

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
08-15-2008 / PART II GENERAL LEGISLATION / Chapter 140, HISTORIC
PRESERVATION**

Chapter 140, HISTORIC PRESERVATION

[HISTORY: Adopted by the Township Committee of the Township of Westampton 2-17-1986 by Ord. No. 5-1986; amended in its entirety 3-9-1999 by Ord. No. 8-1999. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

**Building construction -- See Ch. 99.
Land use procedures -- See Ch. 149.
Property maintenance -- See Ch. 180.
Site plan review -- See Ch. 196.
Subdivision of land -- See Ch. 215.
Zoning -- See Ch. 250.**

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
08-15-2008 / PART II GENERAL LEGISLATION / Chapter 140, HISTORIC
PRESERVATION / § 140-1. Purpose.**

§ 140-1. Purpose.

The purpose of this chapter is to safeguard the heritage of the Township of Westampton, preserving the elements of the natural and built environment of the township, which reflects its cultural, social, economic and architectural history. The purpose is also to help stabilize and improve property values, foster civic pride, to protect and enhance the township's historic sites for residents and visitors, to support the maintenance and development of harmonious settings for the architecturally and historically significant sites within the township and to promote, support and stimulate the use of the historic sites for the education, pleasure and welfare of the citizens of Westampton, its visitors, business and industry.

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
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PRESERVATION / § 140-2. Definitions.**

§ 140-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADDITION -- The construction of a new improvement as part of an existing improvement when such new improvement changes the exterior appearance of any historic landmark.

ALTERATION -- Any work done on any improvement which is not an addition to the improvement and constitutes a change by addition or replacement in the exterior architectural appearance of an improvement.

APPLICATION -- A form available from the Secretary of the Historic Preservation Commission and/or the Township Clerk which must be completed and approved prior to constructing, repairing or altering the exterior of a designated historic landmark or improvement located within the historic district.

BUILDING -- A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

CERTIFICATE OF APPROPRIATENESS -- A document indicating permission or a permit to commence work or activity on a designated historic landmark or improvement located within the historic district. An approved application shall become a certificate of appropriateness.

COLOR -- From Benjamin Moore Historical Color Collections or equivalent.

COMMISSION -- Refers to the Historic Preservation Commission.

DEMOLITION -- Partial or total razing or destruction of any historic landmark or of any improvement within an historic district.

DISREPAIR -- The condition of being in need of repairs; a structure or building in disrepair.

HISTORIC DISTRICT -- A definable group of Tax Map lots, the improvements on which, when viewed collectively, have a unique character resulting from their architectural and social history of the municipality and, because of their unique character, can readily be viewed as an area or neighborhood distinct from surrounding portions of the municipality. Except as otherwise stated, all references to "landmarks" in this chapter shall be deemed to include historic districts as well.

HISTORIC LANDMARK -- Any real property, improvement, natural object or configuration or any portion or group of the foregoing determined to be of historical, archeological, cultural, scenic or architectural significance in accordance with the provisions of this chapter.

HISTORIC PRESERVATION COMMISSION -- The agency which, for the purpose of this chapter, acts as the Historic Preservation Commission pursuant to the "Municipal Land Use Law." EN(1)

IMPROVEMENT -- Any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than 60 continuous days.

OBJECT -- A thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature of design, movable yet related to a specific setting or environment.

ORDINARY MAINTENANCE -- Repairing any deterioration, wear or damage to an improvement, or any part thereof, in order to return the same as nearly feasible 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.

REMOVAL -- To partially or completely cause an improvement or portion of an improvement to change to another location, position, station or residence.

REPAIR -- Any work done on any improvement which is not an addition to the improvement and does not change the appearance of the exterior surface of any improvement.

REPLACEMENT -- The act or process of replicating any exterior architectural feature.

STRUCTURE -- A combination of materials to form a construction for occupancy, use or ornamentation, having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land. For purposes of this chapter, the word "structure" shall also include improvements such as but not limited to fences, walls, independent radio and television antennae, gasoline pumps, gazebos and swimming pools.

ZONING OFFICER -- The Construction Code Official or Zoning Enforcement Officer unless otherwise designated.

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
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PRESERVATION / § 140-3. Historic Preservation Commission.**

§ 140-3. Historic Preservation Commission.

A. There is hereby created an Historic Preservation Commission in order to carry out the responsibilities set forth in this Historic Preservation Ordinance and in N.J.S.A. 40:55D-107 through 40:55D-112, inclusive. In order to make available to the public information useful to the preservation and protection of historic buildings, places, landmarks and improvements, and provide the basis for consistency of policy in decision making, the Commission shall maintain complete files and records, including but not limited to data used in the

classification of buildings, places and improvements, minutes of Commission meetings, records of applications for certificates of appropriateness and other matters, as well as information, materials and references submitted by the public relating to historic preservation. All Commission records and minutes shall be made public records as provided by law, and all Commission meetings shall comply with the Open Public Meetings Act, (N.J.S.A. 10:4-7 et seq.) Membership, appointments and terms, conflicts of interests and removal, officers, staffs and expenditures shall be as mandated by N.J.S.A. 40:55D-107 through 40:55D-112. The Commission shall adopt written bylaws and procedures for the transaction of its business and for the consideration of applications. The Commission shall be governed by Robert's Rules of Order. At least three members of the Commission shall constitute a quorum for the transaction of its business.

B. Membership. The Commission shall consist of five regular members and no more than one alternate member. The members shall be divided into four classes with no more than two members living outside of Westampton Township as follows:

- (1) Class A: one person who is knowledgeable in building design and construction or architectural history and who may reside outside of Westampton Township.
- (2) Class B: one person who is knowledgeable or with a demonstrated interest in local history and who may reside outside of Westampton Township.
- (3) Class C: citizens of Westampton Township who shall hold no other township office, position or employment except for membership on the township's Land Development Board.^{EN(2)}
- (4) Class D: one member of the governing body.

C. Appointment and terms.

- (1) The members of the Commission shall serve without compensation. The Mayor shall appoint all regular and alternate members of the Commission and shall designate at the time of appointment the regular members by class.
- (2) The Mayor, prior to making the appointment of the regular and alternate members to the Commission, shall elicit recommendations for membership from the Westampton Township Historical Society, the general public and other interested individuals and groups. At least two of the members shall be property owners in the historic district.
- (3) The alternate member must meet the qualifications of Class C members.
- (4) Insofar as it is lawful and proper under N.J.S.A. 40:55D-107 and this chapter, the existing Commission membership shall serve in the appropriate class for the term as designated by the Committee. 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 other than by expiration of term shall be filled for the unexpired term only, within 60 days. Vacancies shall be filled in the same manner as the original appointment and shall be only for the balance of the unexpired term.

- (5) The alternate member 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 the alternate member.

D. Conflicts of interest and removal.

- (1) No member may act on any matter in which the member has any personal or financial interest, either directly or indirectly.
- (2) A member may be removed by the Township Committee for cause. Prior to such removal, the Township Committee shall conduct a hearing, if so requested in writing by the member, within 10 days of notice of intention to remove.
- (3) While retaining all other rights of removal existing by reason of statutory provision or common law, it is the intent of this chapter to include absenteeism as a cause for removal.
- (4) For the purpose of this chapter, any member who fails to attend three successive regularly scheduled meetings or work sessions or more than one third of the regularly scheduled meeting or work sessions in any three-month period, whichever is greater, may be removed from the Commission. The vacancy created by such removal shall be filled in the same manner as originally appointed.
- (5) It shall be the responsibility of the Secretary to send monthly reports of attendance to the Township Clerk. When the reports reflect absences equal to the number prescribed in Subsection D(4), notices shall be sent within 10 days to the member(s) by the Clerk of the intent to remove.
- (6) Upon request of the member to be removed, a hearing will be held by the Township Committee to determine whether the absences were excusable. In the event that the Township Committee determines that said absences were not excusable, they shall order the removal of such member and proceed to appoint a replacement to the Commission.

E. Officers, staff and expenditures.

- (1) The Commission shall elect a Chairperson and Vice Chairperson from its members and select a Secretary, who may or may not be a member of the Commission or a municipal employee, to keep a record of the proceedings before the Commission, which shall include the voting records of the members, their attendance, resolutions acted upon by

the Commission and any of its findings, determinations and decisions. The Commission shall be governed by Robert's Rules of Order. At least three members of the Commission shall constitute a quorum for the transaction of its business. The Commission shall adopt rules for the transaction of its business, which shall provide for the time and place of holding regular meetings and for the calling of special meetings by at least two members of the Commission. All meetings of the Commission shall be governed by the New Jersey Open Public Meetings Act.^{EN(3)}

- (2) The Township Committee shall provide for the Commission in its budget and shall appropriate such funds for the expenses of the Commission as the Township Committee, in its sole discretion, shall determine pursuant to N.J.S.A. 40:55D-108. The Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary, except that the Commission shall obtain legal counsel from the Township Solicitor at the rate of compensation determined by the Township Committee unless the Township Committee, by appropriation, provides for separate legal counsel for the Commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Committee for the Commission's use.
- (3) The Commission may appoint a consultant who is a recognized professional in the field of architectural history, historic preservation or similar discipline to advise the Commission on matters before it as the Commission may deem necessary to assist in rendering its decision, pursuant to Subsection E(2) above.

F. The Historic Preservation Commission shall be responsible for:

- (1) Identifying and recording historic landmarks, objects or districts and evaluating these resources against the definitions as outlined in § 140-2 of this chapter. The survey material shall be reviewed every other year and updated as necessary to incorporate any newly acquired historical documentation and to reflect changes to a resource's integrity or condition.
- (2) Recommending to the Land Development Board^{EN(4)} and the Township Committee sites to be designated as historic landmarks in accordance with the procedures established in § 140-4 hereof.
- (3) Conducting research on and nominating significant resources to the State and National Registers of Historic Places. If the township is certified under the state's Certified Local Government (CLG) Program, the Commission shall, in accordance with the state's CLG guidelines, review and comment on all state and national register nominations for historic resources within Westampton Township.
- (4) Recommending to the Land Development Board guidelines for review to be utilized in

determinations of historic landmark status.

- (5) Advising the Land Development Board on how development and zoning applications affect historic landmarks or districts pursuant to criteria outlined in the Commissions bylaws.
- (6) Reviewing all actions, including those involving building permit applications, which affect the exterior of historic landmarks or improvements within an historic district pursuant to the procedures established in § 140-7 hereof and the criteria set forth in the bylaws of the Commission.
- (7) Issuing a certificate of appropriateness for all approved applications.
- (8) Assisting other public bodies in aiding the public in understanding historic resource significance and methods of preservation.
- (9) Advising the Township Committee on the relative merits of proposals involving public lands to restore, preserve and protect historical buildings, places and improvements, including the preparation of a long-range plan, thereby securing state, federal and other grants and aid to assist therein and monitoring such projects once underway.
- (10) Advising and assisting township officers, employees, boards and other bodies including those at the county, state and federal levels, on all matters which have potential impact on the historic buildings, places, structures and districts in the township or on the physical character and ambience of a district.
- (11) Cooperating with local, county, state or national historical societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this chapter.
- (12) Requesting the Township Committee to seek, on its own motion or otherwise, injunctive relief for violations of this chapter or other actions contrary to the intent and purposes of this chapter.
- (13) Advising and assisting the Land Development Board during the preparation of an historic preservation plan element of the Master Plan.
- (14) Preparing and distributing an historic district guideline handbook to be utilized for application reviews and foster appropriate rehabilitation within the historic district.

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PRESERVATION / § 140-4. Designation of landmarks and historic districts.**

§ 140-4. Designation of landmarks and historic districts.

- A. There is hereby established in the Township of Westampton, the following historic district(s) and/or historic landmark(s):
- (1) Rancocas Village Historic District. The geographical boundaries are those designated by the National Register of Historic Places, United States Department of the Interior, as follows: Beginning at the corner of Main Street and Springside Road, proceed north on Springside Road 294.22' Thence proceed west parallel to Main Street following property lines to North Bridge Street. Thence north on Bridge Street 515.5' to the township line (ditch). Thence west along the township line to Stokes Drive (Union Street). Thence proceed south and then west following the township line 336'. Thence proceed south along the township line across Main Street to Third Street. Thence proceed east along Third Street to Bridge Street. Thence continue east along the Rancocas Bypass to and including the old farmhouse property of Granville Haines. Thence back to the starting point of Main Street and Springside Road. This detailed description is outlined on the Tax Map of the Township of Westampton.
- B. In addition to the historic district(s) and landmarks already identified, the Commission shall consider for historic landmark or historic district designation any additional buildings, improvements, objects, sites and districts within the township which merit historic landmark or historic district designation and protections, being:
- (1) Of particular historic significance to the township by reflecting or exemplifying the broad cultural, political, economic or social history of the nation, state or community; or
 - (2) Associated with historic personages important in national, state or local history; or
 - (3) The site of an historic event which had a significant effect on the development of the nation, state or community; or
 - (4) An embodiment of the distinctive characteristics of a type, period or method of architecture or engineering; or
 - (5) Representative of the work of an important builder, designer, artist or architect; or
 - (6) Significant for containing elements of design, detail, materials or craftsmanship which represent a significant innovation; or
 - (7) Able or likely to yield information important in prehistory or history.
- C. Based on its review or upon the recommendation of other township bodies or of concerned citizens, the Commission shall make a list of districts and landmarks recommended for

designation. For each district and landmark, there shall be a brief description, a statement of its significance pursuant to the criteria in Subsection B above, a description of location and boundaries and a map siting.

- D. After obtaining the owner's/owners' written authorization, the list of potential landmarks and districts, as well as the description, significance, location, boundaries and map siting of each, shall be subject to review at a Commission public hearing. At least ten days before such a hearing, notice of the hearing shall be published in an official newspaper of the municipality. At the hearing, interested persons shall be entitled to present their opinions prior to the Commission voting on its recommendations to the Land Development Board.^{EN(5)}
- E. After the hearing, the Commission shall submit its recommendations for sites to be designated to the Land Development Board and the Township Clerk. The Land Development Board shall hold a public meeting, no less than 15 days and no later than 45 days after receiving the Commission's recommendations. The Land Development Board shall render a decision at that meeting. The Land Development Board shall, by certified mail and regular mail:
 - (1) Notify each owner that his property is being considered for historic landmark or district designation and the reasons therefor.
 - (2) Notify each owner of the public meeting to be held to discuss landmark or district designation.
- F. Determination that landmark or district status exists shall be made by the Land Development Board.
 - (1) Such a determination by the Land Development Board shall create landmark or district status. Within seven days of the creation of landmark or district status, the Land Development Board shall, by certified mail, notify the owner of the property involved of the determination and advise him of his rights with respect to an appeal of said determination to the Township Committee. The Historic Preservation Commission or a member of the public may seek to appeal the status directly to the Township Committee upon giving notice to:
 - (a) The owners and persons of record as objecting thereto; and
 - (b) The Land Development Board.
 - (2) Such appeal shall be made within 45 days of the Land Development Board's determination and the Township Committee shall have the power to either affirm, modify or vacate the decision of the Land Development Board as it deems proper.
- G. After Land Development Board review and approval, the Commission shall submit the list of

designated landmarks and districts and a map to the Township Clerk for filing. The Township Committee shall then consider the designation list and map, and may approve, reject or modify same by Ordinance. Once adopted, the designation list and map may be amended in the same manner in which it was adopted. Upon adoption, the designation list and map shall also be incorporated by reference into the Municipal Master Plan.

- H. Copies of the designation list and official map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included in the list, and a true copy thereof shall be filed with the County Clerk for recording in the same manner as a certificate of a lien upon real property.

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PRESERVATION / § 140-5. Actions requiring review by the Historic Preservation
Commission.**

§ 140-5. Actions requiring review by the Historic Preservation Commission.

- A. Applications for development. The Land Development Board shall refer to the Commission for comment every application form and all accompanying documents required by ordinance for approval of an application for any development, within 500 feet of the historic district or historic landmark designated on the Zoning or Official Map or identified in any component element of the Master Plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding.
- B. Permits. Except when review is expressly exempted pursuant to § 140-6, all applications pertaining to historic landmarks or property in historic districts shall be referred to the Commission by the Zoning Officer for a written report on the application of the Zoning Ordinance^{EN(6)} provisions concerning historic preservation to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development by the Land Development Board pursuant to the Municipal Land Use Law. The Commission, through its Secretary, shall report to the Zoning Officer within 45 days of his referral of the application to the Commission. If within the forty-five-day period the Commission recommends against the issuance of the permit or recommends conditions to the permit to be issued, the Zoning Officer shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the forty-five-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 an application for development or building permit is not required. In the event that the Zoning Officer shall determine that a building permit and/or application for development involving any development activity that would effect an historic district or historic landmark is not needed, then the property owner and/or tenant of the property on which the exterior changes, alterations or improvements are proposed to be made shall make application directly to the Commission for a certificate of appropriateness. The Commission shall hear such applications employing its procedures set forth in § 140-7 and the criteria set forth in the Commission bylaws and will render its findings in writing. The findings of the Commission, in such cases, shall be enforceable by the Zoning Officer.

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PRESERVATION / § 140-6. Actions not requiring review by the Historic
Preservation Commission.**

§ 140-6. Actions not requiring review by the Historic Preservation Commission.

Review by the Commission is not required:

- A. When an historic landmark requires immediate emergency repair to preserve the continued habitability of the building and/or health and safety of its occupants or others, emergency repairs may be performed in accordance with existing codes then in effect, without the necessity of first obtaining the Commission's review. If the repairs utilize identical materials and colors as were previously used, Commission review is not necessary. If there is a change in material or color, the repairs performed shall only be such that are necessary to maintain the habitability of the improvement. A request for the Commission's review shall be made as soon as possible and no additional work shall be performed upon the improvement until an appropriate request for approval is made and obtained in accordance with the procedures set forth in this chapter.
- B. For changes to the interior of improvements.
- C. For ordinary repairs and maintenance which utilize identical materials and colors as were previously used and which do not constitute a change to the appearance of the improvement.

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08-15-2008 / PART II GENERAL LEGISLATION / Chapter 140, HISTORIC
PRESERVATION / § 140-7. Application procedures for certificate of
appropriateness.**

§ 140-7. Application procedures for certificate of appropriateness.

- A. Application for a certificate of appropriateness shall be made by the applicant on forms available from the Secretary of the Historic Preservation Commission and/or the Township Clerk. The application must be completed and in the hands of the Secretary or the Township Clerk at least 10 days prior to the next scheduled meeting of the Historic Preservation Commission in order to be considered by the Commission.
- B. The Historic Preservation Commission shall reach a decision on the application within (45) days after the Secretary has declared an application to be complete; otherwise, the application shall be deemed to have been approved. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission. The Commission may advise the applicant of its recommendations regarding the consistency of the proposed action with the standards applied by the Commission. If an application is approved, the Commission shall forthwith issue a certificate of appropriateness. If the Commission disapproves an application, the Commission shall state its reasons, in writing, within 10 days of such decision.
- C. In the event that an applicant alleges that the compliance with the requirements of this section would be an unreasonable hardship and that the nature of his application is such that the minor change sought neither justifies the time and expense of the plenary proceeding nor will impact negatively on the public good nor specifically on the historic qualities sought to be preserved, the Commission, by a majority affirmative vote of its full authorized membership, may grant such relief from the requirement of this section as it deems consistent with the public good and the purposes of this chapter.

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
08-15-2008 / PART II GENERAL LEGISLATION / Chapter 140, HISTORIC
PRESERVATION / § 140-8. Criteria for review of applications.**

§ 140-8. Criteria for review of applications.

In reviewing an application for its effect on an historic landmark or an improvement within an historic district, the following criteria shall be used by the Historic Preservation Commission and the Land Development Board. The criteria set forth in § 140-8A relate to all projects affecting an historic landmark or an improvement within an historic district. The criteria set forth in § 140-8B relate to specific types of undertakings and shall be used in addition to the general criteria set forth below.

- A. In regard to all applications affecting an historic landmark or an improvement within an

historic district, the following factors shall be considered:

- (1) The impact of the proposed change on the historic and architectural significance of the landmark or the historic district.
- (2) The landmark's importance to the municipality and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.
- (3) The use of any improvement involved.
- (4) The extent to which the proposed action would adversely affect the public's view of a landmark or improvement within an historic district from a public street.
- (5) If the application deals with an improvement within an historic district, the impact the proposed change would have on the district's architectural or historic significance and the improvement's visual compatibility with the buildings, places and improvements to which it would be visually related in terms of the visual compatibility factors set forth herein.

B. In regard to an application for new construction, alterations, additions, repairs or replacements affecting an historic landmark or an improvement within an historic district, the following factors shall be considered:

- (1) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
- (2) Proportion of the building's facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
- (3) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
- (4) Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with the buildings and places to which it is visually related.
- (5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
- (6) Relationship of entrance and/or porch projections. The relationship of entrance and porch projections to the street to which it is visually related.

- (7) Relationship of materials, texture and color. The relationship of materials, texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the building to which it is visually related.
 - (8) Roof shape. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
 - (9) Walls of continuity. Appurtenances of a building, such as walls, open-type fencing, evergreen and landscape masses shall form a cohesive wall of enclosure along a street to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
 - (10) Scale of building. The size of a building, the mass of a building in relationship to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - (11) Directional expression of front elevation. A building shall be visually compatible with the buildings and places to which it is visually related in its dimensional character, whether this be vertical character, horizontal character or nondirectional character.
 - (12) Exterior features. Improvements related to exterior features, such as lighting, fences, signs, sidewalks, driveways and parking areas shall be compatible with features of the improvements to which it is visually related and shall be appropriate for the historic period for which the improvement is significant.
- C. In regard to an application to demolish an historic landmark or any improvement within an historic district, the following manners shall be considered:
- (1) Its historic, architectural, cultural or scenic significance.
 - (2) If it is within an historic district, its significance to the district and the probable impact of its removal on the district.
 - (3) Its potential for use for those purposes currently permitted by the Zoning Ordinance.^{EN(7)}
 - (4) Its structural condition and the economic feasibility of alternatives to the proposal.
 - (5) Its importance to the municipality and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 - (6) The extent to which it is of such old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty and expense.

- (7) The extent to which its retention would promote the general welfare by maintaining and increasing the real estate values, generating business, creating new jobs, attracting tourists, attracting new residents, encouraging study and interest in both American history and the history of Westampton Township, stimulating interest and study in architecture and design, educating citizens in American culture and heritage or making the Township a more attractive and desirable place in which to live.

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PRESERVATION / § 140-9. Effect of project approval, denial and appeal.**

§ 140-9. Effect of project approval, denial and appeal.

- A. Approval of the application by the Commission shall be deemed to be final approval pursuant to this chapter. Such approval shall neither cause nor prevent the filing of any collateral application or other proceeding required by any other municipal ordinance to be made prior to undertaking the action requested concerning the landmark or improvement in any historic district.
- B. Denial of approval shall be deemed to bar the applicant from undertaking the activity which would affect the landmark or improvement in an historic district which was the subject of the denied application.
- C. Denial of approval shall also bar the applicant from proceeding before the Land Development Board or Zoning Officer with respect to any applications relating to the landmark or improvement in any historic district which was the subject of the denied application.
- D. The Land Development Board may postpone demolition of a landmark for a period of six months. No township official shall issue a demolition permit for a landmark without approval from the Land Development Board. If the Land Development Board determines to postpone demolition, the Land Development Board shall promptly request that the Commission initiate such actions as may lead to the preservation of the landmark or improvement.
- E. The granting or denial of approval may be appealed in the same manner as any appeal from any action by the Land Development Board.^{EN(8)}

**CODE OF THE TOWNSHIP OF WESTAMPTON NEW JERSEY, v40 Updated
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PRESERVATION / § 140-10. Violations; notice to abate; summons; injunctive
relief.**

§ 140-10. Violations; notice to abate; summons; injunctive relief.

- A. If any person shall undertake any activity which affects an historic landmark or any improvement within an historic district without obtaining the Commission's review and the required approval, such person shall be deemed to be in violation of this chapter.
- B. Upon learning of the violation, the Zoning Officer shall personally serve or cause to be served upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the landmark or improvement to the condition it was in prior to the violation occurring. If the owner cannot be personally served within the township with said notice, a copy shall be posted on the site and a copy sent to the owner at his last known address as it appears on the township tax rolls.
- C. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the Zoning Officer shall cause to be issued a summons and complaint, returnable in the Municipal Court, charging violation of this chapter and specifying the wrongful conduct of the violator.
- D. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$500 or by community service commensurate with the violation or by both such fine and community service, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- E. If any person is in violation of this chapter, he shall be required to immediately stop the activity, apply for the Commission's review and take any necessary measures to preserve the landmarks affected pending a decision. If the project is denied, he shall immediately restore the landmark to its preactivity status. The Zoning Officer is hereby authorized to seek injunctive relief, a stop action, restoration or any other appropriate remedy in the Superior Court, Chancery Division, not less than 10 days after the delivery of notice. Such injunctive relief shall be in addition to the penalties authorized in this chapter.
- F. In the event that any action which would permanently affect an historic landmark or historic district or a demolition to remove the landmark is about to occur without approval having been issued, the Zoning Officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent the demolition of any landmark.

Endnotes

1 (Popup - Popup)

Editor's Note: See N.J.S.A. 40:55D-1 et seq.

2 (Popup - Popup)

Editor's Note: See Ch. 149, Land Use Procedures.

3 (Popup - Popup)

Editor's Note: See N.J.S.A. 10:4-6 et seq.

4 (Popup - Popup)

Editor's Note: See Ch. 149, Land Use Procedures.

5 (Popup - Popup)

Editor's Note: See Ch. 149, Land Use Procedures.

6 (Popup - Popup)

Editor's Note: See Ch. 250, Zoning.

7 (Popup - Popup)

Editor's Note: See Ch. 250, Zoning.

8 (Popup - Popup)

Editor's Note: See Ch. 149, Land Use Procedures.