

TOWNSHIP OF MAHWAH

ORDINANCE NO. 1062

AN ORDINANCE CREATING A  
HISTORIC PRESERVATION COMMISSION  
IN THE TOWNSHIP OF MAHWAH

WHEREAS, there exists a need to regulate, control and protect historic sites within the Township of Mahwah; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-107 et seq, the Township can create a Historic Preservation Commission; and

WHEREAS, the Township of Mahwah Master Plan has recognized the need for protecting and regulating development of historic sites; and

WHEREAS, the creation of a Historic Preservation Commission will further the expressed objectives of the Municipal Land Use Law and promote the general welfare and health of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township of Mahwah Council that the Historic Preservation Commission shall be established as follows:

8) Foster civic pride by affording the Township, interested persons, historical societies or organizations the opportunity to acquire or arrange for the preservation of historic sites, districts, structures, objects, roads, and cemeteries.

ARTICLE II - DEFINITIONS

As used in this Chapter, the following terms shall mean and include:

A. HISTORIC DISTRICT shall mean one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

B. HISTORIC SITE shall mean any real property, man-made structure, natural object or configuration or any portion or group of the foregoing which has been formally identified in the Master Plan as being of historical, archeological, cultural, scenic or architectural significance.

ARTICLE III - COMMISSION APPOINTMENT; QUALIFICATIONS; TERMS; VACANCIES; PROCEDURE

A. MEMBERSHIP - The Commission shall consist of nine (9) regular members and two (2) alternate members who shall serve without compensation and who will be appointed by the Mayor. The Commission shall elect annually from its membership a Chairperson to serve as presiding officer of the Commission, and a Vice-Chairperson. The Commission shall select a Secretary. The

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Secretary need not be a member of the Commission or municipal employee. The Secretary may, as determined by the Commission and approved by the Township Business Administrator, be compensated for services rendered to the Commission. The members of the Commission shall be either from Class "A", Class "B" or Class "C". Class "A" members are defined as persons who are knowledgeable in building design and construction or architectural history and who may reside outside the municipality. Class "B" members are persons who are knowledgeable or with a demonstrated interest in local history and who may reside outside the municipality. Of the total members of the Commission, the total number of Class "A" and Class "B" members shall not be less than four (4) of the members.

All members not designated Class "A" or Class "B" members shall be considered Class "C" members. Class "C" members are persons who reside in the municipality, hold no other municipal office, position or employment except for membership on the Municipal Planning Board or Board of Adjustment. All alternate members shall meet the qualifications of Class "C" membership.

B. REMOVAL OF MEMBER/VACANCY - The Mayor and Township Council may remove any member of the Commission for cause on written charges served upon such member and after a hearing thereon, at which hearing the member shall be entitled to be heard in person or by counsel. The hearing may be held in public

at the request of the member charged. A vacancy on such Commission occurring otherwise than by expiration of term shall be filled for the unexpired term in the same manner as an original appointment.

C. TERMS OF OFFICE - The term of a regular member shall be four (4) years. The terms of the regular members first appointed under this act shall be fixed so that to the greatest practicable extent the expiration of terms shall be distributed evenly over the first four years after their appointments by divisions of the terms into three one-year terms, two two-year terms, two three-year terms and two four-year terms. The initial terms of office for alternate one members shall be for a one-year term and alternate two for a two-year term, each term expiring on June 30th of the calendar year of appointment. Terms for alternate members shall be for two years.

D. VOTING PROCEDURE - Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

E. COMMISSION RECORDS - The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public record. All meetings shall be posted in the Town Hall 48 hours in advance;

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provided, however, that emergency meetings may be held without 48 hours prior notice. The Commission meetings shall be subject to the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. No Commission member shall vote or participate in any meeting concerning any matter in which they have a direct or indirect personal interest, monetary or otherwise prohibited by the Township of Mahwah Code of Ethics, Chapter Two, 2-24 et seq.

ARTICLE IV - RESPONSIBILITIES OF THE COMMISSION

The Historic Preservation Commission shall have the following responsibilities:

- a. Prepare a survey of historic sites of the Township pursuant to criteria identified in the survey report;
- b. Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements;
- c. Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;
- d. Advise the Planning Board and Board of Adjustment on applications for development pursuant to N.J.S.A. 40:55D-110;
- e. Provide written reports on the application of the zoning ordinance provisions concerning historic preservation on applications pursuant to N.J.S.A. 40:55D-111;

f. Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.

ARTICLE V - APPOINTMENT OF PROFESSIONALS

The Township Attorney shall be the attorney for the Commission at the rate of compensation determined by the Township Business Administrator. The Commission may employ or contract other experts and fix their compensation in accordance with the budget of the Commission. No Commission expense shall exceed the amount appropriated to it by the Township Council.

ARTICLE VI - FUNDING

The Mayor and Township Council shall annually appropriate funds, within budget limitations for the operation of the Commission. Expenditures shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use. The Commission shall endeavor to avail itself of financial assistance from Federal, State or private sources. Subject to the approval of the Township Administrator and vote of the Commission, members may be reimbursed for reasonable expenses incurred in the performance of the commission provided funds are available in the Commission's budget. The Historic Preservation Commission shall be assigned, for administrative purposes, to the Department of Inspections.

ARTICLE VIII - SEVERABILITY

If any portion of this Ordinance shall be determined invalid in part, the remainder of the Ordinance shall remain in effect.

ARTICLE IX - EFFECTIVE DATE

This Ordinance shall become effective after publication and as provided by law.

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DATED: September 18, 1990

ATTEST

David J. Dwork  
David J. Dwork  
Council President

Doris E. Perez  
Doris E. Perez  
Township Clerk

CERTIFICATION

I, Doris E. Perez, Township Clerk of the Township of Mahwah, hereby certify that the within Ordinance was passed and adopted at a meeting of the Township Council, held on the 13th day of September, 1990.

Doris E. Perez  
Doris E. Perez  
Township Clerk