

PRINCETON TOWNSHIP HISTORIC PRESERVATION ORDINANCE
AND AMENDMENTS

Sec. 10B-1. Purpose of chapter.

Township committee further finds and declares that the Township of Princeton contains numerous buildings, archaeological sites, and areas of special character and special historic and aesthetic value; that these buildings, archaeological sites, and areas of the township reflect elements of the cultural, social, economic, and architectural history of the community; and that preservation and enhancement of such elements are required in the interest of the health, prosperity, and welfare of the municipality as well as the surrounding region. The purpose of the historic district regulations promulgated herein is to:

- (1) Preserve and enhance structures, archeological sites, and locations which reflect the heritage of the community;
- (2) Maintain and develop harmonious settings for such structures, archaeological sites, and locations.
- (3) Foster civic pride;
- (4) Protect and enhance the community's attractions to visitors;
- (5) Strengthen the economy of the community; and
- (6) Promote the appreciation of landmarks for the education, pleasure, and welfare of the people of Princeton Township.

Sec. 10B-2 Definitions.

Alter. To change the appearance of exterior elements of a structure, including changing the materials used and removing paint and cleaning by means of abrasives or chemicals or pressurized liquids. A change in the exterior color of a structure shall be considered an alteration only if the change in color entails applications of paint or other surface coloring to a surface which has not been painted before, if pre-primed or prefinished material is added to the exterior, or if the repainting is substantially out of character with the historic district within which the structure is located. Ordinary maintenance and repainting in the same color shall not be considered an alteration within this definition.

Construct. To make, remake or make additions to the exterior of a structure by combining materials.

Demolish. To partially or completely take down a structure or to allow the protective elements of the structure or a part of a structure to deteriorate to an extent that threatens the survival of the fabric of the structure or a part thereof.

Historic features. Fences, principal structures, accessory structures, outbuildings, gates, gate posts, garden walls, gateways, wells, and dry stone walls, windmills, cemeteries, hedgerows and field rows of historic significance, historic boundary markers, and archaeological sites.

Historic protection area. The portion of a property in an historic preservation zoning district designed to preserve the historic features of the property in their historic setting and meeting the standards set forth in section 10B-272.4(d)(1)b. Historic protection areas shall be designed as a result of development application review on sites for which pre-mapped preservation areas have not been established by ordinance.

Historic site. Any building, structure, area or property that is significant in the history, architecture, archaeology or culture of the state, its communities or the nation and that has been so designated pursuant to this chapter.

Historic structures. Structures built during the period in which the district in which they are located attained historic significance and identified in the National Register of Historic places as key or contributing structures or in the document entitled "Princeton Township Historic Designations and the Boundaries" on file in the office of the township clerk.

Moving. Partially or completely moving a structure or a part thereof.

Ordinary Maintenance. 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. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs, using the same materials and having the same appearance and painting which is not an alteration.

Preservation area. The portion of a property in an historic preservation zoning district pre-mapped by ordinance and designed to preserve the historic features of the property in their historic setting.

Preservation plan. The application and accompanying documents required by this chapter and by the rules of the historic preservation commission for any action for which preservation plan approval is required pursuant to section 10B-240.1 sufficient to demonstrate that the standards and criteria set forth in section 10B-272.4 or section 10B-272.5 have been satisfied.

Undue hardship. (a) With respect to commercial property, including property rented for residential use, the inability of the applicant to realize a reasonable return on the property without the proposed work; (b) with respect to property which is devoted to a charitable nonprofit purpose and is exempt from local property taxes, the inability of the applicant to carry out such purpose without the proposed work; and (c) with respect to owner-

occupied residential property, the inability of the applicant to continue owner-occupied residential use without the proposed work.

Article IIIA. Historic Preservation Commission.

Sec. 10B-27.1. Established; membership.

(a) An agency to be known as the historic preservation commission is hereby established. It shall consist of five regular members and two alternate members. At least one regular member shall belong to each of the following classes:

Class A - A person who is knowledgeable in building design and construction or architectural history and who may reside outside the township.

Class B - A person who is knowledgeable or with a demonstrated interest in local history and who may reside outside the township.

Class C - Those regular members who are not designated as Class A or B. Class C members shall be the citizens of the municipality who shall hold no other office, position or employment in Princeton Township except for membership on the planning board or board of adjustment. If possible, Class C members shall be knowledgeable in local history, history of landscape design, archaeology, architectural history, or building design.

At least one of the regular members shall, if possible, be an owner of a residence within a historic preservation zoning district. At least one of the Class A or B members shall, if possible, be a member of the site plan review advisory board. Alternate members shall meet the qualifications of Class C members.

(b) The Mayor with the advice of the township committee shall appoint all members of the historic preservation commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2." Of the regular members first appointed, one shall have a term of one year, and one shall have a term of two years, one shall have a term of three years, and two shall have a term of four years; and, in the case of alternate members, Alternate No. 2 shall have a term of one year and Alternate No. 1 shall have a term of two years. Thereafter, the term of a regular member shall be four years; and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as the initial appointment subject to the continuing requirements concerning the appointment of members within sixty days of the vacancy occurring. 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 board of adjustment shall be for the term of membership on the board of adjustment.

(c) The historic preservation commission shall elect a chairman and vice-chairman from its members and select a secretary who may or may not be a member of the historic preservation commission or a municipal employee. The persons so elected shall be eligible for reelection.

(d) 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.

(e) No member shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

(f) A member may, after public hearing if he or she requests it, be removed by the governing body for cause including but not limited to failure to attend regular commission meetings.

(g) Members shall serve without compensation but may, within budgetary limitations, be reimbursed for authorized expenses incurred.

(h) The township committee shall appoint annually one of its members as liaison to the commission. Said liaison shall not be considered a member of the commission and shall not vote on commission matters.

(Ord. No. 87-27, § 4; Ord. No. 97-21, § 1.)

Sec. 10B-27.2. Expenses and costs.

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 township attorney at the rate of compensation determined by the township committee. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the commission's use. (Ord. No. 87-27, § 4.)

Sec. 10B-27.3. Responsibilities.

The historic preservation commission shall have the responsibility to:

(a) Prepare and update a survey of historic sites of the township pursuant to criteria identified in the survey report;

(b) Make recommendations to the planning board on the historic preservation plan element of the master plan and on the implications for preservation of historic sites of any other master plan elements;

(c) Advise the planning board on the inclusion of historic sites in the recommended capital improvements program;

(d) Take such action on applications for development as is set forth in section 10B-41.1;

(e) Take such action on applications for preservation plan approval as is set forth in section 10B-41.2;

(f) Adopt guidelines pertaining to the substantive standards set forth in section 10B-272.4 and section 10B-272.5 and to determinations pursuant to section 10B-41.2(a) and (b) as to whether work pursuant to a preservation plan will have a significant impact;

(g) Carry out such other advisory, educational, and informational functions as will promote historic preservation in the township;

(h) Hold regular meetings at least four times annually; and

(i) Make recommendations to the planning board and township committee concerning the designation of historic districts or individual properties as historic sites.

(Ord. No. 87-27, § 4; Ord. No. 97-21, § 2.)

Sec. 10B-27.4. Procedures when considering recommending an historic district or historic buffer district.

When the historic preservation commission chooses for study a potential historic district or historic buffer district either as reflected in the master plan or as otherwise recommended for study, said commission will mail a letter by regular mail to the property owners in the area which is being studied for designation as an historic district. This letter shall outline the following information:

(a) That the commission is researching the area for historic data.

(b) That an architectural survey will be performed by a commission consultant who may be observed by the property owner surveying the area of study.

(c) A request to the property owner soliciting information about any historical facts pertaining to the proposed district or the names and addresses of any individuals who may have information concerning the historical background of the proposed district.

The commission or its consultant will thereafter perform a survey of the proposed historic district. The boundaries of the district will be delineated. After the survey is completed, the commission shall provide a reasonable opportunity for public comment on the commission's proposed recommendation for the designation of an historic district. The commission shall cause to be published a notice in a newspaper of general circulation within the township the date, time, and place of a public hearing on the commission's proposed recommendations for an historic district. Said publication shall take place at least ten days prior to the commission's public hearing on the proposed recommendation to designate an historic district. Said publication shall take place at least ten days prior to the commission's public hearing on the proposed recommendation to designate an historic district. At said public hearing, the commission shall receive comments from all interested parties in accordance with the requirements of the New Jersey "Open Public Meetings Act". Following the conclusion of said public hearing, the commission shall deliberate and make its final recommendations for the designation of an historic district to the planning board and township committee.

(Ord. No. 97-21, § 3.)

Sec. 10B-27.5. Standards when considering recommending an individual historic site or historic districts or historic buffer district.

The historic preservation commission may make recommendations to the planning board and township committee concerning the designation of individual historic sites, historic districts and historic buffer districts.

The designated site or area must be historically or architecturally significant on the national, state, or local level, possess integrity (i.e., a high degree of character - defining features) from the period during which it earned its significance. The commission, when making said recommendations, shall apply the following criteria: the quality of significance in American history, architecture, archaeology, culture and engineering must be determined to be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, dealing and association, and: (a) that are associated with events that have made a significant contribution to the broad patterns of the cultural, political, economic, architectural or social history of the locality, region, state or nation; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important in prehistory or history. Property achieving significance within the past fifty years may be designated if it is of exceptional importance.

In recommending the establishment of a historic buffer district, said commission shall include intervening or surrounding properties significantly affected by the quality and

character of existing or potential historic site or sites. An historic buffer district serves as a buffer zone to historic preservation districts. By virtue of their location, historic buffer districts serve as a gateway for transition to existing or proposed historic preservation districts and changes to its streetscape, landscape or buildings visually affect the historic preservation district to which it connects.

Prior to making a recommendation for the establishment of an historic district or historic buffer district, said commission shall prepare a report which includes a statement of significance, building descriptions, photographs, boundary descriptions/justification, map, statement of what is subject to review, relation to adjacent historic districts and design standards or guidelines.

Finally, if the commission wishes to recommend an individual property as an historic site, the noticing procedures provided for in section 10B-27.4 hereinabove shall be followed prior to said commission recommending the property to either the planning board or township committee as an historic site. (Ord. No. 97-21, § 4.)

Sec. 10B-36. Application fees, escrow deposits and inspection fees.

(a) Each such application for development shall be accompanied by payment of an application fee, escrow deposit and inspection fee to the municipality. Application fee and escrow deposit shall be provided in separate payment as follows:

Preservation plan which is part of an application for development	\$50.00	No amount other than what is required for the application for development.
Preservation plan which is not part of an application for development	\$50.00	No escrow for plans approved pursuant to section 10B-41.2(b); \$150.00 for all others.
Administrative waiver (section 10B-206(d))	\$300.00	None

DIVISION 3A. APPLICATIONS FOR PROPERTIES WITHIN A HISTORIC PRESERVATION ZONING DISTRICT OR

HISTORIC PRESERVATION BUFFER ZONING DISTRICT

Sec. 10B-41.1. Applications for development.

Every application for development in a historic preservation zoning district or historic preservation buffer zoning district for which a preservation plan is required pursuant to section 10B-240.1 shall upon filing be forwarded to the historic preservation commission for action as follows:

(a) In the case of a site plan application, the historic preservation commission shall in lieu of the site plan review advisory board classify each such plan as major or minor pursuant to the standards and procedures set forth in sections 10B-209, 10B-210, and section 10B-226, but may classify such applications as minor only if any proposed construction, alteration, removal, or demolition of a structure will not have a significant impact. If the application is classified as minor, it shall proceed in the manner set forth in section 10B-211, with the historic preservation commission acting in lieu of the site plan review advisory board. If the application is classified as major, it shall proceed in the manner set forth in section 10B-212, with the historic preservation commission and the site plan review advisory board conducting separate hearings on said application. Both the commission and the board shall provide their advice to the board of jurisdiction in writing through separate reports of the commission and board and through one or more members or staff of the commission and board. Such members or staff shall testify at the hearing on the application and explain the written report of the commission and board. The recommendations of the commission shall not be disregarded by the board of jurisdiction except for reasons stated on the record.

(b) In the case of all other applications for development, the historic preservation commission shall review the preservation plan and provide its recommendations to the board of jurisdiction, including the subdivision committee of the planning board, in writing and through one or more of its members or staff who shall testify at the hearing on the application and explain the historic preservation commission's written report. The advice of the historic preservation commission shall not be disregarded by the board of jurisdiction except for reasons stated on the record.

(c) All appeals from decisions of the board of jurisdiction shall be made to a court of competent jurisdiction, except for appeals to the township committee which may be made pursuant to an ordinance in conformance with N.J.S.A. 40:55D.

(d) If the application for development involves an historic structure and the applicant intends to produce testimony either before the commission or board of jurisdiction alleging structural unsoundness of any portion of said structure as a reason for the demolition of the structure or any part thereof, the commission or board of jurisdiction may employ at the applicant's expense pursuant to section 10B-36 of this Code a structural engineer to independently examine said structure or a part thereof and to report said engineering finding to the commission or board of jurisdiction before any final action is taken by the board of jurisdiction. The applicant shall be required to provide reasonable access to said structural engineer to conduct an examination of said

structure or any part thereof, as well as to provide to said structural engineer any material that the applicant intends to rely upon in support of its arguments as to the structural unsoundness of the structure in support of its request to demolish same. (Ord. No. 87-27, § 6; Ord. No. 90-20, § 2, Ord. No. 93-2, § 2.)

Sec. 10B-41.2. Applications for preservation plan approval which are not part of applications for development.

(a) Every application for preservation plan approval which is not part of an application for development shall be deemed complete or incomplete by the administrative officer within fifteen days of filing. If the application is deemed incomplete, he shall advise the applicant within such period. If it is deemed complete, he shall forthwith forward the application to the historic preservation commission, unless he determines pursuant to paragraph (b) that the application will not have a significant impact. If the administrative officer fails to act within the required time, the application shall be deemed complete.

(b) If the administrative officer or his designee determines that the preservation plan conforms to the requirements of section 10B-272.4 or section 10B-272.5, as the case may be, and will not have a significant impact, he shall forward the plan and application to the chairman of the historic preservation commission or his designee on the commission, who shall approve such application without further review if he concurs with the administrative officer's determination. However, if the administrative officer or chairman finds lack of such conformity or that there is a significant impact, the administrative officer shall prepare a report on the plan and application and shall forward same to the historic preservation commission.

(c) The administrative officer shall make the determination required by paragraph (b) of this section and shall communicate such determination in writing to the applicant within thirty days of receipt of a complete preservation plan. For purposes of this paragraph, the date of written communication with the applicant shall be the date on which the writing, addressed to the applicant, is deposited in the mail, or is hand delivered to the applicant or left at his residence or place of business.

(d) The historic preservation commission shall conduct a hearing on all preservation plans not approved pursuant to paragraph (b) within forty-five days of the administrative officer's referral of the application to the historic preservation commission. At least fourteen days before the date set for hearing, the secretary of the historic preservation commission shall give the applicant written notice of the hearing date and shall post in a prominent place in township hall notice of the application and date, time, and place of the hearing. In the case of demolition or moving of a structure, the applicant shall at least ten days prior to the hearing date notify, by personal service or ordinary mail, all owners of property located within two hundred feet of the lot which is the subject of the hearing of the application and of the date, time and place of the hearing with a brief description of the work for which approval is sought. The application and

accompanying materials shall be on file and available for public inspection at least ten days before the date set for the hearing. The hearing shall be conducted in accordance with the applicable procedures for applications for development. At the conclusion of the hearing, the historic preservation commission shall approve, approve with conditions, or deny the application and shall report its decision to the administrative officer, who shall notify the applicant and any interested party who requested notification of the decision in writing within five days after the hearing. In no event shall the historic preservation commission report to the administrative officer be made more than forty-five days after the administrative officer's referral of the application to the historic preservation commission except as such time may be extended with the consent of the applicant. If the historic preservation commission fails to act within the prescribed time period, the applicant shall be treated as having been granted approval without conditions.

(e) Any interested party may appeal the decision of the historic preservation commission to the planning board. Each appeal shall be made by filing a notice thereof with the secretary of the board within ten days of receiving notice of the decision from the administrative officer. At least fourteen days before the date set for the hearing, the secretary of the board shall give the party who filed the appeal (and the applicant if the applicant is not the party who filed the appeal) written notice of the hearing date and shall post in a prominent place in township hall notice of the appeal and the date, time, and place of the hearing thereon. In the case of an appeal from a decision involving the demolition or moving of a structure, the party who filed the appeal shall at least ten days prior to the hearing date notify, by personal service or ordinary mail, all owners of property located within two hundred feet of the lot which is the subject of the appeal and the date, time, and place of the appeal. The hearing shall be conducted in accordance with the applicable procedures for applications for development. At such hearing, the party who filed the appeal and any other interested party may provide such testimony and exhibits as they deem appropriate, and one or more members or staff of the historic preservation committee shall testify on its report to the administrative officer, which report shall be forwarded to and be part of the record of the planning board, and its reasons therefore. The board decision shall be based upon the record before it. All appeals from decisions of the board shall be made to a court of competent jurisdiction.

(f) The commission or, in the case of applications determined not to have a significant impact pursuant to paragraph (b), the chairman may for good cause waive any application fees and escrow deposits.

(Ord. No. 87-27, § 6.)

Sec. 10B-41.3. Contents of preservation plans; rules and procedures.

The historic preservation commission shall adopt rules governing the form and content of preservation plans and related applications and more detailed procedures for review of the plans and applications. Such rules shall to the extent practicable expedite and simplify the review process and minimize inconvenience to property owners and shall be

otherwise consistent with the provisions of this article. Such rules shall require that photographs of the property in question and surrounding properties, where available, product specifications; and, where appropriate, elevations, details, and floor plans be submitted. The documentation must be sufficient to demonstrate how the proposed improvement will appear in context. (Ord. No. 87-27, § 6.)

Sec. 10B-41.4. Emergency review; enforcement.

If the administrative officer determines that an application for development in an historic preservation zoning district or historic preservation buffer zoning district for which a preservation plan is required pursuant to section 10B-240.1 is required and said application requires an emergency review and adjudication by the commission on an accelerated basis, said administrative officer shall contact the chairperson or vice-chairperson of said commission and schedule a special meeting of said commission as permitted by article III, section 3 of the commission's bylaws/rules of procedure to consider said application. If said special meeting is scheduled for an emergency review, then the time frame for said review as provided for in sections 10B-41.1, 10B-41.2, 10B-211, 10B-212, and the time frame to authorize emergency repairs as a part of a stabilization plan under section 10B-272.4(f)(3) and the time frame to consider a demolition permit pursuant to section 10B-272.4(h) shall be accelerated in accordance with a schedule to be established by said chairperson.

The historic preservation officer shall be authorized to enforce any provision of this division. Said enforcement shall include but not be limited to, the institution of any appropriate action or proceeding to prevent the unlawful alteration, demolition or new construction affecting a structure requiring approval by said commission.

Sec. 10B-164. Compliance with division.

Subdivision plats shall conform to the following standards and, if proposed for property located in a historic preservation zoning district or historic preservation buffer zoning district, to the standards and criteria set forth in section 10B-272.4 or section 10B-272.5 respectively. They shall be designed so as to encourage good development patterns within the municipality. Subdivisions shall conform to the proposals and conditions shown on the official map and the master plan. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map shall be considered in approval of subdivision plats, shall be shown on final plats and shall be such as to lend themselves to the harmonious development of the municipality and enhance the public welfare in accordance with the design standards established by this division. In the design review of subdivisions the planning board may, at its discretion, seek the advice of qualified professionals, or municipal agencies, citizen groups, commissions or the like. (Ord. No. 856, § 2; Ord. No. 87-27, § 7.)

Article XA. Preservation Plans.

Sec. 10B-240.1. When preservation plan approval required.

No person shall within a historic preservation zoning district construct, alter, move, or demolish a structure, or take any action requiring site plan review, or subdivide land, or make any other improvements to land or buildings even if not subject to site plan review if the results thereof (or, in the case of a subdivision, the new lots) are visible from a public way or place or another property in the historic preservation zoning district except in conformance with a preservation plan approved pursuant to section 10B-41.1 or section 10B-41.2. No person shall within a historic preservation buffer zoning district undertake an improvement for which an application for development must be approved or otherwise construct new dwelling units except in conformance with a preservation plan approved pursuant to section 10B-41.1 or section 10B-41.2. For purposes of this section (but not for purposes of applying setback and other bulk standards) , structures shall be as defined in section 10B-241, except that fences and walls of any height, posts, exterior light fixtures, walkways, and outbuildings shall be considered structures. Landscaping and plant materials shall not be considered structures. (Ord. No. 87-27, § 8.)

Sec. 10B-240.2. Effective life of approved preservation plan.

Work pursuant to an approved preservation plan shall commence within twelve months of the date of approval thereof unless the time is extended by the approving authority. (Ord. No. 87-27, § 8.)

Sec. 10B-240.3. Exemption for previously-approved improvements.

No preservation plan need be approved for any improvements for which a development application was approved or building permit issued prior to the effective date of the ordinance requiring preservation plan approval. (Ord. No. 87-27, § 8.)

Sec. 10B-210. Review by committee.

The committee shall review each such report, application, and related material forwarded to it by the administrative officer with the purpose of judging the anticipated effect on the proposed development in light of the criteria and standards set forth in section 10B-226 and for properties in a historic preservation zoning district and historic preservation buffer zoning district, section 10B-272.4 and section 10B-272.5 respectively in each of the following respects:

- (a) Ecological considerations.
- (b) Landscape.

- (c) Relation of proposed structure to environment.
- (d) Scenic, historical, archaeological and landmark sites.
- (e) Surface water drainage.
- (f) Driveway connections to public streets.
- (g) Traffic effects.
- (h) Pedestrian and bicycle safety.
- (i) On-site parking and circulation.
- (j) Utility services.
- (k) Disposal of wastes.
- (l) Noise.
- (m) Advertising features.
- (n) Special features.
- (o) Waterway corridors.

(Ord. No. 856, § 2; Ord. No. 87-27, § 9; Ord. 90-15, § 3.)

Sec. 10B-226. Enumeration.

The following criteria and standards shall be used by the planning board and by the committee in reviewing applications for site plan approval. In addition, for site plans in a historic preservation zoning district or historic preservation buffer zoning district the standards and criteria set forth in section 10B-272.4 and section 10B-272.5 respectively shall apply. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention, and innovation. Neither the committee, commission, nor the planning board shall specify or favor any particular architectural style or design or assist in the design of any of the buildings submitted for approval. Participation by the committee and the board shall be restricted to a reasonable, professional review and, except as otherwise provided in the following subsections, full responsibility for design shall be retained by the applicant.

- (a) *Ecological considerations.* The development shall, insofar as practicable:

(1) Result in minimal impairment of the regenerative capacity of aquifers and other ground water supplies;

(2) Result in minimal degradation of unique or irreplaceable land types and minimal adverse impact upon the critical areas specified in paragraph (h) of section 10B-233;

(3) Conform with existing geologic and topographic features, to the end that the most appropriate use of land is encouraged; and

(4) Cause minimal interference with the natural functioning of plant and animal life processes.

(b) *Landscape.* The historic and natural character of the landscape shall be preserved, insofar as practicable and environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In historic preservation zoning districts and historic preservation buffer zoning districts, landscaping shall be in keeping with the historic character of the district.

(c) *Relation of proposed structures to environment.* Proposed structures shall be related harmoniously to themselves, the terrain, existing buildings and roads, and historically significant features, if any, in the vicinity that have a visual relationship to the proposed structures. The achievement of such harmonious relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings. Proposed structures shall be so sited as to minimize any adverse impact upon the surrounding area, and particularly upon any nearby residences and historic features, by reason of:

(1) Building location, height, bulk and shadows;

(2) Location, intensity, direction and times of use of outdoor or indoor lighting (refer to section 10B-317.1) ;

(3) Likelihood of nuisances;

(4) Other similar considerations.

Appropriate natural or artificial screening may be required to minimize any such adverse impact.

(d) *Scenic, historical, archaeological and landmark sites.* Scenic, historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected insofar as practicable.

(e) *Surface water drainage.* As provided pursuant to section 10B-227.

(f) *Driveway connections to public streets.* All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. All such entrances and exits shall be so located and designated as to:

(1) Conform with municipal sight triangle requirements at corners;

(2) Achieve maximum practicable distance from street intersections and from existing and proposed access connections from adjacent properties;

(3) Minimize left-hand turns and other turning movements; and

(4) Discourage the routing of vehicular traffic to and through local residential streets.

(g) *Traffic effects.* The site development proposal generally shall minimize adverse traffic effects on the road networks serving the area in question, either those existing or as included in the master plan.

(h) *Pedestrian and bicycle safety.* Insofar as practicable, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation, including appropriate sidewalks, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize adverse effects of vehicular traffic upon sidewalks and bicycle paths.

(i) *On-site parking and circulation.* The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles. The effect on historic features, if any, shall be considered so as to minimize such effect. Insofar as practicable, separate rows or aisles in parking areas shall be divided by trees, shrubbery, and other landscaping devices. The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures, and landscape. Provision shall be made for access by police, fire, and emergency vehicles.

(j) *Utility services.* Electric, telephone and other wire served utility lines and service connections shall be underground insofar as feasible and subject to state public utilities regulations. Any utility installations remaining aboveground shall be located so as to have a harmonious relation to neighboring properties and to the site.

(k) *Disposal of wastes.* There shall be adequate provision for the disposal of all solid, liquid and gaseous wastes and for the avoidance of odors and other air pollutants that may be generated at the site. All applicable federal, state and local pollution control standards shall be observed.

(l) *Noise.* All applicable federal, state and local regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.

(m) *Advertising features.* The size, location, height, design, color, texture, lighting and materials of permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures or of the surrounding properties.

(n) *Special features.* Outside storage areas, service and machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screenplantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property.

(o) *Waterway corridors.* Site plans shall be designed so as to preserve from disturbance waterway corridors as defined in section 10B-203. For purposes of this section, disturbance shall include but not be limited to:

- (1) Cutting and clearing of trees and brush;
- (2) Altering of watercourses;
- (3) Regrading of the natural contours (filling or removal of fill) ;
- (4) Any construction including any on-site sewage disposal system.

All new lots in major subdivisions and all building locations in major site plans shall be designed to provide sufficient areas outside of waterway corridors and within required setbacks to accommodate a structure for which it is being created as well as any normal accessory uses appurtenant thereto which would require disturbance. The following may be permitted within waterway corridors:

- a. Unpaved hiking paths and bridle paths;
- b. Installation, repairs, or replacement during periods of low flow of sanitary sewer lines and sewage pumping stations or other utility lines within or across a waterway corridor;

c. Culverts, bridges, road or driveway crossings, and stormwater runoff detention facilities, in cases where location of these outside of the waterway corridor is demonstrated not to be feasible;

d. Fences, provided that they are designed and located so as to allow free passage of floodwaters and debris;

e. Ponds and lakes, if flow of feeder streams can be demonstrated to be sufficient to sustain volume.

Should it be determined that any of the provisions of this paragraph (o) are preempted by the Freshwater Wetlands Protection Act and the regulations promulgated thereunder, then as to any of the provisions of this subparagraph which are preempted, the state law shall apply. This subparagraph shall be administered and construed to the extent practicable so as to avoid preemption by the Freshwater Wetlands Protection Act.

(p) *Special technological impacts.* Where the proposed site development involves emissions, noise, wastes, materials, equipment, or other hazards which require specialized expertise to evaluate, the administrative officer shall refer the applicant's submissions to the township-retained environmental consultant (or to several consultants where more than one field of expertise is involved), requesting an independent review of the environmental impact of the project to be set forth in a report to the board having review jurisdiction. The cost of these studies shall be charged to the applicant's escrow account established pursuant to section 10B-36.

(Ord. No. 856, § 2; Ord. No. 87-27, § 10; Ord. No. 90-15, § 4; Ord. No. 94-11, §§ 1, 2; Ord. No. 97-23, § 1.)

Sec. 10B-242. Contents of article.

This article shall consist of the text thereof and the zoning map on file in the office of the township clerk, said map being entitled, "Zoning Map, Princeton Township, Mercer County, New Jersey," prepared by the Princeton Township Engineering Department, as revised through May 10, 2004; the map on file in the office of the township clerk entitled, "Overlay Zoning Map of Historic Preservation Districts and Historic Preservation Buffer Districts, Princeton Township, Mercer County" as revised through November 12, 1992 and the map on file in the office of the township clerk entitled, "Overlay Zoning Map for Residential Community Overlay Zone, Princeton Township, Mercer County" as revised through February 24, 2003. (Ord. No. 856, § 2; Ord. No. 971, § 3; Ord. No. 983, § 1; Ord. No. 1014, § 1; Ord. No. 1031, § 1; Ord. No. 82-17, § 1; Ord. No. 83-9, § 1; Ord. No. 83-23, § 1; Ord. No. 84-31, § 1; Ord. No. 86-14, § 1; Ord. No. 86-15, § 1; Ord. No. 87-14, § 1; Ord. No. 87-15, § 1; Ord. No. 87-27, § 11; Ord. No. 87-31, § 1; Ord. No. 88-34, § 1; Ord. No. 88-44, § 1; Ord. No. 89-20, § 1; Ord. No. 90-12, § 1; Ord. No. 92-27, § 1; Ord. No. 92-33, § 2; Ord. No. 92-34, § 1; Ord. No. 92-37, § 5; Ord. No. 94-9, § 1; Ord. No.

94-10, § 3; Ord. No. 96-19, § 2; Ord. No. 96-20, § 2; Ord. No. 2001-28, § 2; Ord. No. 2001-29, § 2; Ord. No. 2003-5, § 1; Ord. No. 2004-12, § 1.)

Sec. 10B-244. Division of township into zoning districts.

Historic Preservation Zoning District (HP)

Historic Preservation Buffer Zoning District..... (HPB)

The historic preservation zoning district and the historic preservation buffer zoning district shall be overlay districts, and for any land located within them the regulations which pertain to them shall be in addition to the regulations of the other zoning district or districts within which such land is located.

The residential senior market overlay district and the residential senior community districts shall be overlay districts, and for any land located within them, the regulations which pertain to them shall be in addition to the other zoning district or districts within which such land is located.

(Ord. No. 856, § 2; Ord. No. 971, § 1; Ord. No. 983, § 2; Ord. No. 1014, § 2; Ord. No. 1031, § 2; Ord. No. 82-17, § 2; Ord. No. 83-9, § 2; Ord. No. 84-31, § 2; Ord. No. 86-14, § 2; Ord. No. 87-27, § 12; Ord. No. 88-44, § 2; Ord. No. 89-13, § 1; Ord. No. 90-12, § 2; Ord. No. 96-19, § 3; Ord. No. 96-20, § 3; Ord. No. 2001-28, § 1; Ord. No. 2001-29, § 1.)

Subdivision XII. Historic Preservation Zoning District.

Sec. 10B-272.4. Criteria and standards.

(a) A preservation plan shall be approved only if the proposed action, as may be modified by conditions imposed by the reviewing municipal agency.

(1) Is compatible with the existing structures and landscape of the historic preservation zoning district;

(2) Would not adversely affect the ambiance, character, and appearance of the historic preservation zoning district and the relationships among structures and between structures and public ways in the district;

(3) Would not adversely affect the exterior architectural features and setting of the structure and its historical and architectural interest; and

(4) Is consistent with the additional criteria of this section.

(b) A preservation plan for the construction of new structures, additions to existing structures, or alterations of structures not considered historic structures shall be

granted only if the proposed action, as may be modified by the reviewing municipal agency, is visually compatible with the structures and places within the district to which it is visually related and acts as a backdrop to and does not visually intrude upon such structures and places. The reviewing agency shall categorize the impact such structures, additions, and alterations will be expected to have on the historic structures and historic features within the district to which they are visually related as higher impact or lower impact. Higher impact improvements are ones which, because of proximity, topography, vegetation, and other pertinent factors, have a close and direct visual relationship to such structures and features. All other improvements shall be considered lower impact.

- (1) Higher impact improvements shall comply with the following standards:
 - a. The height of the proposed structure shall be visually compatible with structures within the district;
 - b. The relationship of the width of the structure to the height of the front elevation shall be visually compatible with the structures within the district to which it is visually related;
 - c. The relationship of the width of windows to the height of windows in a structure shall be visually compatible with the structures within the district to which it is visually related.
 - d. The relationship of solids to voids in the front facade of a structure shall be visually compatible with the structures within the district to which it is visually related;
 - e. The relationship of the structure to the open space between it and adjoining structures shall be visually compatible with the structures and places within the district to which it is visually related;
 - f. The relationship of entrance and porch projections shall be visually compatible with the structures and places within the district to which it is visually related;
 - g. The relationship of materials, texture, and color of the facade and roof of a structure shall be visually compatible with the predominant materials used in the structures within the district to which it is visually related, and such materials, texture, and color shall act as a backdrop to and shall not intrude visually upon the structures and places within the district to which the structure is related. Except in unusual circumstances, the colors used shall be the backdrop-type colors of whites, greys, and earth tones.
 - h. The roof shape of a structure shall be visually compatible with structures within the district to which it is visually related;

i. Appurtenances such as walls and open-type fencing shall be visually compatible with the historic walls and fencing within the district to which they are visually related;

j. The size of the structure, the mass of a structure in relation to open spaces, and the windows, door openings, porches, and balconies shall be visually compatible with the structures and places within the district to which they are visually related;

k. A structure shall be visually compatible with structures and places within the district to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character;

l. The pattern and variety of plantings shall be visually compatible with the historic landscape within the district to which they are visually related;

m. Parking areas shall be screened from the view from the public right-of-way and from the structures within the district; and

n. To the extent possible, views from structures or places within the district shall not be blocked or impeded.

(2) Lower impact improvements shall conform to the standards of paragraphs a, e, g, h, k, l and m set forth in section 10B-272.4(b)(1) and shall be of a size and mass so as to be visually compatible with the structures and places within the district to which they relate.

(3) It is not the intention of this paragraph to discourage contemporary architectural expression or to encourage new construction which emulates existing buildings of historic or architectural interest or of a certain period of architectural style, but to preserve the integrity and authenticity of the historic preservation zoning districts and to insure the compatibility of alterations and new construction therein.

(c) A preservation plan for the alteration of historic structures shall be granted only if the proposed action, as may be modified by the reviewing municipal agency:

(1) Preserves or enhances the historical or architectural value and character of the structure; and

(2) Seeks to return the structure, or the part covered by the application, to the known or reasonably conceived appearance (including design elements, architectural details, and textures) it had when it was first constructed or when it was remodeled, except that modifications necessary or beneficial to contemporary living consistent with the architectural design and character of the structure may be considered. In determining whether the applicant is proposing work which will restore the authenticity of the

structure, as hereby required, the following principles, among other appropriate factors, shall when feasible be followed:

a. Existing materials, if they are the original materials of the original structure or remodeling which is being restored, should be maintained and repaired rather than replaced.

b. Architectural details of the original construction or remodeling which is being restored or altered should be retained. This includes, but is not limited to, cornices and their brackets, window trim such as molded lintels, porch elements such as posts, balustrades, and spindles, and windows, particularly the number and size of the individual panes.

c. If an element must be replaced rather than repaired, a copy of the original is preferable to a similar or conjectural piece.

d. If a copy of a missing piece cannot be obtained, similar or conjectural items are preferable to none at all.

e. The original siding and roofing material should be maintained or repaired, and, if replacement is needed, it should be of the same material and size. If the same material is not available, a substitute material should be of the same shape and size.

f. Storm windows and doors are not prohibited, but should be as unobtrusive as possible.

(d)(1) Site plan, subdivision, and other development applications which propose improvements shall:

a. For property located in historic preservation districts which include a "Preservation Area" as delineated on the "Map of Preservation Areas," be designed so that the Preservation Area is not disturbed (except for minimal provision for essential utility corridors);

b. For property located in historic preservation districts which do not include Preservation Areas, such improvements shall respect the historic pattern of use of the historic property; respect the interrelationship of historic features of the property; and provide for an adequate visual buffer for the principal structure or structures and, where appropriate, for an adequate visual buffer for the other historic features of the site by use of open areas and appropriate plantings and, in implementation of these standards, create an historic protection area around the historic features on the property. Historic protection areas shall be specified in any approved development application. The historic protection area shall include the principal structure and all of the other historic features on the property except when the distance of an historic feature from the principal structure and other features makes it impractical to be included in the historic protection area. The area

shall also be of a size and configuration sufficient to maintain the historic setting and historic character of the property. When it is not feasible to include an historic feature in the historic protection area which includes the principal structure, such historic feature shall be included in a separate historic protection area, which shall also include the intrinsic links between such feature and the other historic features on the site. Such links shall be visually preserved in order to maintain the sense of the historic setting.

c. For major site plans and subdivisions, include an archaeological and historic sites program made up of at least the following:

1. An archaeological and historic sites survey giving a history of the site and identifying all known historic features. Sites identified in such survey shall be registered by the archaeologist in the New Jersey State Museum Site Registration Program; and

2. A proposal as to how archaeological sites and historical sites shall be treated and who during construction shall be responsible therefore.

(2) Preservation areas shown on the approved plans pursuant to subsection (d)(1)a. and historic protection areas shown on the approved plans pursuant to subsection (d)(1)b. shall be included in one or more lots which do not include any proposed improvements on vacant land other than those accessory to the principal use or uses in the preservation areas or historical protection areas. Such lots shall: a. not be further subdivided so as to create additional building lots; and b. be deed restricted in a manner acceptable to the attorney of the board of jurisdiction so as to prohibit further development on vacant land within such areas except for uses accessory to the principal uses within the areas. The board of jurisdiction may require such additional deed restrictions as it deems desirable to protect the historic features of the property. All development applications shall show all proposed improvements within the historic preservation zoning district, which shall be developed in accordance with a comprehensive plan, except that, in the case of historic preservation zoning districts containing tracts in different ownership, tracts therein under common ownership shall be developed in accordance with a comprehensive plan.

(e) The board of jurisdiction shall approve a major site plan or subdivision only if the plan as proposed or conditioned adequately specifies how historic sites and archaeological sites on the parcel are to be treated and such proposal is appropriate given the nature of such sites. The applicant shall monitor construction to assure that all provisions of the approved plan as to the identification, preservation, or removal of historic features and historic or archaeological artifacts are complied with and shall appoint an individual in the field with the responsibility therefor and retain a person with the necessary expertise in connection therewith. In the case of accidental finds, the applicant shall report the same forthwith to the administrative officer and cease all construction activity with respect thereto for two working days (Monday through Friday excluding holidays). The commission or, in the absence of a quorum, the chairman or, in his absence, the vice-chairman, may within such time order that the artifacts discovered

be documented and removed under the supervision of the expert identified in the approval and at the expense of the applicant. In the case of extraordinary finds, the commission, chairman, or vice-chairman, as the case may be, may order that the work cease and that the plans be modified to reflect the find. Such order shall remain in effect only until the next meeting of township committee unless township committee at such meeting continues the order, with or without modifications.

(f) *Stabilization plan.* The board of jurisdiction when approving a development application in an historic preservation district shall require stabilization plan review and approval by the township historic preservation officer a plan that satisfies the following:

(1) Any historic structure on the property be made secure against theft and vandalism;

(2) Inflammable materials not be stored therein except in a manner approved by the fire marshal;

(3) Emergency repairs sufficient to protect against deterioration of the structure be undertaken and proof of inspection for insect and vermin infestations and of appropriate remedial work be submitted;

(4) The structure be made structurally sound and its basic electrical, plumbing, heating systems be in adequate working order and free of hazards to ensure structural and architectural integrity or the winterization of the historic structure so as to protect against damage.

(5) Existing landscaping shall be documented by photographs and preserved when appropriate and further landscaping, as installed, shall be historically appropriate.

(g) Further, the board of jurisdiction when approving a development application in an historic preservation zoning district may, when circumstances warrant, require that the following additional requirements be included in the stabilization plan:

(1) Interior features of historic significance such as moldings, fireplace mantels, doors and fixtures not be removed except for preservation purposes and that any such features which are removed be put back in place;

(2) The interior not be damaged and any damage be repaired;

(3) The exterior of the structure be restored in a manner consistent with the criteria set forth in sections 10B-272.4(a) and (c).

The board of jurisdiction may condition the filing of a subdivision plat upon the above obligations being met; may establish a phasing plan setting forth when any repair

work shall be completed and the other obligations set forth herein are to be met; and may require that the repair and restoration work be subject to the approval of the township's historic preservation officer.

(h) Demolition or moving of a structure in an historic preservation zoning district shall be approved only if the structure cannot be put to a reasonable use and its preservation will impose an undue hardship on the applicant. Any such demolition or moving, if approved, shall be performed only upon receipt of a demolition or moving permit which shall be issued by the administrative officer and by the construction code official after:

(1) Conclusion of all appeals opposing the approval or expiration of the time provided for the filing of such appeals without an appeal being filed; and

(2) Applicant has demonstrated compliance with the procedures set forth herein. For the entire period beginning with the filing of a completed application for approval of demolition or moving and ending with the issuance of a demolition or moving permit, or with denial of approval, notice of proposed demolition or moving shall be posted on the lot or structure in a location making it clearly readable from the street. In addition, the applicant shall publish notice in an official newspaper of the township as follows:

a. Within ten days of the filing of an application for approval of demolition or moving and once a week for the next three weeks thereafter; and

b. Unless covered by the above publications, no less than ten nor more than fifteen days prior to the meeting of the historic preservation commission on which the application has been placed on its agenda for action. (Ord. No. 87-27, § 13; Ord. No. 92-33, § 3.)

Subdivision XIII. Historic Preservation

Buffer Zoning District.

Sec. 10B-272.5 Additional regulations in the historic district buffer districts.

Any improvement in a historic preservation buffer zoning district for which an application for development must be approved or which otherwise involves the construction of new dwelling units shall comply with the following as well as with the underlying regulations for the district within which the property to be improved is located. In the case of applications for development, the commission shall act in the manner set forth in section 10B-41.1. In the case of new dwelling units for which applications for development are not required, the commission shall act in the manner set forth in section 10B-41.2.

(a) As to the location and orientation of dwelling units and other improvements:

(1) Section 10B-272.4(a)(1) and (2) shall apply; and

(2) Such improvements shall

a. Respect the historic pattern of use of the historic property;

b. Respect the interrelationship of historic factors of the property; and

c. Provide for an adequate visual buffer for the principal structure or structures and, where appropriate, for an adequate visual buffer for the other historic features of the site; and

(b) As to the design of dwelling units, outbuildings or non-residential construction, section 10B-272.4(a)(1) and (2) and (b) shall apply.

(c) Landscaping shall be sufficient to provide an adequate visual screen between the new construction and the historic preservation district with which the historic preservation buffer district is contiguous.

(Ord. No. 87-27, § 14.)