public information useful to the preservation and protection of Historic Landmarks and Historic Districts and to provide the basis for consistency of policy, the Commission Secretary shall maintain complete files and records. The commission's files shall include, but are not limited to, data used in the classification of building, structures, sites, objects, improvements and districts, minutes of Commission meetings, applications for Certificates of Appropriateness along with collateral data, decisions and appeals associated therewith and information, materials and references submitted to the public related to historic preservation. A record of Commission proceedings shall be kept and made available upon request and pursuant to Open Public Records Act, but a formal verbatim record shall not be required.
 - 3) The Commission Secretary shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, reports, findings, determinations, decisions and applications, which shall be public documents. All meetings shall be noticed and conducted in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. Copies of all minutes shall be maintained in the Municipal Building and shall be delivered to the Township Clerk.
 - 4) Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board or the Zoning Board of Adjustment refers an application to the Historic Preservation Commission, then the referring Board shall receive a copy of the Commission's Report.
 - 5) The Zoning Office shall maintain and display an up-to-date map showing the boundaries of all areas designated as Historic Districts, as well as the locations of all Historic Landmarks.
 - 6) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property which is the subject of an application, mere ownership or residence in a designated Historic District and/or ownership of a designated Historic Landmark or a non-designated property shall not be deemed a personal or financial interest.
 - 7) Unless authorized to issue Certificates of Appropriateness pursuant to §203-211.A.3, any decision of the Historic Commission will be reviewed by the Planning Board and either adopted or modified.
- G. Removal. A member of the Commission may, after a public hearing if he requests it, be removed by the governing body for cause.
- H. Meetings; Quorum.
- 1) The Historic Preservation Commission shall establish and post in the Municipal Building a regular schedule of meetings, which shall include a minimum of one meeting per month. Regular meetings shall be held as scheduled unless canceled for lack of a quorum, lack of applications to process or for other good reason(s), which shall be noted in the minutes. Additional special meetings may be called by the Chairman or Vice Chairman, or on the request of any two of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
 - 2) The Historic Preservation Commission shall hold hearings to review all applications for Certificates of Appropriateness, referrals of development applications and other business which comes before the Commission.
 - 3) The presence of four members, which may include alternate members filling the vacancies of regular members, shall constitute a quorum. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a

Certificate of Appropriateness. Not less than a majority of the appointed membership shall be required to recommend the designation or change of an Historic Landmark or Historic District designation or to render a decision on applications for demolition.

I. Designation of Historic Landmarks and Historic Districts.

- 1) Survey. The Commission shall maintain a comprehensive survey of the Township of Hamilton to identify Historic Landmarks and Historic Districts that are worthy of protection and preservation.
- 2) Criteria for Designation. The criteria for evaluating and designating Historic Landmarks and Historic Districts shall be guided by the National Register Criteria. The Commission or any person may recommend designation of Historic Landmarks or Historic Districts that are in accordance with the National Register Criteria or that possesses one or more of the following attributes:
 - a) Character, interest, or value as part of the development, heritage or cultural characteristics of the Township, State or Nation; or
 - b) Association with events that have made a significant contribution to the broad patterns of our history; or
 - c) Association with the lives of person significant in our past; or
 - d) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or
 - e) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Township, State, or Nation; or
 - f) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or
 - g) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature; or
 - h) Ability or potential ability to yield information important in prehistory or history.
- 3) Procedures for Designation.
 - a) Persons wishing to make a nomination shall contact the Commission Secretary regarding consideration of a proposed Historic Landmark or Historic District. The Commission may also initiate the designation of an Historic Landmark or Historic District. The Commission will schedule a hearing to review the proposed Historic Landmark or Historic District.
 - b) A nomination to propose an Historic Landmark shall include the following information which addresses the criteria for designation as set forth herein:
 - i) A photograph, preferable black and white, of the proposed landmark; and
 - ii) A copy of the municipal tax map showing the property on which the proposed landmark is located; and
 - iii) A physical description of the proposed landmark; and
 - iv) A statement of significance, referencing applicable National Register criteria.
 - c) A nomination to propose an Historic District shall include the following information which addresses the criteria for designation as set forth herein:
 - i) A building-by-building inventory of all properties within the district; and
 - ii) A photograph, preferable black and white, of all properties within the district; and
 - iii) A copy of the municipal tax map of the district showing boundaries; and
 - iv) A physical description of the proposed district; and
 - v) A statement of significance, referencing applicable National Register criteria.

- d) Following receipt of a nomination to propose an Historic Landmark or Historic District, the Commission shall schedule a public hearing on the proposed designation.
- e) At least ten (10) days prior to the public hearing, the Commission shall, by personal service or certified mail perform the following:
 - i. Notify the owner(s) of record of a property that has been proposed for Historic Landmark designation, or the owner(s) of record all properties located within a district that has been proposed for Historic District designation, that the property or district, as applicable, is being considered for such designation and the reasons therefore;
 - ii. Advise the owner(s) of record of the significance and consequences of such designation, and of the rights of the owner(s) of record to contest such designation under the provisions of this Ordinance;
 - iii. Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property or district; and
 - iv. Serve any further notices as may be required under the provisions of the Municipal Land Use Law.
- f) At least ten (10) days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official newspaper of the Township.
- g) At least ten (10) days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in the Municipal Offices of the Township.
- h) At the public hearing scheduled in accordance with this Ordinance, the Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.
- i) Designation of an Historic District shall not proceed over the written objection of fifty-one percent (51%) of the property owners, (as certified by the Township Clerk) in accordance with the procedural guidelines set forth by the National Register of Historic Places.
- j) If the proposed nomination is approved by the Commission, then the Commission shall forward a report concerning the proposed Historic Landmark or Historic District to the Planning Board, which shall contain a statement of the Commission's recommendations and the reasons therefore. Township Committee action on designating an Historic Landmark or an Historic District shall then be otherwise subject to those procedures and statutes which apply to a change of a zoning designation and the adoption, revision or amendment of any development regulation.
- k) All other requirements of the Municipal Land Use Law and the NJ Pinelands Comprehensive Management Plan, if applicable, regarding adoption of development regulations shall be followed.
- l) Upon adoption of an Ordinance by the Township Committee designating an Historic Landmark or an Historic District, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected Historic Landmark or Historic District is located. At that time, the designation list and map shall be incorporated into the Master Plan and Zoning Ordinance of the Township as required by the Municipal Land Use Law. Designated properties shall also be noted as such on the records for those properties as maintained by the Planning and Zoning offices, as well as the offices of the Construction Official, the Township Tax Assessor and the Township Clerk.
- m) Amendments to Historic Landmark or Historic District designations may be made in the same manner as they were adopted in accordance with the provisions of this Ordinance.

Section 2. Delete existing Article XVIII Sections 203-208 thru 203-216, Historic District Site Plan Review, in its entirety and inserting the following:

ARTICLE XVIII HISTORIC DISTRICT

203-208. Purpose.

The purpose of this Article is to effectuate and accomplish the protection, enhancement and perpetuation of historic building, structures, sites, objects, improvements and districts within the Township of Hamilton, to implement the historic preservation element of the Township's Master Plan, and to advance the following public purposes:

- A. To safeguard the heritage of Township of Hamilton by preserving the resource within the Township which reflect elements of its historical significance;
- B. To identify, designate, and regulate Historic Landmarks and Historic Districts in order to preserve their historical significance;
- C. To encourage the continued use of Historic Landmarks and Historic District and to facilitate their appropriate use or reuse;
- D. To maintain and develop an appropriate and harmonious setting for Historic Landmarks and Historic Districts within the Township of Hamilton;
- E. To foster civic pride in the history and architecture of Township of Hamilton;
- F. To promote appreciation of Historic Landmarks and Historic Districts for the education, pleasure and welfare of the local population;
- G. To encourage beautification and private reinvestment in Historic Landmarks and Historic Districts, and surrounding properties;
- H. To manage change of Historic Landmarks and Historic Districts by encouraging sensitive alteration and/or new construction;
- I. To discourage the unnecessary demolition of historic resources;
- J. To recognize the importance of Historic Landmarks and Historic Districts by urging property owners and tenants to maintain their properties in keeping with the requirements and standards of the Ordinance;
- K. To encourage the proper maintenance and preservation of historic settings and landscapes.

203-209. Definitions.

As used in this Article, the following terms shall have the meanings indicated and shall supplement or supersede the definitions in §203-18:

Application – Shall mean a request to the Historic Preservation Commission made pursuant to this Ordinance for the purposes of obtaining a Certificate of Appropriateness or other action by the Commission hereunder specified.

Commission – For the purpose of this Article shall mean the Historic Preservation Commission established pursuant to the provisions of this §203-10.

Designated Historic Landmark or Historic District – Shall mean an individual building structure, site, object, improvement or district which has been determined to have historical significance pursuant to the provisions of this Ordinance.

Emergency - When an Historic Landmark or a key or contributing Historic District Resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others.

Historic – Shall mean having historical, cultural, architectural, archaeological economic, social or other significance as defined by the provisions of this Ordinance.

Historical – Shall mean of, relating to, or having the character of history.

Historic District – Shall mean a significant concentration, linkage or continuity of buildings, structures, sites, objects or improvements united historically by plan or physical development which qualifies for designation under Section (4) of this Ordinance.

Historic District Resources – Shall mean those resources classified as either key, contributing or non-contributing, which are defined as follows:

- a) "Key" shall mean any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for Historic Landmark status;
- b) "Contributing" shall mean any buildings, structures, sites, objects or improvements which are integral components either because they date from a time period which makes them historically significant or because they

represent an architectural type, period or method which is historical significant; and

c) "Non-contributing" shall mean any building structures, sites, objects or improvements which due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity reflecting its character during the period of significance of the historic district and is incapable of yielding significant new information.

Historic Landmark – shall mean any building, structure, site, object improvement which qualifies for designation under Section 4 of this Ordinance

In Kind - Replacing in kind extensively deteriorated or missing parts of features when there are surviving prototypes. The new work should match the old in material, design, and texture; and be unobtrusively dated to guide future research and treatment.

Not recommended: Replacing an entire architectural feature when limited replacement of deteriorated and missing parts is appropriate; using replacement material that does not match the historic feature; or, failing to properly document the new work.

Integrity – Shall mean the ability of a property to convey it's historical significance through the retention of original physical features.

Inventory – Shall mean a list of surveyed historic properties determined to meet criteria of significance specified herein.

Master Plan – Shall mean The Master Plan of the Township of Hamilton, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

Minor Application – Shall mean any application for a Certificate of Appropriateness which:

- a) Does not involve demolition, relocation or removal of an Historic Landmark or a contributing resource in an Historic District.
- b) Does not involve an addition to an Historic Landmark or a property in an Historic District or new construction in an Historic District.
- c) Is a request for approval of fences, signs, lighting paving or streetscape work which, in the opinion of the Chairman of the Commission, will not substantially affect the characteristics of the Historic Landmark or the Historic District;
- d) Is a request for a field change for a Certificate of Appropriateness permit which has already been issued and which meets the criteria of Subparagraph (3) above.

Municipal Land Use Law – Shall mean 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.

National Register Criteria – Shall mean the established criteria for valuating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R 60.4, et seq.

Noncontributing – A building, site, structure or object that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance; due to alterations, disturbances, additions or other changes it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period; or it does not independently meet the National Register criteria.

Object – Shall be used as a term to distinguish from buildings and structures those constructions or features that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment

Ordinary Maintenance and Repair – Shall mean the repair of 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 with in-kind material and quality workmanship. Shall mean any required approval issued by the Construction Official pursuant to applicable building or

construction codes for work or improvement(s) to property, or to a building or structure located thereon.

Person – Shall mean any individuals, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, firms, companies, corporations, entities or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law. When permitted by contest “person” shall also include the United States, the State of New Jersey and/or other States, or any political subdivision thereof, and any foreign country or government.

Preservation – Shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of an Historic Landmark. 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.

Protection – Shall mean the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or cover or shield the property from danger or injury.

Reconstruction – Shall mean the act or process of reproducing, by means of new construction, the form, features and detailing of a non-surviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and its historic location when documentary and physical evidence is available.

Rehabilitation – Shall mean the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historic values.

Replacement – Shall mean the act or process of replicating any exterior architectural feature that is used to substitute for an existing deteriorated or extensively damaged architectural feature.

Restoration – Shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of later work or the replacement of missing earlier work.

Secretary of the Interior’s Standards – Shall mean 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,” 36 C.F.R 68, issued in 1992 and revised and supplemented from time to time.

Site – Shall mean the location of a significant event, a prehistoric or historic occupation or activity, a building or structure, or a burial ground or cemetery, whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure.

Streetscape – Shall mean the visual character of the street including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, sidewalks, curbing and landscaping.

Survey – Shall mean the inventory of building, structures, sites, objects, improvements and districts located within the Township of Hamilton which is conducted by the Commission for the ascertainment of their historical significance pursuant to the provisions of this Ordinance.

Survey Data – Shall mean the raw data produced by the survey; that is, all the information gathered on each property and area investigated.

View or Vista – Shall mean the view by the public of a building, structure, site, object, improvement or landscape from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian.

203-210. Referral of development applications involving historic landmarks or historic districts.

A. Pursuant to N.J.S.A. 40:55D-110, the Planning Board and Zoning Board of the Adjustment of the Township of Hamilton shall refer to the Historic Preservation

Commission every application for development submitted to either Board involving Historic Landmarks or properties located within Historic Districts. This referral shall be made when the application is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice on said application, 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 that the Commission may have submitted.

- B. On all matters referred to the Historic Preservation Commission which require approval by the Township's Planning Board or Zoning Board of Adjustment, the decision of the Commission shall be a recommendation only. In reviewing applications for development, the Commission may comment on any of the zoning and land use considerations which are relevant to the application.

203-211. Certificate of Appropriateness.

A. Authority to issue certificates of appropriateness.

- 1) The Planning Board shall issue all certificates of appropriateness, except as specified in Subsection A.3 (below).
- 2) The Board of Adjustment shall issue certificates of appropriateness for those applications for development which it is otherwise empowered to review, except as set forth in Subsection A.3 (below).
- 3) The Planning Board and Zoning Board of Adjustment shall have the right to delegate to the Historic Preservation Commission the issuance of Certificates of Appropriateness. Any person aggrieved by a decision of the Historic Preservation Commission shall have the right to appeal to the Planning Board.

B. When Required. A Certificate of Appropriateness permit shall be required before any work is commenced on any Historic Landmark or within any Historic District, whether or not a construction or zoning permit is required for such work, including but not limited to the following:

- 1) Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the replacement of windows and doors, except for the activities described in Paragraph C below.
- 2) Demolition of any building structure, site, object or improvement.
- 3) Relocation of a principal or accessory building, structure, site, object or improvement.
- 4) Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.
- 5) Any change of exterior color.
- 6) Development not otherwise exempted from review pursuant to 203-9A(2) of Article I of this chapter where a significant resource has been identified pursuant to Section 203-211.E.4.b.

C. When Not Required.

- 1) A Certificate of Appropriateness permit shall not be required if, in the opinion of the Commission, the work contemplated constitutes "ordinary maintenance and repair" as defined by this Ordinance. In such cases, and if a permit is required for the proposed work, the Commission shall promptly notify the Zoning Official that a Certificate of Appropriateness is not required as a prerequisite to the issuance of the permit.
- 2) Changes to the interior of existing structures.
- 3) Repair and replacement work to noncontributing buildings within an historic district which shall include the following:
 - a) Exterior painting
 - b) The replacement of glass in any window or door.
 - c) The installation and replacement of any window or door in the same opening without altering the dimensions or framing of the original opening. This shall

include garage doors, storm windows and storm doors. Any new door or window shall be of the same type and operation as the existing.

- d) Repair of any nonstructural member such as a railing
- e) The repair of existing roofing material with like material
- f) The repair of any part of a porch or stoop which does not structurally support a roof above.
- g) The replacement or installation of screens.
- h) The replacement of exterior rain gutters, downspouts and leaders.
- i) The repair or replacement of any exterior trim, decoration or moldings.

D. Procedures.

- 1) Except for the circumstances described in Subparagraphs C(1) and C(2) above, no work shall be performed on any Historic Landmark or on any building, structure, site, object or improvement located within an Historic District until either a Certificate of Appropriateness has been issued for such work or until a determination has been made that no Certificate of Appropriateness is necessary for such work due to the fact that the proposed work constitutes "ordinary maintenance and repair" pursuant to Subparagraph C(1) above.
- 2) All applicants for a Certificate of Appropriateness, or for a determination of non-necessity pursuant to Subparagraph C(1) above, shall complete an application form. Application forms shall be made available in the office of the Zoning Official. Completed applications shall be filed with the Zoning Official, who shall then forward the application package promptly to the Commission.
- 3) Each application for a Certificate of Appropriateness or for a determination of non-necessity shall be accompanied by sketches, drawing, photographs, descriptions or other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and historical photographs of the interior and exterior of the building. The Commission may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision. Any such request shall not affect the time within which the Commission must make a decision pursuant to Subparagraph D.5) (below). To further assist the community there is a copy of the Township of Hamilton Historic District standards guide and a Fencing guide in the Zoning Office at the Township Hall.
- 4) The Zoning Official shall forward a copy of all permit applications dealing with Historic Landmarks or Historic Districts to the Commission prior to issuance of the requested permit, except where the permit relates to the type(s) of work described in Subparagraphs C(1) and C(2) above.
- 5) The Commission shall render a decision on each application for a Certificate of Appropriateness, or for a determination of non-necessity pursuant to Subparagraph C(1) above, and submit its report to the Zoning Official within forty-five (45) days of referral of same by the Zoning Official. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission.

E. Procedures within the Pinelands Area.

- 1) Certificates of appropriateness shall be required for the following:
 - a) Construction, encroachment upon, alteration, remodeling, removal, disturbance or demolition of any resource designated by the Township Committee or the Pinelands Commission pursuant to N.J.A.C. 7:50-6:154 or any action which renders such a site inaccessible.
- 2) Applications for Certificates of Appropriateness shall include the information Specified in N.J.A.C. 7:50-6.156(b).

A cultural resource survey shall accompany all applications for development in a Pinelands village and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the Cultural Resource Management Plan, dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National

and/or New Jersey State Registers of Historic Places on the site or within the area of the projects, potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional a vocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.

- a) This requirement for a survey may be waived by the local approval agency if:
 - (1) There is insufficient evidence of significant cultural activity of the project site, or, in the case of archaeological resources, within the vicinity;
 - (2) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
 - (3) The evidence of cultural activity lacks any potential for significance pursuant to the standards of Subsection E 2)(b) below.
- b) A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:
 - (1) The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands.
 - (2) The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural political, economic or social history of the nation, state, local community or the Pinelands.
 - (3) The presence of structures that represent the work of a master or that possess high artistic values or that embody the distinctive characteristics of a type, period or method of construction or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, state, local community or the pinelands, although its components may lack individual distinction.
 - (4) The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.
- 3) The following guidelines and standards governing the issuance of Certificate of Appropriateness permit in N.J.A.C. 7:50-6:156(c) shall be followed:
 - a) The historical or architectural value and significance of the building and its relationship to the historic value of the surrounding area.
 - b) The general compatibility of exterior design, arrangement and materials to be used.
 - c) Any other factor, including aesthetic, which it deems pertinent. In approving or disapproving applications for certificates of appropriateness in the Pinelands Area, the Planning Board, Zoning Board of Adjustment and/or Historic Commission shall consider:
 - (1) The extent of the alteration, destruction or removal of the distinctive or architectural features of the designated structure, including consideration of the harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories and workmanship.
 - (2) The relationship of the designated site to the surrounding land and natural features.
 - (3) The degree to which the proposed work would appropriately or inappropriately isolate the designated structures or area from their historical or architectural surroundings.

- (4) The degree to which the proposed work is compatible with the original design concept of the structure or with the general characteristics of that era.
 - (5) The degree to which the proposed building materials are compatible with the aesthetic and structural appearance of the designated structure of area, including the texture, style, color of the materials and the proposed combination of materials such as brick, stone, concrete, shingle, wood or stucco.
 - (6) If the proposed work involves a designated archaeological site, the degree to which the proposed work avoids or disturbs the designated site or complies with the rules of the Department of the Interior governing the recovery of archaeological data, 36 CFR 66 et seq.
 - (7) If the proposed work involves the demolition of a designated structure, the degree to which the applicant has explored preservation options, such as the sale of the structure to an individual or group interested in preserving the right structure.
 - (8) The degree to which the proposed work is in conformity with the Department of the Interior's Standards for Historic Preservation Projects, 36 CFR 67 et seq. and Township of Hamilton HPC Design Guidelines.
- d) The effect of the issuance of a Certificate of Appropriateness is as follows:
- (1) All subsequent development approval shall be issued or denied in a manner consistent with the Certificate of Appropriateness except as provided in Subsection E(3)(d)(2) below.
 - (2) A Certificate of Appropriateness issued as a result of the cultural resource survey requirement set forth in Subsection E above shall be effective for two years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6:154 or by the governing body pursuant to N.J.S.A. 40:55D-1 et seq. within that two-year period, the historic resource standards of this section shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6:154.
- 4) The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity.
- a) A narrative description of the resource and its cultural environment.
 - b) Photographic documentation to record the exterior appearance of buildings, structures and engineering resources.
 - c) A site plan depicting in correct scale the location of all buildings, structures and engineering resources.
 - d) A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology, if necessary, to elaborate upon the photographic record.
- 5) If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the Planning Board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the Guidelines for the Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recover (36 CFR 66).

F. Informational Meetings.

- 1) Persons considering action that requires a Certificate of Appropriateness are encouraged to request an informal "Informational Meeting" with the Commission and/or its Chairman prior to submitting a formal application for a Certificate of Appropriateness or for a determination of non-necessity pursuant to Subparagraph 203-211.C. Requests for such information meetings can be made to the Commission Secretary. The Commission and/or its Chairman shall hold such informational meetings within thirty (30) days of receipt of such request. The purpose of an informational meeting is to review the design issues and standards of appropriateness and the procedures for obtaining a Certificate

of Appropriateness or a determination of non-necessity pursuant to Subparagraph 203-211.C.

G. Application Review.

- 1) The Commission shall hold a hearing on all applications for Certificates of Appropriateness. No hearing shall be required in order for the Commission to render a determination of non-necessity pursuant to Subparagraph C above.
- 2) Prior to holding a hearing on an application for a Certificate of Appropriateness, the Commission shall, in addition to complying with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., notify the applicant in writing prior to the hearing by mail setting forth the time, date and place of the hearing.
- 3) An applicant for a Certificate of Appropriateness permit shall be required to appear or to be represented at the hearing in order for the Commission to consider the application for a Certificate of Appropriateness, and the Commission will deny without prejudice and allow the applicant to reappear before the HPC at a later date.
- 4) At the hearing, the Commission shall allow all persons the opportunity to be heard concerning the issuance of a Certificate of Appropriateness for the proposed work.
- 5) After conducting the hearing, the Commission shall render a determination on the completeness of the application. All determinations regarding the issuance of a Certificate of Appropriateness shall be in writing with an explanation of the reasons for the decision, and shall be delivered promptly to the Planning Board, unless the Commission is authorized to issue Certificates of Appropriateness pursuant to Section 203-211.A.3 in which case it shall be delivered to the Zoning Official. A Certificate of Appropriateness shall be granted if it is found that the application is appropriate to the Historic Landmark or Historic District and in conformity with the standards and criteria set forth in this Ordinance. A Certificate of Appropriateness may be subject to certain conditions(s), which shall be set forth in detail in the written decision. A Certificate of Appropriateness shall be denied if the application is found to be inappropriate to the Historic Landmark or Historic District and/or not in conformity with the said standards and criteria. Denial of a Certificate of Appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for said work.
- 6) Failure to render a written determination to the Zoning Official within the forty-five (45) day period referenced in Subsection D(5) shall be deemed to constitute a determination in favor of the issuance of a Certificate of Appropriateness for the proposed work and without conditions. In the event that the applicant has consented to an extension of time to consider the application, the Zoning Official shall be notified of said extension and no Certificate of Appropriateness or permit shall be issued of the proposed work until a determination has been rendered during the extension period.
- 7) Appeals from determinations of the Zoning Official in accordance with the report issued by the Planning Board or the Historic Preservation Commission if so authorized pursuant to Section 203-211.A.3 may be made by the applicant to the Zoning Board of Adjustment. Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The appellant shall pay all costs for copies of any transcript(s) required for appeal. If, in the case of an appeal made pursuant to this Subparagraph, the Zoning Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the Zoning Official pursuant to a determination rendered by the Planning Board or Historic Preservation Commission, the Zoning Board of Adjustment shall, in writing, include the reasons for its determination in the findings of its decision thereon.
- 8) The owner shall post the Certificate of Appropriateness on a conspicuous spot on the exterior of the designated property visible to the general public during the entire process of work.
- 9) When a Certificate of Appropriateness has been issued, the Zoning Official or his appointee shall, from time to time, inspect the work approved by such Certificate and shall regularly report to the Commission the results of such

inspections, listing all work inspected and reporting any work not in accordance with such Certificate.

10) A Certificate of Appropriateness shall be valid for a period of two (2) years from date of issue unless reasonable extensions are requested by the applicant.

11) The performance of unauthorized activities shall be deemed to be a violation of this Chapter and may subject the responsible parties to sanctions imposed hereunder.

H. Minor Applications.

1) The Chairman of the Historic Preservation Commission, or other designated member(s) of the Commission acting on the Chairman's behalf, may review applications for minor work ("minor applications") without holding a hearing. If the Chairman finds the application appropriate, he/she may act in place of the full Commission without the necessity of a public hearing and is authorized to issue a Certificate of Appropriateness to the Zoning Official for said minor work. The Zoning Official shall then authorize the applicant to proceed and issue any required permit associated therewith. If the Chairman does not find the application appropriate, the application shall be scheduled for a public hearing before the full Commission.

I. Emergency Procedures.

1) When an Historic Landmark or a key or contributing Historic District Resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, limited emergency repairs may be performed in accordance with applicable construction codes immediately upon consultation with the HPC Chair and approval of the Construction Official, who shall certify that a bona fide emergency of the type referenced herein exists, without first obtaining a Certificate of Appropriateness from the Commission. Under such circumstances, the limited repairs performed shall be only such as are necessary to preserve the continued habitability of the building or structure and/or the health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure.

2) Simultaneously with the commencement of the emergency work, the property owner shall make a request for a Certificate of Appropriateness from the Commission memorializing the approval for said emergency work. This request shall be made through the Zoning Official pursuant to the procedures set forth in Paragraph D above.

3) It should be noted that the procedures outlined in this Section should be strictly limited to those circumstances which, in the opinion of the construction Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Zoning Official and Historic Preservation Commission pursuant to the procedures set forth in Paragraph G above.

J. Requirement of Obtaining Certificates of Appropriateness for Government Actions.

1) It is recognized that the intent and purposes of this Ordinance would not be fully served if the municipality and other governmental agencies were to control the actions of others but fail to apply similar constraints to itself. The Township of Hamilton, when it plans to undertake any work on any municipally owned Historic Landmark or on any municipally owned property in an Historic District, may submit such plans to the Historic Preservation Commission and shall receive an advisory report on the appropriateness of those plans before undertaking the work.

2) In those circumstances where the Township cannot require compliance, as in certain cases involving the County, State, and Federal governments, the Township most strongly urges the voluntary cooperation of such agencies in seeking a Certificate of Appropriateness and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable State and Federal regulations regarding historic preservation.

203-212. STANDARDS AND CRITERIA

- A. The purpose of this Section is to provide uniform standards and criteria for the regulation of Historic Landmarks and Historic Districts for use by the Historic Preservation Commission. All projects requiring a Certificate of Appropriateness and all applications for development on Historic Landmarks or in Historic Districts shall be governed by the principles of the Secretary of the Interior's Standards for Rehabilitation (as contained within the Secretary of the Interior's Standards for the Treatment of Historic Properties) and by the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.
- B. In reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission may consider the site, design, arrangement, texture, details, scale, shape, materials, finish and relationship to streetscape and/or landscape of the proposed work and the relationship of those characteristics to the historical significance of the Historic Landmark or Historic District.
- C. In reviewing applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider use, zoning requirements for setbacks, density, height limitations or lot coverage as these matters fall within the purview of the Planning Board and Zoning Board of Adjustment.
- D. In considering development application referrals from the Planning Board and/or Zoning Board of Adjustment, the Historic Preservation Commission may consider use, zoning requirements for setbacks, density, height limitations and lot coverage in rendering its advice to the appropriate Board.
- E. Criteria for Review. In its review of Historic Landmarks or properties located within Historic Districts, the Commission shall give consideration to certain criteria, including but not limited to the following:
 - 1) The historic character of the landscape or streetscape.
 - 2) The historical character of a building, structure, site, object, improvement or district and its relationship to property of the surrounding area.
 - 3) The general compatibility of the proposed use to the historical value of the surrounding area.
 - 4) The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its review under these guidelines, the following criteria shall be utilized:
 - a) All exterior elevations, including the roof, must be maintained and new construction must be compatible with existing structures, districts and surrounding areas.
 - b) In kind or similarly compatible building materials must be utilized.
- F. Exterior lighting and painting requirements for public or commercial buildings
 - 1) The painting or repainting of a public or commercial building in an historic area designated on Zoning Map 5 (Editor's Note: Zoning Map 5 is on file in the office of the Township Clerk, where it may be examined during regular business hours) shall conform to the color guidelines maintained by the Historic Preservation Commission as identified in this Ordinance.
 - 2) The exterior lighting for public or commercial building in an historic area designated on Zoning Map 5 shall conform to the street lighting specifications shown on Sheet 10 of the Mays Landing Historic Plan or be an approved equal.
 - 3) All lighting shall conform to the requirements as set forth within 203 – 167B.
- G. Signs in historic areas.
 - 1) The size, shape and character of the sign shall be in keeping with the historic character of the landmark, Historic District site or Pinelands designated site on which the sign is located. The size of the sign shall not exceed the maximum for the type of sign shown on the following Figure 18-1 and shall otherwise conform to the provisions of Article XIII, 203 139K(6).
 - 2) The visibility and scale of the sign shall be in keeping with the architectural and historical character of the surrounding structures and area.

- 3) The signage for a particular building or shop should be reduced to the fewest separate panels or statements as possible.
- 4) Signs on building should not obliterate or obscure the architecture.
- 5) Obsolete signage from defunct activities shall be removed unless it is an integral part of the structure's historic architectural façade.

Figure 18-1

Maximum Commercial Sign Area by Type of Sign Permitted in Historic Areas
Township of Hamilton, New Jersey

Sign Type	Zoning District				
	VC	GC	DC	HC	NC
Wall Mounted					
Flat (sq.ft.)	20	20	50	50	20
Swing arm (sq.ft.)	12	12	16	16	12
Window (percent)	30	30	30	30	30
Pole (sq.ft.)	N.A.	N.A.	100	N.A.	N.A.
Pole swing arm (sq.ft)	6	6	10	10	6

- 6) Many forms of modern lighting of signs are incompatible with the historical integrity of a landmark or Historic District site. Such lighting should conform to the following provisions:
 - a) Flashing, intermittent or moving-type illumination shall not be permitted.
 - b) Backlit fluorescent sign, signs illuminated by neon or other gaseous elements or materials and all other self-illuminated signs shall not be permitted.
 - c) Floodlighting shall be so shielded that the source of light shall not be visible from any point of the lot on which the sign, building or structure being illuminated is erected and so that only the sign is directly illuminated.
- 7) Wall signs shall be installed so as to be flush with the exterior wall of the site unless it enhances the historic properties of the site.
- 8) Post signs and hanging signs shall be permitted if they enhance the historic characteristics of the site.
- 9) A-frame and easel signs shall be permitted, provided that they are decorative in style and so long as the signs:
 - a) Are temporary in nature.
 - b) Do not block public access.
 - c) Are removed nightly.
- 10) Interior signs which are intended to be viewed from the outside of the building or structure shall conform to the requirements of this section, insofar as they are applicable.

H. Exterior color selection in historic areas.

- 1) Purpose The intent of this section is to recognize that although color choice is a matter of intimate preference; there are some colors and methods of application that are more appropriate to maintain the integrity of designated buildings which are landmarks or are located within an Historic District.
 - a) The colors applied to any building should be selected from those that were available and considered appropriate for the date, type and style of the building at the time of its design and construction.
 - b) Those colors, whatever they may be should be applied to the structure to enhance the design in the manner intended by the original designer, builder and owners.
- 2) The applicant shall meet with the Township of Hamilton Historic Preservation Commission prior to the selection of exterior colors.

203-213. DEMOLITIONS AND RELOCATIONS.

A. In regard to an application to demolish or relocate an Historic Landmark or an Historic District Resource, the following matter shall be considered:

- 1) Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.
- 2) The probable impact of its removal upon the ambiance of the Historic Landmark or Historic District.
- 3) The structural soundness and integrity of the building, structure, site, object or improvement and the economic feasibility of restoring or rehabilitating same so as to comply with the requirements of the applicable construction codes.
- 4) The compelling reason for not retaining the building, structure, site, object or improvement at its present location, the proximity of the proposed new location and its accessibility to residents of the municipality, and the probability of significant damage to the building, structure, site, object or improvement as a result of the relocation.
- 5) The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this Ordinance and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

B. Procedure.

- 1) Where Demolition is denied. In the event of a denial of an application for a Certificate of Appropriateness to demolish an Historic Landmark or a building, structure, site, object or improvement located in an Historic District, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish same provided that all of the following requirements have been fully met:
 - a) Appeal to Zoning Board of Adjustment. The owner has applied for the necessary Certificate of Appropriateness and has received notice of denial of same from the Zoning Official based on the report from the Planning Board or the Historic Preservation Commission if so authorized and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.
 - b) Sale for Fair Market Value. The owner has prior to seeking demolition for a period of a least one hundred and eighty (180) days (the "offer period"), and at a price reasonable related to its fair market value, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.
 - c) Demolition Notice Posted & Publication. Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the Notice Period in a location such that it is clearly readable. In addition, the applicant shall cause to be published in the official newspaper of the Township a notice setting forth the following:
 - (1) The applicant's intent to demolish, including a description of the subject property (by Block and Lot as well as by physical location) and a description of the building, structure, site, object or improvement to demolished; and
 - (2) The applicant's proposed use of the property following demolition; and
 - (3) The anticipated time frame(s) associated with the demolition; and
 - (4) A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and
 - (5) The applicant's name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or to make an offer to purchase the property as set forth above. The notice shall be published as follows:
 - i At least once within the first (10) days of the Notice Period; and

- ii At least once within the period of time that is not less than ten (10) nor more than fifteen (15) days prior to the expiration of the Notice Period; and
 - iii At least once each twenty (20) days between the above first and last notifications.
 - iv At the conclusion of the Notice Period, if the applicant still wishes to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
 - v Advise the Commission in writing of its intention to proceed with the demolition; and
 - vi Certify in writing to its compliance with the provisions of Subparagraph (b) above relating to the 180-day “offer period”; and
 - vii Provide the Commission with a copy of the notice that appeared in the official newspaper of the Township and a listing of all dates on which the said notice appeared in the newspaper, and
 - viii Advise the Commission in writing as to whether any interested persons submitted an offer or offers to purchase the property, whether during the 180-day “offer period” or following the newspaper noticing referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and
 - ix File copies of the affidavits of publication relating to the newspaper noticing with the Commission.
 - d) Notice Period. The period of time during which notice must be given in manner hereinbefore set forth shall be known as the “Notice Period” which shall commence on the tenth day following the date of the notice of denial of the appeal from the Zoning board of Adjustment and such Notice Period shall run for a period of time of sixty (60) days.
- 2) Assignment. No assignment of the rights granted by a Certificate of Appropriateness to demolish shall be permitted.
- 3) Expiration of Approval.
- a) In cases where demolition is permitted, the Certificate of Appropriateness shall be valid for one (1) year from the date of Historic Preservation Commission approval of the application. The one year period shall not be extended.
 - b) At the time of issuance of the Certificate of Appropriateness to demolish, the Zoning Official shall designate the period of time (within the one (1) year approval period) within which demolition must be completed.
- 4) Approval After Change of Circumstances. The Commission may at any time during such Notice Period, if a significant change in circumstances occurs, approve a Certificate of Appropriateness to demolish, in which event, a permit from the Zoning Official shall be issued within ten (10) days thereafter.

203-214 ENFORCEMENT.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a Certificate of Appropriateness permit. If it should, the official shall inform both the Zoning Official and the applicant, as well as the Historic Preservation Commission.

203-216. VIOLATIONS AND PENALTIES.

The Violations and penalties provisions of § 203-218 shall be applicable to any person undertaking any activity with regard to an Historic Landmark or property located within an Historic District without first having obtained and posted a Certificate of Appropriateness as provided in this Chapter.

Section 3. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 5. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST

TOWNSHP COMMITTEE
TOWNSHIP OF HAMILTON,
ATLANTIC COUNTY, NJ

JOAN I. ANDERSON, R.M.C.
TOWNSHIP CLERK

ROGER SILVA, MAYOR

ROLL CALL: GATTO	"YES"
GUISHARD	"YES"
KURTZ	"YES"
LINK	"YES"
SILVA	"YES"

ORDINANCE NO. 1785-2015 INTRODUCED AND PASSED FIRST READING ON MARCH 2, 2015
ORDINANCE NO. 1785-2015 ADOPTED , 2015.