

ORDINANCE NO. 3943-11

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, NEW JERSEY, MORE PARTICULARLY §112-200 HISTORIC DISTRICT OVERLAY, OF CHAPTER 112, LAND DEVELOPMENT.

SUMMARY

An Ordinance to amend CHAPTER 112, LAND DEVELOPMENT, Article XXV, Environmental and Historic Resources by deleting §112-200, Historic District Overlay in its entirety and replacing it with a new section § 112-200, Historic Preservation Advisory Commission, which details the establishment of the Commission and defines its duties and responsibilities, the application procedure and the standards for review of applications and the historic designation process.

BE IT ORDAINED by the Township Council of the Township of Franklin in the County of Somerset and the State of New Jersey, that the Code of the Township of Franklin is hereby amended as follows:

SECTION I

Chapter 112, Land Development, Section 112-200, Historic District Overlay, is hereby deleted in its entirety and replaced with the following:

§ 112- 200. HISTORIC PRESERVATION ADVISORY COMMISSION

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

ADDITION - shall mean the construction of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any individually designated historic site or any structure within a designated historic district.

ALTERATION - shall mean any change in the exterior façade features of any building, structure, object or improvement which is an individually designated historic site or an improvement located within a historic district.

APPLICATION - shall mean a request to the Historic Preservation Advisory Commission made pursuant to this ordinance for the purpose of obtaining a Certificate of Appropriateness or other action by the Commission hereunder specified.

BUILDING - shall mean a structure enclosed with exterior walls or firewalls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind. When used herein, "building" and "structure" shall be interchangeable except where the context clearly indicates otherwise.

CERTIFICATE OF APPROPRIATENESS - shall mean the certificate issued by the Director of Planning or designee setting forth the approval or disapproval of rehabilitation, restoration, alteration or demolition work undertaken within a historic district or on an individually designated historic structure and accessory buildings or structures on the property pursuant to this section of the Township ordinances.

CRITERIA FOR DESIGNATION - shall mean those standards used to determine the historical, archaeological, architectural, aesthetic, or cultural value of a building, structure, object or site.

DEMOLITION - shall mean the complete or partial razing, dismantling or destruction of any property. Demolition includes the removal of a building, object, or structure from its site or the removal or destruction of the façade or surface.

HISTORIC DISTRICT - shall mean an area which has been locally designated as a historic district pursuant to the provisions of this section and properties within one thousand (1,000) feet of the Delaware & Raritan Canal. Resources within a historic district shall be classified as either Key, Contributing or Non-Contributing, which are defined as follows:

"Key" shall mean any buildings, structures, sites or objects which, due to their significance, would individually qualify for inclusion on the National Register of Historic Places.

"Contributing" shall mean any buildings, structures, sites or objects which are integral components of the historic district either because they date from a time period for which the district is significant, or because they represent an architectural type, period, or method for which the district is significant. Such buildings, structures, sites or objects would not independently meet the criteria for inclusion on the New Jersey Register set forth in N.J.S.A. 7:4-2.3 nor the National Register criteria as adopted by the U. S. Secretary of the Interior, and as administered by the Keeper of the National Register of Historic Places.

"Non-Contributing" shall mean any buildings, structures, sites or objects which are not integral components of the historic district because they neither date from a time period for which the district is significant nor represent an architectural type, period or method for which the district is significant. Such buildings, structures, sites or objects would not independently meet the criteria for inclusion on the New Jersey Register set forth in N.J.S.A. 7:4-2.3 nor the National Register criteria as adopted by the U. S. Secretary of the Interior, and as administered by the Keeper of the National Register of Historic Places.

HISTORIC PRESERVATION ADVISORY COMMISSION - shall mean the body which, for the purposes of this ordinance, acts as the Historic Preservation Advisory Commission as cited in the Municipal Land Use Law N.J.S.A. 40:55D-1, et seq., and as set forth in Chapter 112-200 of the ordinances of Franklin Township.

HISTORIC SITE - shall mean any real estate, public or private property where a significant event or pattern of events occurred and shall also include such primary and accessory buildings and structures having historical, cultural and / or architectural significance. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events even if the actual site was not physically occupied. A site may also be the location of a ruined building, structure, or object if the location itself, or the objects found thereon, possesses historic, cultural, or archaeological significance.

IMPROVEMENT - shall mean any structure or any part thereof 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 one hundred twenty (120) continuous days.

IN-KIND REPLACEMENT - shall mean the replacement of a missing or damaged architectural element or feature, employing the same material and configuration or form as the missing or damaged element or feature.

INVENTORY - shall mean a list of historic properties determined by Franklin Township to meet the criteria of designation as specified herein.

NATIONAL REGISTER CRITERIA - shall mean the established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 C.F.R. 60.4, et. seq.

NATIONAL REGISTER OF HISTORIC PLACES - shall mean the official list, maintained by the U. S. Department of the Interior, National Park Service, of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.

OBJECT - shall mean 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 - shall mean actions taken to prevent deterioration, wear, damage or the need for repair of a structure or any part thereof in order to return the same to nearly as

practicable to its condition prior to the occurrence of such deterioration, wear, damage repair with in-kind replacement and quality of workmanship.

PRESERVATION - shall mean the act or process of applying measures necessary to sustain the existing form, integrity and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this particular activity; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work to make properties functional is appropriate within a preservation activity.

RECONSTRUCTION - shall mean the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object, for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION - shall mean the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those proportions or features which convey its historical, cultural or architectural values.

REMOVAL - shall mean the change of all or part of structure to another location, position, station or residence.

REPAIR - shall mean the restoration to a good or sound condition of materials, systems and/or components that are worn, deteriorated or broken using materials or components identical to or closely similar to the existing. This term is further defined to mean any work done on any improvement which: is not an addition to the improvement; and, does not change the exterior architectural appearance of any improvement.

RESTORATION - shall mean the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within the scope of restoration activities.

SECRETARY OF THE INTERIOR'S STANDARDS - shall mean the publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties as the Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings," issued in 1995 and revised from time to time.

STREETSCAPE - the overall visual character of the street including, but not limited to, the architecture and architectural character, building rhythms, setbacks and height, fences, and storefronts. The character of a streetscape is also affected by signs, lighting, parking areas, materials, pedestrian walkways, curbing and landscaping.

STRUCTURE - shall mean any combination of materials used to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

B. Purpose.

- (1) To preserve and enhance the heritage of the Township through the preservation of sites of specific historic, archaeological, architectural, aesthetic, and cultural significance;
- (2) To preserve the character and special sense of place of the Township's historic villages that help create a sense of identity and unity in the Township;
- (3) To protect Franklin Township's historic resources from deterioration or destruction and encourage proper maintenance, rehabilitation, and appropriate use or adaptive reuse of these historic resources;

- (4) To protect the Township's historic resources from incompatible design;
- (5) To promote the use of historically, archaeologically, architecturally, and culturally significant sites and areas for the education, welfare, and pleasure of the residents of the Township and its visitors;
- (6) To coordinate and work in conjunction with other governmental agencies, having a similar responsibility, to protect the historic and cultural resources of the Township;
- (7) To foster civic pride and appreciation for the Township's heritage; and
- (8) To improve property values and to strengthen the Township's economy.

C. Establishment and Composition of the Commission; Terms; Removal and Vacancies; Records and Meetings.

- (1) The Commission shall consist of nine (9) members and two (2) alternate members who shall serve without compensation and who shall be appointed by the Township Council. All Commission members shall be residents of the Township of Franklin, except as noted in Subsection C(3).

To the extent available in the community, the Township Council shall appoint professional members from the disciplines of planning, cultural anthropology, conservation, landscape architecture, architecture, history, architectural history, pre-historic archaeology and historic archaeology who meet the standards contained in the National Park Service Professional Qualification Standards. The Township Council shall also consider for appointment to the Commission individuals with backgrounds in the fields of historic preservation, construction trades, engineering and land use law. The Township Council can request from the New Jersey State Historic Preservation Office an exemption from this requirement by demonstrating that a reasonable effort has been made to appoint qualified professionals.

Vacancies on the Commission are to be filled with qualified members within sixty (60) days.

- (2) The initial terms of office of the first Commission members shall be for one (1), two (2), three (3), and four (4) years to be designated by the Township Council in making such appointments in the following manner: Three (3) of such members shall be appointed for terms of one (1) year, two (2) of such members shall be appointed for terms of two (2) years, two (2) of such members shall be appointed to terms of three (3) years, and two (2) of such members shall be appointed to terms of four (4) years. The terms of each such member shall expire on December 31 of the last year of each such member's term and upon the appointment and qualification of such member's successor. The terms of appointment of succeeding Commission members shall be for four (4) years each, to expire on December 31 of the last year of such succeeding member's term and upon the appointment and qualification of such member's successor. The initial terms of the alternate, members shall be one (1) for a one (1) year term and a second for a two (2) year term, and, thereafter, the term of an alternate member shall be two (2) years.
- (3) Members of the Historic Preservation Advisory Commission shall include, in designating the category of appointment, at least one member of 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 of the municipality; and, Class B - a person who is knowledgeable or with a demonstrated interest in local history and who may reside outside of the municipality.

Of the regular members of the Commission a total of at least one less than a majority shall be Class A and B. Those regular members who are not designated as Class A or B shall be designated Class C. Class C members shall be citizens of the municipality who shall hold no

other municipal office, position or employment except for membership on the Planning Board, Zoning Board of Adjustment or Open Space Advisory Committee. Alternate members shall meet the qualifications of Class C members. At the time of appointment of the members of the Commission, such members shall be designated by class and the alternate members as "Alternate No. 1" and "Alternate No. 2".

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 so that a regular member may vote instead of an alternate member.

(4) Information on the credentials of the Commission members and consultants shall be kept on file and available to the public.

(5) Officers, staff and expenditures

(a) The Commission shall elect a Chairperson, Vice Chairperson, from its members. The Commission shall also appoint a Secretary who shall be either be a member or Township Employee. The Commission shall be governed by Robert's Rules of Order. At least five (5) members of the Commission shall constitute a quorum for the transaction of business. The Commission shall adopt rules for the transaction of its business, in the form of By-Laws, which shall provide for the identification of the time and place of holding regular meetings and for the calling of special meetings by the Chairperson or at least five (5) regular members of the Commission. All meetings of the Commission shall be governed by the New Jersey Open Public Meetings Act, N.J.A.C. 10:4-6 et seq.

(b) The Township Council may provide for the Commission in its budget and may appropriate such funds for the expenses of the Commission as the Township Council, 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 its legal counsel from the Township Attorney at the hourly rate of compensation set forth in the Township Attorney's contract with the Township, unless the Township Council, by appropriation, provides for separate legal counsel. The services of the Township Attorney shall be compensated for by the Township Council or from the Commission budget should such funds have been appropriately budgeted for. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the Township Council for the Commission's use. The Historic Preservation Advisory Commission shall not authorize expenditures that exceed, exclusive of gifts, grants, or escrow fees, the amount appropriated by the Township Council for its use.

The Township Council may establish, by ordinance, reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of an application.

(c) The Commission may appoint a consultant, who is a recognized professional in the field of architectural history, historic preservation and planning, or similar discipline, to advise the Commission on matters before it, as the Commission may deem necessary to assist in it rendering its decision, pursuant to this ordinance.

(d) The Commission Chairperson shall be responsible for serving as the presiding officer for all Commission meetings, and establishing the agenda for those meetings. The Chairperson also shall serve as the primary spokesman for the Commission regarding policies and decisions made by the Commission. In the absence of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson.

(e) The Secretary may or may not be a member of the Commission or a Township employee and shall be responsible for keeping 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 Secretary shall also be responsible for preparing all letters and other correspondence for the Commission, having the appropriate member(s) of the Commission sign the correspondence and arranging for the mailing and/or distribution of such correspondence.

D. Duties of the Historic Preservation Advisory Commission. The Commission shall have the following responsibilities, powers and duties:

- (1) To assist the Township in establishing and maintaining the designation as a Certified Local Government and perform all the requirements related to such certification.
- (2) To prepare a comprehensive inventory of historic buildings, objects, sites, and structures within Franklin Township that meet the Criteria for Designation, which shall be compatible to and coordinated with the State Historic Preservation Office state-wide inventory.
- (3) To provide written reports on the issuance of permits pertaining to the historic resources of Franklin Township.
- (4) To make recommendations to the Planning Board, Zoning Board of Adjustment and Township Council, or other approving authority concerning the acquisition of development rights, facade easements, and the imposition of other restrictions and the negotiation of historical property contracts for the purposes of historic preservation.
- (5) To make recommendations to the Planning Board and Township Council on the Historic Preservation Plan Element of the Master Plan and on the implications for preserving historic sites of any other Master Plan element.
- (6) To advise the Planning Board and Zoning Board of Adjustment on applications for development, construction of an addition, alteration or change in use of any historic site, building, structure, or object requiring board approval.
- (7) To collect and disseminate material on the importance of historic preservation and techniques and make available such materials to interested citizens and applicants, and prepare and distribute a design guidelines booklet addressing the specific design needs of individually designated buildings and structures and such buildings and structures within designated historic districts. Further, the Commission shall increase the public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs.
- (8) To advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.
- (9) To advise the Planning Board and Zoning Board of Adjustment on applications for development when the development affects an individually designated historic site or an improvement within a designated historic district.
- (10) To make recommendations to the appropriate Township officials concerning the acquisition and utilization of grants, tax incentives and other funding from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic resources in Franklin Township.
- (11) To recommend to the Township Council what actions might be considered to protect critical historic structures when private preservation and/or funding from other sources are not feasible.
- (12) To review and advise the Township Council on local historic designation nominations.

- (13) To recommend nominations of eligible properties and districts to the New Jersey Register of Historic Places and the National Register of Historic Places.
 - (14) Each year, all regular and alternate members of the Commission must attend a conference or training workshop on historic preservation issues or a related field.
 - (15) To act as a liaison on behalf of the Township government to individuals and organizations concerned with historic preservation.
 - (16) To undertake an advisory review of all Section 106 applications for projects within the Township and for those projects outside of the Township but which may have a physical or visual impact on the cultural resources of the Township. The Commission shall develop, in a timely manner, a report on its findings and submit the same to the State Historic Preservation Office, and the Township Planning Board or the Township Zoning Board of Adjustment depending on which Board would be hearing the application for development.
 - (17) To ensure that when a discipline is not represented on the Commission, and the Commission is considering an action (e.g., development application, National Register application, etc.) which is normally evaluated by a professional in that specific discipline, the Commission may obtain such professional expertise and advice before rendering a decision.
 - (18) To report at least annually to the Planning Board, Zoning Board of Adjustment and the Township governing body on the state of historic preservation in the township and recommend measures to improve the same. Such a report shall address: any properties added to either the New Jersey or National Registers of Historic Places; areas in the community that the Commission feels may be experiencing development pressures that would impact historic sites or historic districts; buildings or structures that the Commission may be considering for local designation; etc.
- E. Procedures to Adopt Regulations. The Historic Preservation Advisory Commission shall have the authority to adopt such rules and regulations as may be necessary to carry out its function under the provisions of this chapter. Such rules and regulations shall be constituted in the form of by-laws.
- F. Permitted Uses.
- (1) Designated historic districts shall overlay the established zoning districts and be bounded and defined as shown on the Zoning Map of Franklin Township.
 - (2) The uses permitted on historic sites and in historic districts shall be those designated on the Township's adopted zoning schedule for the zoning district in which the property is located.
- G. Designation Procedures for Historic Sites and Historic Districts.
- (1) The purposes of historic designation are to:
 - (a) Promote the educational, cultural, economic, and general welfare through the protection, enhancement, and preservation of historic resources in Franklin Township.
 - (b) Preserve and retain a harmonious setting for historic and architecturally significant buildings, structures, and places within Franklin Township;
 - (c) Protect Franklin Township's historic resources and landscapes from incompatible land uses.
 - (d) Manage change by discouraging alteration or new construction not in keeping with historic sites and historic districts;
 - (e) Avoid the unnecessary demolition of historic resources;

- (f) Promote the conservation of individual historic sites and historic districts; and,
 - (g) Encourage compatible new construction on or near a historic site that does not detract from the historic site without requiring or prohibiting any particular architectural style or requiring exact duplication of the style of the historic site.
- (2) Survey. The Commission shall undertake and maintain a comprehensive survey of the Township of Franklin to identify historic sites and historic districts that are worthy of protection and preservation.
- (3) Criteria for Designation. The criteria for evaluating and designating historic sites, and historic districts shall be guided by the National Register Criteria. The Commission or any person may recommend designation of historic sites or historic districts that are in accordance with the National Register Criteria or that possess one or more of the following attributes:
- (a) Character, interest, or value as part of the development, heritage or cultural characteristics of the Township, state or nation; or,
 - (b) Association with events that have made a significant contribution to the broad patterns of our history; or,
 - (c) Association with the lives of persons significant in our past; or,
 - (d) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering; or,
 - (e) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Township, state or nation; or,
 - (f) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative; or,
 - (g) Unique location or singular physical characteristics that make a district an established or familiar visual feature; or,
 - (h) Ability or potential ability to yield information important in prehistory or history.
 - (i) Ordinarily, cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify for designation hereunder if they are integral parts of districts that do meet the criteria or if they fall within the following categories:
 - [1] A religious property deriving primary significance from architectural or artistic distinction or historical importance;
 - [2] A building or structure removed from its original location but which is significant primarily for architectural value or which is the surviving structure most importantly associated with an historic person or event;
 - [3] A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life;
 - [4] A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events;

- [5] A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived;
- [6] A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
- [7] A property achieving significance within the past 50 years if it is of exceptional importance.

(4) Procedures for Designation

- (a) All persons wishing to make a nomination shall contact the Commission Secretary regarding consideration of a proposed historic site or historic district. The Commission may also initiate the designation of an historic site or historic district. The Commission will schedule a hearing to review the proposed historic site or historic district.
- (b) A nomination to propose a historic site shall include the following information which addresses the criteria for designation as set forth herein:
 - [1] Two (2) color photographs of the proposed site, taken from different angles ; and,
 - [2] A copy of the Township tax map showing the property on which the proposed site is located; and,
 - [3] A written description of the physical condition and details of the proposed site; and,
 - [4] A written statement of significance, employing the criteria set forth in this Ordinance.
- (c) A nomination to propose a historic district shall include the following information which addresses the criteria for designation as set forth herein:
 - [1] A building-by-building inventory of all properties within the proposed district; and,
 - [2] Color photographs of all properties within the proposed district; and,
 - [3] A copy of the Township tax map that depicts the boundaries of the proposed district; and,
 - [4] A written description of the physical condition of the buildings in the proposed district, as well as a description of the streetscapes in the proposed district; and,
 - [5] A written statement of significance, employing the criteria set forth in this Ordinance.
- (d) Following receipt of a nomination to propose a local historic site or historic district, the Historic Preservation Advisory Commission shall schedule a public hearing on the proposed designation.
- (e) At least twenty (20) days prior to the public hearing, the Commission shall, by personal service or certified mail, perform the following:
 - [1] Notify the owner(s) of record of a property that has been proposed for historic site designation, or the owner(s) of record of all properties located within a district that has been proposed for historic district designation, that the property

or district, as applicable, is being considered for such designation and the reasons therefore;

- [2] Advise the owner(s) of record of the significance and consequences of such designation, and the rights of the owner(s) or record to contest such designation under the provisions of the Ordinance;
 - [3] Advise the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property or district; and,
 - [4] Serve any further notices as may be required under the provisions of the Municipal Land Use Law,
- (f) At least twenty (20) days prior to the public hearing, the Commission shall also cause public notice of the hearing to be published in the official designated newspaper of the Township.
 - (g) At least twenty (20) days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in the Township offices.
 - (h) At the public hearing scheduled in accordance with this Ordinance, the Commission shall review the nomination report and accompanying documents. Interested parties shall be given the opportunity to be heard and to comment on the proposed nomination for designation.
 - (i) Designation of a historic district shall not proceed over the objection of fifty-one percent (51%) of the property owners of record, in accordance with the procedural guidelines set forth by the National Register of Historic Places. If an individual, partnership or a single corporate entity owns multiple properties within the proposed historic district, then that individual, partnership or corporate entity shall have only one vote. Statements of support or objection to the proposed designation can be made in person at the time of the hearing on the proposal. Statements of support or objection submitted in writing by fax, regular mail, electronic mail, certified or registered mail shall not be considered unless the writer of such letter is present at the hearing.
 - (j) If the proposed nomination is approved by the Commission, then the Commission shall forward a report concerning the proposed historic site or historic district to the Planning Board, which shall contain a statement of the Commission's recommendations and the reasons therefore. The Planning Board shall review the report and then recommend to Township Council whether an Ordinance designating the site or district as historic shall be prepared.
 - (k) Upon adoption of an Ordinance by the Township Council designating a historic site or a historic district, the said designation shall supplement, rather than supersede, the existing zoning district in which the affected historic site or historic district is located. Designated properties shall be noted as such on the records for those properties maintained by the Township.
 - (l) Amendments to historic site or historic district designations may be made in the same manner as that by which the site or district was adopted in accordance with the provisions of this Ordinance.
 - (m) The buildings, structures, districts, sites, objects, canal, and railroad rights-of-way that have been designated by the Township are contained in a list found in Appendix A of this ordinance.

H. Application Design Review of Demolition, Removal, Alteration, and New Construction - Certificate of Appropriateness.

(1) Certificate of Appropriateness

(a) When Required. A Certificate of Appropriateness issued by the Planning Director, based on a decision made by the Commission, shall be required before any work is commenced on any historic site or improvement within a historic district, including but not limited to the following:

- [1] Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including the replacement of windows and doors, except for the activities described by subsection (H)(1)(b) below.
- [2] Demolition of any building, structure, site, object or improvement.
- [3] Removal of a principal or accessory building, structure, object or improvement.
- [4] Any addition to or new construction of a principal or accessory building, structure, object or improvement.
- [5] Changes in or addition of new signs, parking lots or exterior lighting used for building illumination.

(b) When Not Required.

- [1] A Certificate of Appropriateness shall not be required for changes to the interior of a structure. If such interior changes affect the exterior of the building, then the Historic Preservation Advisory Commission shall review the proposed exterior changes.
- [2] A Certificate of Appropriateness shall not be required for exterior or interior painting.
- [3] A Certificate of Appropriateness shall not be required if, in the opinion of the Director of Planning or designee, the work contemplated constitutes "ordinary maintenance or repair", or in-kind replacement as defined by this Ordinance.

(c) Procedures.

- [1] Except for the circumstances described in subsections H(1)(b)[1] and H(1)(b)[2] above, no work shall be performed on any historic site or on any building, structure, object, site or improvement located within a historic district until either a Certificate of Appropriateness has been issued by the Director of Planning or designee for such work, or a determination has been made that no Certificate of Appropriateness is necessary for such work due to the fact that the proposed work constitutes "ordinary maintenance and repair" pursuant to this Ordinance.
- [2] The permit issuing entity (Zoning Officer, Construction Official, etc.) shall not issue a permit that does not comply with the recommendations in a Certificate of Appropriateness applicable to that permit unless a written explanation detailing the reasons for not following the recommendation is attached to the permit. A copy of the written explanation shall be given to the Director of Planning or designee, who shall forward it to the Historic Preservation Advisory Commission.
- [3] All applicants for a Certificate of Appropriateness, or for a determination of non-necessity shall complete an application form as adopted by the Commission.

Application forms shall be made available in the Township Planning and Zoning Office, and the Township web site. Completed applications shall be filed with the Director of Planning or designee, who shall then forward the application package to the Commission.

- [4] Each application for a Certificate of Appropriateness or for a determination of non-necessity shall be accompanied by sketches and/or drawings and/or photographs (both historical (as available) and contemporary descriptions or other information as may be required from the application checklist and as required by the Commission or the Director of Planning or his designee. The applicant will be responsible for submitting twelve (12) complete sets of documents for a Certificate of Appropriateness and two copies for determination of non-necessity. The Director of Planning or designee may waive submittal requirements for a determination of non-necessity. The information is to be used to show the alterations, additions, changes or new construction that is being proposed. Applications for demolition shall include historical and contemporary photographs of the exterior and interior of the building or structure in question. The Commission may require the subsequent submission of such additional materials as it reasonably determines necessary to make an informed decision.
- [5] The Historic Preservation Advisory Commission shall review all applications at meetings open to the public.
- [6] The applicant for a Certificate of Appropriateness shall be required to appear before the Commission for the hearing on the application. An applicant may also be represented by an attorney or another individual who shall be authorized in writing to represent the applicant.
- [7] The Historic Preservation Advisory Commission shall have the right to defer applications containing insufficient information, as identified on the application checklist.
- [8] Once it has been determined that an application is complete and has sufficient information, the Commission shall act within forty-five (45) days after the application has been referred to the Commission, and the Commission shall return to the Director of Planning, or designee, either a Certificate of Appropriateness or a written report detailing why a Certificate cannot be issued. The Director or Planning, or designee, will forward a copy of the Certificate or report to the applicant and if applicable the Planning Board or Zoning Board of Adjustment.
- [9] Failure of the Historic Preservation Advisory Commission to issue a Certificate or report within the forty-five (45) day period shall be deemed to constitute approval of the application.
- [10] Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Historic Preservation Advisory Commission.
- [11] A Certificate of Appropriateness shall be valid for a period of one (1) calendar year from the date of the Commission action. The work approved by the Certificate of Appropriateness must be commenced within the one year period. The Certificate of Appropriateness may be extended by up to two one (1) year extensions, on non-demolition applications, upon petition to and approval by the Commission.

(2) Demolitions

- (a) With respect to applications for demolition, the Commission shall first consider whether preservation of the historic site in place is feasible or, failing that option, whether preservation of the historic site at another location is feasible.

In determining whether preservation of the historic site in place is feasible, the following factors shall be considered:

- [1] Its importance to Franklin Township and the extent to which its historical or architectural value is such that its removal would be detrimental to the public interest.
 - [2] 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 difficulty.
 - [3] The extent to which its retention would promote the general welfare by maintaining and increasing real estate values, generating business, creating new jobs, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest and studying architecture and design, educating citizens in American culture and heritage or making Franklin Township a more attractive and desirable place in which to live.
 - [4] If it is within a historic district, the probable impact of its removal upon the character of the historic district.
 - [5] Whether the historic site represents the last or best remaining example of its kind in the Township and that possesses research potential or public education values.
 - [6] Whether the historic site can be preserved by protecting its location from disturbance.
 - [7] Whether redesign of the development proposal to avoid impact can result in the preservation of the building or structure in question.
 - [8] The historic, architectural, aesthetic and social significance of the building or structure and/or importance and uniqueness to the Township and the extant archaeological resources.
 - [9] Whether protective measures will result in the long term preservation of the historic site.
 - [10] Whether the steps necessary to preserve the historic site, as set forth in the Secretary of the Interior's Standards, are feasible and practical.
 - [11] The structural soundness and integrity of the building, structure, object, or site, the technical feasibility of structural rehabilitation, and the feasibility of its restoration or rehabilitation to allow for its reasonable use.
 - [12] The threat to public health and safety as a result of deterioration or disrepair of the building, structure, object, or site.
- (b) Following the Commission granting permission for the demolition of the historic site, and prior to the issuance of a demolition permit by the Construction Official, the applicant shall be responsible for preparing and submitting to the Commission a completed set of drawings and photographs of the historic site. These drawings and photographs shall meet the standards established by the Historic American Buildings

Survey (HABS), as administered through the U.S. Department of the Interior, National Park Service and the Library of Congress.

The photographs shall be 8" x 10" true black and white prints made on archival quality photographic paper and be taken from a large format (4" x 5" minimum size) negatives. The drawings and photographs shall be submitted to the Commission for review and acceptance. The applicant shall have submitted: two (2) sets of drawing prints and one (1) set of reproducible mylar prints; and, two (2) sets of 8" x 10" black and white photographic prints and the large format negatives that the prints were made from. The Commission can waive the requirement for submittal of such drawings and photographs if the building or structure in question is designated as non-contributing.

- (c) In the event that the Commission grants permission for the demolition of the historic site, the applicant will be required to have an archaeological assessment of the property performed prior to demolition activities being undertaken. This assessment will be undertaken under the supervision of an archaeologist who is a member of the Register of Professional Archaeologists (ROPA) or qualified in accordance with the professional qualification standards as set forth in 36 CFR 61, and will consist of field and documentary research. The archaeologist will consult with the Commission before commencing work and the results of the field and documentary research will be submitted in the form of a draft report to the Commission for review within thirty (30) calendar days of completion of field work. The Commission will review the draft report and make comments on the document within thirty (30) calendar days. Comments will be addressed by the archaeological consultant within thirty (30) calendar days of receiving them, after which the Commission will have thirty (30) days to review the final report. The historic site will not be demolished until a final report is accepted by the Commission. The archaeological assessment may be waived for non-contributing sites.
- (d) In the event that the Commission disapproves an application for a Certificate of Appropriateness to demolish a historic site or a building, structure, site, object or improvement located in a historic district, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish the same provided that all of the following requirements have been fully met:
 - [1] For a period of at least one hundred and eighty (180) days (the "Offer Period"), and at a price reasonably related to its fair market value, based on its current zoning and related valid approvals, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.
 - [2] Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the Offer Period in a location such that it is clearly readable by the public. In addition, the applicant shall cause to be published in the officially designated newspaper of the Township a notice setting forth the following:
 - [a] The applicant's intent to demolish, including a description of the subject property (by block and lot number, as well as by address) and a description of the building, structure, site, object or improvement to be demolished; and,
 - [b] The applicant's proposed use of the property following demolition; and,
 - [c] The anticipated time frame(s) associated with the demolition; and,

- [d] A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and,
 - [e] The applicant's name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or make an offer to purchase the property as set forth above.
- [3] The notice shall be published as follows:
- [a] At least once within the first ten (10) calendar days of the Offer Period; and,
 - [b] At least once within the period of time that is not less than ten (10) nor more than fifteen (15) calendar days prior to the expiration of the Offer Period; and,
 - [c] A least one other time, at least twenty (20) calendar days after the first notification and (20) calendar days before the last notification.
- [4] At the conclusion of the Offer Period, if the applicant still wishes to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
- [a] Advise the Commission in writing, by certified return mail, of its intention to proceed with the demolition; and,
 - [b] Certify in writing to the Historic Preservation Commission as to the compliance with the provisions of subsections H(2)(d)[1] and H(2)(d)[2] above relating to the one hundred and eighty (180) day "offer period"; and,
 - [c] Provide the Commission with a copy of the notices that appeared in the officially designated newspaper of the Township and a listing of all of the dates on which the said notice appeared in the newspaper; and,
 - [d] Advise the Commission in writing as to whether any interested persons submitted an offer or offers to purchase the property, whether during the one hundred and eighty (180) day "offer period" or following the newspaper notices referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and,
 - [e] File copies of the affidavits of publications relating to all newspaper notices with the Commission.
- (e) Assignment. No assignment of the rights granted by a Certificate of Appropriateness to demolish shall be permitted.
- (f) Expiration of Approval. In cases where demolition is permitted, the Certificate of Appropriateness shall be valid for one (1) year from the date of the Commission approval of the application. Demolition must be completed within one (1) year of the date of approval granted by the Commission. The one (1) year approval shall not be extended.

(3) Removal of a Historic Site

- (a) In regard to moving an individually designated historic site or any building or structure in a historic district to a new location the following matters shall be considered in addition to the criteria listed above:

- [1] Whether the historic site can be relocated and still retain its historic significance.
 - [2] Whether the historic site is sufficiently well preserved and structurally stable to sustain the removal.
 - [3] Whether alternative locations compatible with the historic site are available.
 - [4] Whether it is feasible and practical to relocate the historic site.
 - [5] Whether the removal will result in the long term preservation of the historic site.
 - [6] The rationale for not retaining the historic site at its present location and the probable impact of its removal upon the character of the historic district. Also, consideration must be given to the site where the building or structure is to be relocated, including, but not limited to, archaeological resources.
- (4) Alterations and Additions. In regard to an application for alterations and/or additions affecting either an individually designated historic site or a building or structure within a designated historic district, the following factors shall be considered, along with such applicable criteria as found in subsection H(5)below:
- (a) Design and Materials. The proposed design and materials will be compatible with the building's original architectural style.
 - (b) Original Qualities. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided.
 - (c) Acquired Significance. Changes that have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (d) Repair or Replacement. Deteriorated architectural features (e.g. windows, doors, shutters, trim, siding, etc.) shall be repaired rather than replaced, wherever possible using the Secretary of the Interior's Standards for Rehabilitation. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features substantiated by historic, physical, or pictorial evidence rather than conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (e) Design of Alterations or Additions. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, adjacent buildings or structures, neighborhood, or environment.
 - (f) Character of Alterations. Wherever possible, new additions and alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - (g) Synthetic Siding. Synthetic siding is not permitted on key or contributing buildings. Synthetic siding may be used to resurface facades of low public visibility on contributing buildings that were originally wood sided only if the substitute siding is similar in design, width and texture to the original siding and will not endanger the

physical condition and structural life of the building. Architectural trim must be retained, and “packing out” of window and door frames is specifically prohibited.

- (h) Window and Door Openings. The number, size and locations of original window and door openings shall be retained on a key or contributing building or structure. Window and door openings shall not be reduced to fit stock material. New window and door openings shall not be added on elevations that are subject to view from a public street for a designated contributing building or structure, unless that area of the building or structure has low public visibility.

All vinyl, fiberglass-clad, vinyl-clad and aluminum-clad windows and doors are not acceptable on Key buildings. Non-wood surfaced window sashes, frames and doors and door frames may be used on side and rear exposures of low public visibility on Contributing buildings that were originally wood windows and doors when the substitute windows and doors are similar in design, width, height and texture to the original wood windows or doors and will not endanger the physical condition and structural life of the building or structure. Architectural trim and adornments must be retained. Non-wood surfaced window sashes, frames and doors are acceptable on Non-Contributing buildings. Pure vinyl and aluminum windows are not permitted on Contributing buildings and are not recommended on Non-Contributing buildings unless the windows were originally vinyl or aluminium.

- (i) Secretary of the Interior’s Standards. In addition to the criteria set forth above, the Commission shall also take into account those sections of the Secretary of the Interior’s Standards and Guidelines for Rehabilitation of Historic Buildings that are appropriate to the application being considered.

(5) New Construction, Replacements

- (a) In regard to an application for new construction or replacements affecting a historic site, or an improvement within a historic district, the following factors shall be considered:

- [1] Height. The height of the proposed buildings shall be visually compatible with adjacent buildings.
- [2] Proportion of building's front 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 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.
- [5] Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which they are visually related.
- [6] Relationship of materials, texture and color. The relationship of materials, and texture and color of the facade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which they are visually related.
- [7] Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

- [8] Walls of continuity. Appurtenances of a building, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls 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.
- [9] Scale of building. The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually related.
- [10] Directional expression of front elevation. A building or structure shall be visually compatible with buildings and / or structures to which it is visually related in its vertical character, horizontal character or non-directional character.
- [11] Exterior Features. A building or structure's related exterior features such as lighting, fences, signs, sidewalks, driveways, and parking areas shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant.
- [12] 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 buildings and places to which it is visually related.
- [13] Archaeology. Any new construction that disturbs the ground of an historic site or district must be preceded by a Phase I archaeological study, under the supervision of a professional archaeologist (member of ROPA). If a professional archaeologist is a member of the Historic Preservation Commission, the results of this Phase I study will be submitted to the Commission for review. If no qualified professional is a member, the study will be submitted to the New Jersey State Historic Preservation Office (NJSHPO) for review. The reviewing agency will decide if the results of the Phase I study warrant further Phase II and Phase III archaeological investigations.

I. Procedures for Emergency Repairs. When a building, structure, or object located on a historic site or within a historic district requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with Township Codes without first obtaining review by the Historic Preservation Advisory Commission. Under such circumstances, the repairs performed shall be only such as are necessary to protect the health and safety of its occupants or others and/or to maintain habitability. All work done under this section shall conform to the standards for rehabilitation set forth in the Secretary of the Interior's Guideline.

- (1) The property owner or designee shall make a request for the Historic Preservation Advisory Commission's review simultaneously with the onset of the emergency work. The request shall be made to the Director of Planning, or designee. Such emergency work shall be permitted only if the Director of Planning, or designee, upon consultation with the Construction Official, or designee, certifies the immediate necessity for the work.
- (2) Except for the emergency repairs, no work that requires Commission review shall be performed on the structure until Historic Preservation Advisory Commission approval is obtained in accordance with the procedures set forth in this ordinance.
- (3) The Director of Planning, or designee, shall report in writing to the Historic Preservation Advisory Commission when such emergency repairs have been approved and the extent or nature of the work.

(J) Administrative Approval of Minor Applications. An application for a Certificate of Appropriateness for the following specific work on an individually designated historic site or a

building or structure located in a historic district may be considered for administrative approval by the Historic Preservation Advisory Commission Chairperson or the Chairperson's designated representative, which will be based upon written recommendations of the staff or consultant to the Commission who will be responsible for undertaking the initial review of the proposed work.

- (1) Replacement or installation of a screen door that would be architecturally appropriate for the building or structure in question.
- (2) Replacement or installation of a storm door that would be architecturally appropriate for the building or structure in question.
- (3) Replacement of an exterior front, side or rear door that would be architecturally appropriate for the building or structure in question.
- (4) Replacement of three tab asphalt roof shingles with real slate shingles, faux slate shingles, wood shake shingles, synthetic cedar shakes, or standing seam metal roofing, as are deemed to be architecturally appropriate for the building or structure in question.
- (5) Replacement or installation of garage doors that would be architecturally appropriate for the building or structure in question.
- (6) Replacement or installation of wood shutters and iron hardware that would be architecturally appropriate for the building or structure in question.
- (7) Replacement of gutters and downspouts that would be architecturally appropriate for the building or structure in question.
- (8) Business signage, that is appropriate to the building or structure it is associated with.
- (9) Replacement or installation of wooden fencing that would be appropriate to the architecture of the building on the property and the setting of the property.

In addition, the proposed work cannot: involve demolition or removal of a building, structure, or object on a historic site or within a historic district; or involve new construction or an addition to a building, structure, or object on a historic site or within a historic district

At each monthly meeting of the Commission, the Chairperson or the Chairperson's designated representative shall be responsible for providing the Commission with a written report on those administrative approvals of a Certificate of Appropriateness that were reviewed and acted upon during the preceding month. That written report shall include the name and address of the applicant; the name and address of the property owner if different than the applicant; the tax block and tax lot numbers of the subject property; a description of what was proposed and what was acted upon; and, the date the action was taken.

K. Informal Review of Concept Plan. At the request of applicants considering action that may require Historic Preservation Advisory Commission review, the Commission may grant an informal review of a concept plan for the proposed undertaking. Neither the applicant nor the Historic Preservation Advisory Commission shall be bound by any informal review.

L. Application Procedures.

- (1) The Director of Planning, or designee, shall refer all applications for zoning, construction or other permits pertaining to regulated actions as defined by this ordinance, involving any buildings, structures, or objects on historic sites or within historic districts, to the Historic Preservation Advisory Commission for their review.
- (2) Applications shall include a completed zoning application form that contains a precise written description (including a list of materials to be used) of the proposed work or activity

and any of the following as may be required by the Historic Preservation Advisory Commission:

- (a) Photographs of the existing structure or lot,
 - (b) Scaled drawings showing site plan layout, facade elevations, and specifications for materials,
 - (c) For new construction applications, a streetscape elevation drawn to scale showing the new structure in the context of neighboring buildings, structures, and sites,
 - (d) Any other additional information reasonably necessary to reach an informed decision on the application.
- (3) The Director of Planning, or designee shall refer all applications made to the Planning Board and Zoning Board of Adjustment on applications for development, construction of an addition or alteration of any historic site, building or structure to the Historic Advisory Commission for their review and recommendations prior to either Board rendering a decision on the application. The Planning Board and Zoning Board of Adjustment shall include in their Resolutions an explanation as to whether the Historic Preservation Advisory Commission's recommendations were accepted or rejected.

M. Violations and Penalties.

- (1) In the event that any person shall undertake or cause to be undertaken any exterior work on an individually designated historic site or any improvement within a designated historic district for which a Certificate of Appropriateness is required without first having obtained such a Certificate of Appropriateness, such person(s) shall be deemed to be in violation of this Ordinance and shall be subject to the fines and penalties as provided below.
- (2) Upon learning of the violation, the Zoning Officer shall personally serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner ten (10) calendar days to abate the violation by restoring the historic site or improvement to its status quo ante. If the owner cannot be personally served within the municipality with said notice, a copy shall be posted on site and a copy sent by certified mail, return receipt requested, to the owner at his last known address as it appears on the municipal tax rolls.
- (3) In the event that the violation is not abated within ten (10) calendar 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. Each separate day that the violation exists shall be deemed to be a new and separate violation.
- (4) The penalty for violation shall be as follows:
 - (a) For each day, up to ten (10) days: not more than one hundred dollars (\$100) per day.
 - (b) For each day, eleven (11) to twenty-five (25) days: not more than one hundred and fifty dollars (\$150) per day.
- (5) In the event that any action which would permanently change adversely the historic site or historic district, such as demolition or removal, is about to occur without a construction permit and/or Certificate of Appropriateness having been issued, the Zoning Officer is hereby authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any individually designated historic site or any improvement within a historic district.

N. Interpretative Statement.

- (1) Nothing contained within this Ordinance shall supersede the powers of other local legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other state statutes or Township ordinances or regulations.
- (2) In the event of any inconsistency, ambiguity or overlapping of requirements between these provisions and any other requirements enforced by the Township, the more restrictive shall apply, to the effect that state and /or federal legislation has not preempted the Township's power to enforce more stringent standards.
- (3) These ordinance requirements should not be viewed as requiring or prohibiting the use of any particular architectural style, rather the purpose is to preserve the past by making it compatible with and relevant to the present. To that end, new construction in or near a historic building, structure, object or site should not necessarily duplicate the style, rather it should be compatible with and not detract from the building, structure, site, object, neighborhood and its environment.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3943-11

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

introduced: June 28, 2011
Public Hearing: August 9, 2011
Adoption: August 9, 2011
Published: August 15, 2011
Effective: August 29, 2011

Ann Marie McCarthy, Township Clerk