



CITY OF PLAINFIELD
HISTORIC PRESERVATION COMMISSION
 515 WATCHUNG AVENUE, ROOM 202
 PLAINFIELD, NEW JERSEY 07060



Adrian O. Mapp, Mayor

William H. Michelson, Chairman
 Lawrence T. Quirk, Vice Chairman

MEETING MINUTES- PLAINFIELD HISTORIC PRESERVATION COMMISSION
APRIL 28, 2015, 7:30 PM, CITY HALL 1ST FLOOR LIBRARY, 515 WATCHUNG AVENUE, PLAINFIELD, NJ

Call to Order and Public Notice

Chairman William Michelson called the regular meeting of the Plainfield Historic Preservation Commission to order at 7:37 PM and in conformance with the Open Public Meetings Act read aloud the following: “This is a regularly scheduled meeting of the Historic Preservation Commission of the City of Plainfield, Union County, New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a notice was published in the Courier News on January 1, 2015, and the notice of this meeting was posted in the City Clerk and Planning Division offices.”

2015 Historic Preservation Commission Name, Class Designation (Term Ends)	1/27/15	2/24/15	3/24/15	4/28/15	5/26/15	6/23/15	7/28/15	8/25/15	9/15/15	10/27/15	11/17/15	12/15/15
John Favazzo, Class A (12/31/2017)		X	X	X								
Bill Garrett, Class B (12/31/2015)		X	X									
Sandra Gurshman, Class B (12/31/2018)		X	X	X								
Jan Jasper, Class C (12/31/2016)		X		X								
Elizabeth King, Class C (12/31/2016)				X								
William Michelson, Class B (12/31/2018)		X	X	X								
Lawrence Quirk Class A (12/31/2017)		X	X	X								
Gary Schneider, Class B (12/31/2015)		X	X	X								
Reginald Thomas, Class A (12/31/2018)		X	X	X								
Alternate Member #1 VACANT (2 year term)												
Alternate Member #2 VACANT (2 year term)												

The January 27 meeting was cancelled due to inclement weather

Presentation of March 24, 2015, Meeting Minutes

Mr. Schneider made a motion to approve the March 24, 2015, meeting minutes as presented; Ms. Gurshman seconded the motion and it was approved unanimously by voice vote with the exception of Ms. King who abstained from voting.

Unfinished Business

- Referral from the Zoning Board ZB 2015-16, and Certificate of Appropriateness HPC 2015-03**
 710 Belvidere Ave; Block 903, Lot 2. Netherwood Heights Historic District. Otis Coney- Applicant / Owner
 Chairman Michelson reported that since the last public hearing held on March 24, 2015, the applicant died and the applicant’s attorney requested that the Commission carry the application to July 28, 2015. Vice

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Unfinished Business (continued)

Chairman Quirk made a motion to carry application HPC 2015-03 and the referral to the Zoning Board of Adjustment to July 28, 2015; Ms. King seconded the motion and it was unanimously approved by voice vote.

2. Certificate of Appropriateness HPC 2014-16; 340 Franklin Place; Block 642, Lot 28

Crescent Area Historic District. Applicant & Owner: Raymond and Louise Ochse

The first public hearing was held on December 16, 2014, at which time the application was bifurcated with the proposed new wooden wrap-around porch being carried to April 28, 2015.

Louise and Raymond Ochse of 455 Valley Road, Watchung, introduced themselves to the Commission as the owners of 340 Franklin Place; they informed the Commission that they are proposing to install a new 8'-0" wide wrap-around covered porch at the front façade and a new rear wooden deck with staircase.

Alan Leonard, AIA of 131 Passaic Street, New Providence, introduced himself as the applicant's architect. Mr. Leonard testified that the porches will be constructed using pressure-treated painted fir or be stained according to owner preference. The wood railing will be 36" high along the front with wooden spindles less than every 4" apart. Tongue-and-groove wood decking will be installed for the flooring material and at the ceiling soffits. All wood stair treads will be bull-nosed. Latticework will be installed as shown on the drawing in a vertical square pattern and not diagonally laid. The wood porch columns, bases and capitals will have simple detailing as shown on the submitted drawing and the wood balcony will have turned columns at the porch corners.

Several Commission members said they were glad to see that the house is being renovated. Chairman Michelson opened the meeting to the public; no one from the public commented and Chairman Michelson closed the meeting to the public. Mr. Favazzo made a motion to approve application HPC 2014-16 as presented with tongue and groove decking, bull-nose stairs, tongue and groove ceiling, latticework as submitted, and the wood balcony will have turned columns at the porch corners. Vice Chairman Quirk seconded the motion. Mr. Favazzo requested an amendment to the motion- to include the new wood egress / balcony at the rear of the structure utilizing the same details as the front porch. Vice Chairman Quirk accepted the amendment and the amended motion was unanimously approved by voice vote.

3. Certificate of Appropriateness HPC 2015-02; 177-185 North Avenue; Block 716, Lot 4.

North Avenue Historic District. 177-185 North Ave. LLC.- Applicant / Owner

The first public hearing was held March 24, 2015, at which time the Commission carried the application to April 28, 2015. Chairman Michelson reported that since the last hearing, the applicant requested that the Commission carry the application to May 26, 2015. Vice Chairman Quirk made a motion to carry application HPC 2015-02 to May 26, 2015; Ms. King seconded the motion and it was unanimously approved by voice vote.

New Business

1. Presentation- National Register Nomination Update- Dolbeer-Ware House, 850 Terrill Road

Dennis Bertland of PO Box 315, Stockton, NJ introduced himself to the Commission. Mr. Bertland reported that he has completed his investigation, and discussed his findings with the State Historic Preservation Office with an approach on how to move forward. Mr. Bertland cited from his April 14, 2015, Memo of Findings report. Mr. Bertland believes the house meets the National Register Nomination Criterion D Statement of Significance- the house has potential to reveal important information about the

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New Business (continued)

house type known as an East Jersey Cottage. Details have construction have been uncovered that suggest an intermingling of Dutch and English building traditions, in which case the house could provide information significant to the evolution of vernacular New Jersey architecture.

Chairman Michelson asked why the property is now being called the Dolbeer-Ware House rather than the Lampkin House; Mr. Bertland replied that moniker Lampkin was most likely made up by owner Harriet Ware- she did a colonial revival to the house- before her ownership the house was a tenant house. Mr. Bertland said Jesse Dolbeer was living in the house in the 1790s and deed references show the Clark family living on the site in the 1770's- the great grandson of Elizabeth Clark. Mr. Dolbeer was a carpenter as well as a Revolutionary War veteran.

Mr. Bertland continued by saying the house was built in three sections- the middle section is the original house- similar to the Staats house in Bound Brook. Mr. Bertland added that the dendrochronology work was inconclusive. Chairman Michelson opened the meeting to the public; no one from the public commented. Mr. Bertland was told that he has the blessing of the Historic Preservation Commission to move forward; Mr. Bertland thanked the Commission for their time and said he will now prepare the text for the application forms and submit the information to the State Historic Preservation Office.

2. Certificate of Appropriateness HPC 2015-11: Green Brook Park Pedestrian Bridge; Block 223, Lot 1

Green Brook Park Historic District. Applicant & Owner- County of Union

Paul Leso of the Union County Engineer's Office of 2325 South Avenue, Scotch Plains, introduced himself to the Commission and explained that he has applied to the Historic Preservation Commission for a Certificate of Appropriateness for the proposed pedestrian bridge in the Green Brook Park. Mr. Leso also said that he is applying to the Planning Board for capital project review for the same proposal.

Chairman Michelson informed the Commission that no notice for the Certificate of Appropriateness was required for this application since there are no other properties within 200 feet of the location where the bridge replacement is proposed, but since the work straddles a municipal boundary with North Plainfield, Chairman Michelson requested that the applicant deliver a notice to North Plainfield.¹

Mr. Leso explained that he was in consultation with the Commission's prior historic consultant Gail Hunton on redesigning the bridge and it is his hope that the Commission finds the new design acceptable. When asked if the new location of the bridge is the same spot where the old bridge was, Mr. Leso responded that the location is an approximate spot- the old bridge was swept away by flood. When asked about the design, Mr. Leso said the new design is a mix of concrete foundation with wooden framework- the abutments and parapets are concrete, and the span is longer than the span of the old bridge. Mr. Leso commented that the old bridge plan shows the bridge as shorter but the approach needed a stone wall; now that the bridge is longer, the approach is more at grade.

The Commission and Mr. Leso reviewed details of the weep holes and concrete abutments; Mr. Leso commented that the concrete abutments will be minimal. Mr. Thomas asked if the bridge will be wider than the old bridge was; Mr. Leso responded that the bridge will be wider to permit maintenance equipment to cross. Mr. Leso confirmed that the walkway surface is wood and planks do not go perpendicular like they

¹ Chairman Michelson has requested that a copy of his Chairman's Decision be adopted as part of the approval of the project and that a signed copy of the Decision be attached to the meeting minutes- the Chairman's Decision follows the meeting minutes.

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New Business (continued)

used to with the old bridge- why the change- why are the planks now parallel, Mr. Leso said he does not know.

Mr. Favazzo commented about the direction of the wood and that ADA requirements may dictate the width of the gap between wood planks. Mr. Leso commented that the deck panels are pre-fabricated. Vice Chairman Quirk commented on Sheet 4.02, top elevation, left side- if there is going to be exposed concrete portions, they should all be the same type of surface. Mr. Leso noted the Vice Chairman's comment and said if it is under control of the county, it will be added.

Chairman Michelson said if we can impose any conditions, they would be 1) add stone face to any exposed concrete, and 2) re-orient the decks so that the planks are perpendicular to traffic. Mr. Leso noted these conditions. Chairman Michelson opened the meeting to the public. Bernice Paglia of 124 East Seventh Street, Plainfield said she hopes that April Stefel of the Planning Division will review the proposal as part of the Green Brook Trail project. Chairman Michelson said Ms. Stefel provided the Commission with a written report on the proposal. With no other public comment, Chairman Michelson closed the public portion of the meeting.

Vice Chairman Quirk made a motion to grant a Certificate of Appropriateness with the following conditions:

1. Any exposed, above-grade concrete foundation piers or abutments will require stone facing with a textured finish to match the historic WPA photo submitted as part of the application;
2. The prefab deck panels will be laid perpendicular to the bridge's sidewalls and not parallel as currently shown on Section B-B on Sheet 4.02;
3. Applicant shall submit any revisions to the Plainfield Planning Division prior to issuance of a permit.

Ms. King seconded the motion and it was unanimously approved by voice vote.

3. **Certificate of Appropriateness HPC 2015-05: 212-224 Park Avenue; Block 245, Lot 7.02**
North Avenue Historic District. Certified Green Property One, LLC- Applicant and Owner
Install a 2'-8" overhang fabric awning above the first floor commercial spaces. The awning will measure 9 feet from ground floor grade to the lowermost portion of the awning.
4. **Certificate of Appropriateness HPC 2015-06: 134-136 North Avenue; Block 314, Lot 8**
North Avenue Historic District. 134-136 North Avenue, LLC- Applicant and Owner
Install a 3' overhang fabric awning for the first floor commercial use. The awning will measure 8'-10" from ground floor grade to the lowermost portion of the awning. The awning will be 76.8 square feet.
5. **Certificate of Appropriateness HPC 2015-07: 138-144 North Avenue; Block 314, Lot 9**
North Avenue Historic District. 138-144 North Avenue, LLC- Applicant and Owner
Install a 3' overhang fabric awning for the first floor commercial use. The awning will measure 8'-2" from ground floor grade to the lowermost portion of the awning. The awning will be red to match the brick facade.

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New Business (continued)

6. Certificate of Appropriateness HPC 2015-08: 226-232 Park Avenue; Block 245, Lot 8

North Avenue Historic District. Next Step to Collins Avenue, LLC- Applicant and Owner
Install a 2'-8" fabric awning for the first floor commercial spaces. The awning will measure 8' from ground floor grade to the lowermost portion of the awning.

Chairman Michelson introduced the next four applications as being similar- all front façade awnings for commercial buildings in the North Avenue Historic District, and each application is being presented by the same applicant- parent company Landmark Developers. The Commission agreed to hear all four in one public hearing.

Gabe Bailer introduced himself as a representative of Landmark Developers, 675 Garfield Avenue, Jersey City, New Jersey. Chairman Michelson asked Mr. Bailer if the names of the businesses will be on the awnings. Mr. Bailer responded not at this time, if they do it will be dark lettering and the lettering will abide by the city zoning regulations. Mr. Bailer asked the Commission if they would like to see the font / font size when filing with the Planning Office- the Commission responded that they would. Ms. Gurshman asked if the awnings are retractable- Mr. Bailer said the awnings are not retractable. Vice Chairman Quirk said he is concerned that the awnings will cover details of the building- for example 134-138 North Avenue where the applicant is asking for 2 awnings to go over a set of doors- those awnings will cover transoms and capitals.

Mr. Favazzo asked what how the awnings are being attached to the building: no new holes shall be drilled unless new holes are in wood or non-historic material- Mr. Bailer agreed to this condition. Mr. Ross said in concept showing each awning is fine, but when the actual signage comes in it should be reviewed to keep the storefronts looking clean. It was suggested that the applicant pick a font, provide a sample to Commission Secretary Scott Bauman, he will distribute it to the Architectural Review Committee and if approved, the font will be kept on file.

Chairman Michelson opened the meeting to the public. Bernice Paglia of 124 East Seventh Street said that the city offers a sign and façade improvement program and that the applicant may wish to inquire with the Office of Economic Development to see if the awning proposals qualify for city funding. With no additional public comment, Chairman Michelson closed the public portion of the meeting.

With no further discussion, Vice Chairman Quirk made a motion to grant a Certificate of Appropriateness to application HPC 2015-05, 212-224 Park Avenue as submitted:

Work Approved: Installation of a 2'-8" overhang fixed, shed-type awning above the first floor commercial storefronts. The awning will be installed 9'-0" above sidewalk grade and be made of a maroon Sunbrella fabric. The Commission approved the elevation drawing A2 submitted with the application as prepared by Jose Carballo Architecture dated 2/13/15.

Conditions of Approval: Awnings to be installed only where shown on drawing A2. The awning structure must be carefully and professionally attached so as not to damage any historic fabric or façade material. When awnings are to be installed, any business lettering or signage must be submitted as part of a new application to the HPC for review prior to issuance of permit.

Ms. Gurshman seconded the motion and it was unanimously approved by voice vote.

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New Business (continued)

With no further discussion, Vice Chairman Quirk made a motion to grant a Certificate of Appropriateness to application HPC 2015-06, 134-136 North Avenue as submitted:

Work Approved: Installation of a 3'-0" overhang fixed, shed-type awning above the first floor commercial storefronts. The awning will be installed 8'-10" above sidewalk grade, consist of 76.8 SF and be made of a maroon Sunbrella fabric. The Commission approved the elevation drawing A2 submitted with the application as prepared by Jose Carballo Architecture dated 1/18/12.

Conditions of Approval: Awnings to be installed only where shown on drawing A2. The awning structure must be carefully and professionally attached so as not to damage any historic fabric or façade material. When awnings are to be installed, any business lettering or signage must be submitted as part of a new application to the HPC for review prior to issuance of permit.

Mr. Thomas seconded the motion and it was unanimously approved by voice vote.

With no further discussion, Vice Chairman Quirk made a motion to grant a Certificate of Appropriateness to application HPC 2015-07, 138-144 North Avenue as submitted:

Work Approved: Installation of a 3'-0" overhang fixed, shed-type awning above the first floor commercial storefronts. The awning will be installed 8'-2" above sidewalk grade and be made of a maroon Sunbrella fabric. The Commission approved the elevation drawing A100 submitted with the application as prepared by Jose Carballo Architecture dated 1/10/13.

Conditions of Approval: Awnings to be installed only where shown on drawing A100. The awning structure must be carefully and professionally attached so as not to damage any historic fabric or façade material. When awnings are to be installed, any business lettering or signage must be submitted as part of a new application to the HPC for review prior to issuance of permit. Applicant to submit detailed head/jamb/sill details to the HPC prior to installation. Drawings should clearly explain how the awning structure will be attached to the existing façade materials. The HPC Architectural Subcommittee will review any subsequent submissions by the applicant.

Mr. Thomas seconded the motion and it was unanimously approved by voice vote.

With no further discussion, Vice Chairman Quirk made a motion to grant a Certificate of Appropriateness to application HPC 2015-08, 226-232 Park Avenue as submitted:

Work Approved: Installation of a 3'-0" overhang fixed, shed-type awning above the first floor commercial storefronts. The awning will be installed 8'-2" above sidewalk grade and be made of a maroon Sunbrella fabric. The Commission approved the elevation drawing A100 submitted with the application as prepared by Jose Carballo Architecture dated 1/10/13.

Conditions of Approval: Awnings to be installed only where shown on drawing A100. The awning structure must be carefully and professionally attached so as not to damage any historic fabric or façade material. When awnings are to be installed, any business lettering or signage must be submitted as part of a new application to the HPC for review prior to issuance of permit.

New Business (continued)

Applicant to submit detailed head/jamb/sill details to the HPC prior to installation. Drawings should clearly explain how the awning structure will be attached to the existing façade materials. The HPC Architectural Subcommittee will review any subsequent submissions by the applicant.

Ms. Jasper seconded the motion and it was unanimously approved by voice vote.

7. Certificate of Appropriateness HPC 2015-04: 600 Cleveland Avenue; Block 837, Lot 1

Listed on the State and National Registers of Historic Places. Applicant & Owner- Grace Episcopal Church Vice Chairman Quirk recused himself from the hearing. Trevor King, a warden at Grace Episcopal Church, introduced himself to the Commission and informed them that the church is proposing to remove an old sign and erect a 5' x 5', two-sided free-standing sign with lettering cabinet at the corner of Cleveland Avenue and East Seventh Street. The new sign will not be illuminated or have flashing lights or neon / LED lettering.

Chairman Michelson opened the meeting to the public, no one from the public commented; Chairman Michelson closed the public portion of the meeting. Without further discussion, Mr. Schneider made a motion to approve HPC 2015-04 as submitted, Ms. Gurshman seconded the motion and it was approved unanimously by voice vote with Vice Chairman Quirk recused from voting.

8. Certificate of Appropriateness HPC 2015-09: 816 Madison Avenue; Block 716, Lot 4

Van Wyck Brooks Historic District. Applicant & Owner- Vicky Griswold Vicky Griswold of 816 Madison Avenue and her roofing contractor Brad Needleman of 88 Meadowbrook Road, North Plainfield introduced themselves to the Commission. Mr. Needleman said he is proposing to remove the 120-year-old Pennsylvania slate roof and install new CertainTeed Hatteras Series asphalt shingles in "Colonial Slate" color. He is proposing to install white aluminum K style gutters and downspouts. The soffit and details will be maintained. When asked why K style gutters and not half-round gutters; Mr. Needleman replied the K style gutters are deeper and hold more water; half-rounds are more decorative than functional. Mr. Schneider said he has seen the roof product and it looks nice.

Chairman Michelson opened the meeting to the public, no one from the public commented; Chairman Michelson closed the public portion of the meeting. Without further discussion, Mr. Thomas made a motion to approve HPC 2015-09 as submitted with the condition that roofing straps must be tucked under the shingle sheets and not visible from below. Ms. Gurshman seconded the motion and it was approved unanimously by voice vote.

9. Certificate of Appropriateness HPC 2015-10 & Referral from Board of Adjustment ZB 2015-04

827 3rd Place; Block 829, Lot 14: Crescent Area Historic District. Applicant & Owner- Dimitris Pierce Dimitris Pierce of 827 3rd Place introduced himself to the Commission; he said that he plans to construct an in-ground swimming pool with accessory 6-foot wood privacy / safety fencing. He is scheduled before the Zoning Board on May 6, 2015, for relief from the impervious lot coverage requirement. Some of the proposed fencing can be seen from the street. Chairman Michelson said he looked at the property and from the southwest corner and from the north, the fence would be visible from the street. Ms. Gurshman asked Mr. Pearce if he was planning on painting the fence; Mr. Pearce responded that he is hoping not to paint the fence. Ms. King asked what type of fence is being proposed; Mr. Pearce replied that the fence will be 6-foot tall wooden stockade privacy fence. Ms. Gurshman asked if there will be a gate; Mr. Pearce said that there will be a gate on the driveway side- it will not be seen from the street.

New Business (continued)

Chairman Michelson opened the meeting to the public, no one from the public commented; Chairman Michelson closed the public portion of the meeting. Without further discussion, Vice Chairman Quirk made a motion to approve HPC 2015-10 as submitted with the condition that applicant file cut sheets of the fence with dimensions. Mr. Thomas seconded the motion and it was approved unanimously by voice vote.

In response to the referral from the Zoning Board of Adjustment, Ms. King made a motion citing no objection to the impervious lot coverage request made by the applicant in relation to Zoning Board of Adjustment application ZB 2015-04. Vice Chairman Quirk seconded the motion and it was approved unanimously by voice vote.

Discussion

1. Spanish Translation of the *Design Guidelines for Historic Districts & Sites*

Mr. Bauman reported that Ms. Hunton is satisfied with the revised final draft and she recommended that the Commission adopt the translated document. Mr. Bauman said he will obtain a PDF of the final document, email it to Ms. Jasper who will then email it to the HPC webmaster. Mr. Schneider suggested once it is posted, distribute a press release and notify bloggers. Ms. Jasper made a motion to adopt the Spanish translation of the Design Guidelines for Historic Districts and Sites and Ms. Jasper will work with the HPC webmaster to add the document to the HPC website. Mr. Schneider seconded the motion and it was approved unanimously by voice vote.

2. Status of Abbott Manor, 810 Central Avenue; Block 760, Lot 6; Van Wyck Brooks Historic District

Vice Chairman Quirk reported that a letter was sent by a member of the Van Wyck Brooks Historic District to the city in October 2014 and nothing has been done. The Certificate of Appropriateness for new roofing granted by the HPC has expired and nothing was done. Vice Chairman Quirk said he doesn't understand why the Inspections Division has been dragging its heels- the HPC has to raise this issue again, and he would like to see a meeting with the HPC and the Inspections Division. It is important that the HPC does something- open up a dialog with the Inspections Division. Chairman Michelson asked should he expand his 117-125 North Avenue letter to include Abbott Manor? Ms. Gurshman said yes.

3. Status of 117-125 North Avenue; Block 315, Lot 2; North Avenue Historic District

Chairman Michelson reported he has drafted a letter to the city requesting that they be more aggressive with these kinds of problems experienced at 117-125 North Avenue. The HPC is unique; it can direct policy statements and the HPC has explicit powers to be an active participant when an issue affects a landmarked building or district. Chairman Michelson opened the meeting to the public. Alison Payne of 985 Kenyon Avenue and representing the Van Wyck Brooks Historic District said they sent a letter and photos to the city on October 20, 2014, and the District as a whole is following up on this. Chairman Michelson said he will now enlarge his letter and it will go out in a few days.

4. New Historic Districts or the Possible Expansion of Existing Historic Districts

Chairman Michelson requested that this be carried to the May meeting.

5. Revisions to the By-Laws of the Historic Preservation Commission

Chairman Michelson requested that this be carried to the May meeting; in the meantime, he and Vice Chairman Quirk will review the minutes found by Mr. Bauman.

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Reports

1. Community Outreach / Historic Preservation Awareness Committee

Historic Preservation Award Program: Mr. Favazzo commented on a Montclair HPC Awards Program; Mr. Ross said he has the template in Design format. Mr. Favazzo said what needs to be done to implement the program is to put a timeline to it.

Social Media: Mr. Schneider commented that the HPC does not have a Facebook page- with a Facebook page the HPC will have another avenue to publicize. Mr. Schneider volunteered to look into starting up a Facebook page.

2. Ordinance Revision Committee

Chairman Michelson and Vice Chairman Quirk agreed to meet to review the ordinance in preparation for working with the Planning Board to update the Land Use Ordinance.

Adjournment

There being no further business, Ms. Gurshman made a motion for adjournment, seconded by Mr. Schneider; all voted in favor, none opposed. The meeting adjourned at 10:10 PM

Respectfully submitted,

Scott Bauman

Scott Bauman, AICP, PP

Principal Planner / HPC Secretary, Plainfield Planning Division

Prepared: June 9, 2015

Approved by the Historic Preservation Commission: June 23, 2015

Attachment to meeting minutes:

CHAIRMAN'S DECISION ON RULES GOVERNING APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS IN HISTORIC PARK LOCATIONS

The Plainfield Historic Preservation Commission has two applications before it, filed by the Union County Department of Parks, for bridge replacements in two separate County Parks. Both Green Brook and Cedar Brook County Parks are designated as Historic Districts, because of their historic value in the context of landscape architecture. One of them, a bridge over Green Brook, is now ready for hearing. This Application raises several issues which the HPC has not considered before.

This work does not appear to require an approval from the Planning Board, because it is not an "application for development", but it does require non-binding Capital Project Review, see NJSA 40:55D-31(a). The HPC at first received this Application by referral from the Planning Board, which requires us to give our opinion and recommendations in that context, under our Land Use Ordinance, section 17:10-8. If viewed as a zoning issue, the bridge is clearly a permitted use, needing no variances.

However, the HPC also has primary jurisdiction, because this is a case of "new construction of a principal or accessory building or structure subject to public view" in a Historic District. Therefore, a Certificate of Appropriateness (CA) is required before a new bridge can be built, and such an Application has now been filed. Even if it were not a complete replacement of a bridge already demolished, substantial work might nonetheless cause a "change in the exterior appearance of any contributing building or structure", sec. 17:10-4(A).

This bridge should have also been brought before the HPC at the time when demolition was contemplated, assuming it was not already destroyed, e.g., by flood or vehicular collision. The HPC would make the determination, under sec. 17:10-11, whether the bridge was "historic". If so, a CA would be required for demolition, subject to the emergency provision of sec. 17:10-12. Given that it has already happened, the HPC can retroactively approve demolition, if satisfied that the replacement bridge constitutes an improvement, or other good cause is shown, and in any event, can hear the Application for a new bridge.

This is a situation where the HPC's powers are actually broader than those of the Planning Board. Further, there can be situations where our Ordinance supersedes the Municipal Land Use Law (MLUL), because of Plainfield's Special Charter. No statute or other legal provision has been presented to the Chairman to suggest that we lack jurisdiction just because the Applicant is a County agency, and we are a Municipal agency.

Since a CA is required, the next question is what notice has to be given by the Applicant, to nearby property owners or municipalities. Such notice is not

required of the County when the Planning Board does Capital Project Review. The same logic may not apply to projects requiring a CA under our Ordinance, because of our Special Charter. The public interest is satisfied by having the Applicant obtain the HPC's approval, conditions and comments, after letting anyone who wishes to do so address us.

Normally, notice of an HPC hearing is required to be given "to each property owner within two hundred (200) feet of subject property", sec. 17:10-7(A). This is normally measured between the closest corners of the subject and neighboring properties. This rule should be applied differently to an application to do work in a County Park, because it is so expansive, yet forms a single property. It would be an absurd burden to require notice to owners all around its periphery. Therefore, notice will only be required for property owners whose closest point is within 200 feet of the exact location of the proposed work. Note however that some Applications in the Parks might not be so localized. After reviewing the Applicant's map and visiting the property, however, it does not appear that any private property is that close to the proposed bridge, either on the Plainfield or North Plainfield sides.

Normally an Applicant before the Boards is required to give notice to owners within 200 feet, even if outside our boundaries, and to the Clerk of any other municipality within that distance, NJSA 40:55D-12(c) and (d). Because our Ordinance does not address Applications near our borders, this statute applies. This Applicant should therefore give notice to the Borough Clerk of North Plainfield, however, no properties in that town are close enough to require it. Ironically, the two County Parks are the only Historic Districts we have, that are close enough to a municipal boundary to invoke this issue. It is not our responsibility to address whatever requirements North Plainfield would impose, however that side of the Park is not in a Historic District, so it is unlikely that this bridge would generate any issue there.

These provisions will also govern any future applications for work requiring a CA, if located within either of our two County Parks.

Dated: April 28, 2015



WILLIAM H. MICHELSON, Chairman
Plainfield Historic Preservation Commission