

The applicant has the right to apply for an extension from the approving authority for good cause shown upon submittal of fee set forth herein.

## **ARTICLE IV – HISTORIC PRESERVATION COMMISSION**

### **§17:4-1. ESTABLISHMENT**

The Historic Preservation Commission previously established is hereby continued.

### **§17:4-2. MEMBERSHIP**

The Historic Preservation Commission shall consist of nine (9) regular members and two (2) alternate members. All members are to be appointed by the Mayor with the advice and consent of City Council. Existing members will continue to serve the balance of their respective terms. Members at the time of the passing of this ordinance shall serve without compensation and shall be interested in or qualified to contribute to the preservation of historic resources. At the time of appointment, members shall be designated by the following classes:

**Class A** – A person who is knowledgeable in building design and construction or architectural history.

**Class B** – A person who is knowledgeable, or with a demonstrated interest in, local history.

**Class C** – Citizens of the municipality who shall hold no other municipal office, position or employment except for membership on the Planning Board or Board of Adjustment.

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." Of the nine regular members, at least four members shall be of Classes A and B. All members shall reside in the City. No more than four members may reside outside of Historic Districts.

### **§17:4-3. TERMS OF OFFICE**

The terms of the members first appointed under the 1991 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 no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled within 60 days for the unexpired term only. 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 alternate members may participate in discussions of the 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.

**§17:4-4. VACANCIES**

A vacancy occurring otherwise than by expiration of term shall be filled within sixty (60) days as above for the unexpired term only.

**§17:4-5. CONFLICT OF INTEREST**

No member of any Historic Preservation Commission shall be permitted to act on any matter in which said member has, either directly or indirectly, any personal or financial interest.

A member of the Historic Preservation Commission may, after a public hearing, if requested, be removed by the Plainfield City Council for cause.

**§17:4-6. ORGANIZATION**

The Historic Preservation Commission shall elect a chairperson and vice-chairperson from its members and select a secretary who need not be a member of the Commission and may be a City employee.

**§17:4-7. BUDGET/EMPLOYEES**

The Plainfield City Council shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the Plainfield City Council unless the Plainfield City Council by appropriation provides for separate legal counsel for the Commission. Expenditures pursuant to this section shall not exceed, exclusive of gifts or grants, the amount appropriated by the Plainfield City Council for the Commission's use.

The Commission shall appoint a consultant who is a recognized professional in the field of architectural history, historic preservation or similar discipline to advise the Commission on applications before it. If the consultant has rendered an oral or written opinion, the Commission must consider the opinion of the consultant in rendering its decision and must give a statement of reasons in the event that the consultant's recommendations are not followed.

The City Administrator, administrative officer and the Director of the Division of Planning shall provide such technical, administrative and clerical assistance as the Historic Preservation Commission shall require. For budgeting and purchasing purposes, however, the Commission shall be allocated its own budget.

**§17:4-8. RULES OF COMMISSION**

The Historic Preservation Commission shall adopt written rules for the transaction of its business and for the consideration of applications for Certificates of Appropriateness and for designations of historic districts and sites. Such rules shall not be inconsistent with the provisions of this section of the City Zoning Ordinance and shall include but not be limited to rules pertaining to all notices and hearings required herein.

In order to make available to the public information useful to the preservation and protection of historic resources and to provide the basis for consistent policy, the Commission shall maintain complete files and records including, but not limited to, data used in the classification of buildings, places and structures, 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.

Such materials shall be the property of the City but held in the custody of the Commission which shall keep a complete file of all records in the offices of the Division of Planning and Community Development, the City libraries or other suitable facilities or depositories and lend materials from time to time for public display.

#### **§17:4-9. MEETING QUORUM**

The Historic Preservation Commission shall establish a regular schedule of meetings on at least a quarterly basis. Additional meetings may be called by the chairperson or vice chairperson when the regular meetings are inadequate to meet the needs of its business, to handle emergencies, or to meet time constraints imposed by law.

Five (5) members shall constitute a quorum. Ex-officio members are not entitled to vote. 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 designate or de-designate a historic site or district.

A record of the proceedings shall be kept and made available but a formal verbatim record shall not be required.

#### **§17:4-10. INFORMATIONAL MEETINGS**

Persons considering action that may require a Certificate of Appropriateness, even if they are in doubt as to whether such is required, are encouraged to request an informal "Informational Meeting" with the Historic Preservation Commission. Requests for such informational meetings can be made to the administrative officer. The Commission shall hold such informational meetings within forty-five (45) days of receipt of such request. The purpose of an informational meeting is to inform the persons of the standards of appropriateness and the procedures for obtaining a Certificate of Appropriateness, if such is required.

The Commission may grant a Certificate of Appropriateness at an informational meeting, if the preliminary data and drawings are sufficiently explicit, for projects which it deems to be very minor, involving exterior repairs or alterations to existing buildings, signs, walls or fences.

#### **§17:4-11. EMERGENCY PROCEDURES**

When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with City Codes, without first obtaining a Certificate of Appropriateness. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. A request for the Commission's review shall be made simultaneously with the onset of emergency work. Such emergency work shall be permitted only if the Construction Official certifies to the administrative officer the immediate necessity for such permit issuance. Upon notice, by the administrative officer to the full Historic Preservation Commission by telephone, personal contact or other appropriate means of communication, at least three members of the Commission shall convene as soon as possible and such convening members shall proceed to review the Certificate of Appropriateness application as provided in this ordinance.

Subsequent to such review, a Certificate of Appropriateness may be issued upon a majority vote of the members convened.

**§17:4-12 DUTIES, POWERS AND RESPONSIBILITIES OF COMMISSION.**

The Historic Preservation Commission shall have the following duties, powers and responsibilities:

- A.** To identify, record and maintain a system for survey and inventory of all buildings, sites, places, landmarks and structures of historical or architectural significance based on the United States Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Standards and Guidelines for Identification); and to aid the public in understanding their worth, methods of preservation, techniques of gathering documentation and related matters.
- B.** To advise the Planning Board on the relationship of the Historic Preservation Plan Element of the Master Plan to other Master Plan elements.
- C.** To advise the Planning Board on the inclusion of historic sites and landmarks in the recommended capital improvement program.
- D.** To advise the City Council and Planning Board on the relative merits of proposals involving public funds to restore, preserve and protect historic buildings, places and structures, including the preparation of long-range plans therefore, securing State, Federal and other grants and aid to assist therein and monitoring such projects once underway.
- E.** To recommend to the Planning Board and the City Council the designation of additional historic districts and sites where appropriate, in accordance with the procedures and criteria for designation of set forth in Sections 17:10-8 and 9.
- F.** To draft and recommend to City Council and the Planning Board ordinances or amendments to existing ordinances that would resolve any conflicts which may exist between the design standards of the Historic Preservation Ordinance and the building or zoning regulations of the City.
- G.** Provide written reports pursuant to N.J.S.A. 40:55D-111 and Sections 17:10-10 and 11 on the application of the Zoning Ordinance provisions concerning historic preservation.
- H.** To advise the Planning Board and Zoning Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110 and Section 17:10-14.
- I.** To purchase estates, easements, rights, restrictions and less than fee acquisitions, with the approval of City Council, and to acquire grants, assistance or aid either outright or in exchange in order to further the intent and purposes of this article and the welfare of the City. The Commission may negotiate and recommend such arrangements subject, however, to approval of the City Council as necessary for any monetary expenditures, and, at the direction of City Council. Corporation Counsel shall assist the Commission in such arrangements.
- J.** To advise and assist City officers, employees, boards and other bodies, including those at county, state and federal levels, on all matters which have potential impact on the historic buildings, places and structures in the City or on the physical character and ambiance of a historic district.
- K.** To assemble and arrange for the proper care, cataloging and availability of materials relevant to the City's history.
- L.** To secure the voluntary assistance of the public, and within the limits of the budget, to retain consultants and experts to assist the Commission in its work or to provide testimony in support of the Commission's position before other bodies,

boards, commissions or courts.

- M.** To cooperate with local, county, state or national historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this article.
- N.** To recommend to applicable County, State and Federal agencies, where appropriate, recognition and protection of historic districts and historic sites and to review National and State Register nominations.
- O.** To request the City Council to seek, on its own motion or otherwise, injunctive relief of violations of this article or other actions contrary to the intent and purposes of this article.
- P.** To carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.