

Introduced: 01/11/2022
Public Hearing: 02/08/2022
Adopted: 02/08/2022

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 02-2022**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY AMENDING ARTICLE IV, LAND USE BOARD,
ZONING BOARD OF ADJUSTMENT AND HISTORIC PRESERVATION
COMMISSION, SECTION 406, PROCEDURES/APPLICATIONS FOR
HISTORIC REVIEW, OF THE DEVELOPMENT REGULATIONS
ORDINANCE**

WHEREAS, the Township of Tewksbury (the “Township”) requires applicants for building or zoning permits pertaining to structures in Historic or Architectural Districts (defined as “Landmarks” in the Township Development Regulations Ordinance) to obtain a report of the Historic Preservation Committee; and

WHEREAS, recent amendments to the Uniform Construction Code observed and enforced in the State of New Jersey have removed from building permits certain exterior features that are significant to historic preservation; and

WHEREAS, the Township Committee finds and declares that the review of proposed alterations and improvements to exterior features by the Historic Preservation Commission is vital to maintaining and preserving the historic character of Township Historic and Architectural Districts; and

WHEREAS, the Township Committee further finds and declares that it is in the best interests of the Township and its residents to vest the Township Land Use Board with appellate jurisdiction over denials of applications for certificates of appropriateness by the Historic Preservation Commission pursuant to N.J.S.A. 40:55D-70.2.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Article IV, Land Use Board, Zoning Board of Adjustment and Historic Preservation Commission, Section 406, Procedures/Applications for Historic Review, of the Township Development Regulations Ordinance is hereby amended and supplemented as follows:

- A. Availability of Applications. The Land Use Board and Board of Adjustment shall make available to the Historic Preservation Commission an informational copy of every

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application submitted to either board for development in the Historic/Architectural Districts or on historic sites designated on the zoning or official map or in any component element of the master plan. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

- B. Reports on Permit Applications. All applications for issuance of permits pertaining to Landmarks, as defined in Article III of the Development Regulations Ordinance, as amended from time to time, shall be referred to the Historic Preservation Commission for a written report on the application of the zoning ordinance provisions concerning Landmarks to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development by a municipal agency pursuant to the "Municipal Land Use Law", P.I. 1975 C.291 (C40:55D-1, et seq.). The Historic Preservation Commission shall submit its report to the Township Construction Official with informational copies to the Township Clerk, Zoning Officer and the Land Use Board, said report to be submitted within 45 days of the referral of the application to the Historic Preservation Commission. If within the 45-day period the Historic Preservation Commission recommends to the Township Construction Official against the issuance of a permit or recommends conditions to the permit to be issued, the Township Construction Official shall deny issuance of the permit or included the conditions in the permit, as the case may be. Failure to report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.
- C. Review when Application Not Required. In the event that the Township Construction Official or Zoning Officer determines that a building permit, zoning permit and/or application for development affecting a Landmark is not needed, then the property owner and/or tenant of the Landmark shall make application directly to the Historic Preservation Commission for a certificate of appropriateness. The Historic Preservation Commission shall submit its written decision to issue a certificate of appropriateness or deny the application to the property owner and/or tenant, with informational copies to the Township Clerk, Township Construction Official, Zoning Officer and the Land Use Board, said written decision to be issued within 45 days of the application. The property owner and/or tenant shall not proceed with the proposed construction, modification or alteration of the Landmark until a certificate of appropriateness is obtained. Failure to issue a decision within the 45-day period shall be deemed to constitute a decision to issue a certificate of appropriateness without conditions.

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- D. Emergency Procedure. In the event an Act of God or any other unexpected event shall cause a property owner to request the immediate issuance of a building permit, or other permit, to commence construction of repairs necessitated by such event, and the Construction Official certifies the immediate necessity for such permit issuance, then upon notice to the Historic Review Commission by telephone, personal contact or other appropriate means of communication, at least three (3) members of the full Commission shall convene as soon as possible and such convening members shall proceed to review the application, a permit may be issued by the Construction Official.
- E. Appeals. Any denial of an application for a certificate of appropriateness or any conditions imposed on a certificate of appropriateness by the Historic Preservation Commission may be appealed to the Township Land Use Board.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on January 11, 2022 and adopted on February 8, 2022.

Jennifer Ader
Municipal Clerk