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Chapter 11

HISTORIC PRESERVATION COMMISSION

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[HISTORY: Adopted by the Township Committee of the Township of Barnegat 4-4-88 : as Ord. No. 1988-15. Amendments noted where applicable.]

§ 11C-1. Creation of Commission.

There is hereby created within the Township of Barnegat a Historical Preservation Commission.

11C-2. Class qualifications.

A. The Historic Preservation Commission shall consist of five (5) regular members and may have not more than two (2) alternate members. There should be one (1) member each of Class A and B and three (3) members of Class C. Class qualifications shall be as follows:

- (1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.
- (2) Class B: a person who is knowledgeable or with a demonstrated interest in local history and who shall reside in the municipality.
- (3) Class C: citizens of the municipality who shall hold no other municipal office, position or employment, except for membership on the Planning Board or Board of Adjustment.

B. Alternate members shall meet the qualifications of Class C members.

§ 11C-3. Appointment of members; terms; vacancies.

- A. The Township Committee shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members, if any, as 'Alternate No. 1" and 'Alternate No. 2.
- B. The terms of the members first appointed shall be so determined that to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four (4) years after their appointment, and in the case of alternate members, evenly over the first two (2) years after their appointment provided that the initial term of no regular member shall exceed four (4) years and that the initial term of no alternate member shall exceed two (2) years. Thereafter, the term of a regular member shall be four (4) years; and the term of an alternate member shall be two (2) years.
- C. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board; and the

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term of any member common to the Historic Preservation Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.

### **§ 11C-4. Chairman; Vice Chairman; Secretary.**

The Historic Preservation Commission shall elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or a municipal employee.

### **§ 11C-5. Regulations.**

The Commission shall create rules and procedures for the transaction of its business subject to the following regulations:

- A. A quorum for the transaction of business shall consist of three (3) of the Commission's members, including the Chairman or, in his absence, the Vice Chairman.
- B. The Secretary 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 records.
- C. All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7, et seq.).
- D. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.
- E. No member of the Historic Preservation Commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

- F. A member of the Historic Preservation Commission may (after public hearing if he requests it) be removed by the governing body for cause.

**§ 11C•6. Compensation for Members.**

The Commission members shall serve without compensation but shall be reimbursed for expenses incurred in the performance of official business.

**§ 11C-7. Compensation for experts and other staff services.**

The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Township Attorney at the rate of compensation determined by the governing body. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use,

**§ 11C-8. Powers and duties.**

This Historic Preservation Commission shall have the responsibility to:

- 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 § 11C-9 of this chapter.
- E. Provide written reports, pursuant to § 11C-10 of this chapter, on the application of the Zoning Ordinance provisions concerning historic preservation.

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- F. Carry out such other advisory, educational and informational functions as will promote historic preservation in the Township.

§ 11C-9. Referral from and reporting to Planning Board and Zoning Board of Adjustment. [Amended 2-6-95 by Ord. No. 1995-9; 8-5-96 by Ord. No. 1996-26]

- A. The Planning Board and Zoning Board of Adjustment shall submit to the Historic Preservation Commission a copy of every application submitted to either Board for development in historic zoning districts or in historic sites designated on the zoning or official map or in any component element of the Master Plan. The Historic Preservation Commission shall provide its advice which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing of the application, and to explain any written reports which may have been submitted.
- B. In the case of a referral by the Administrative Officer of a minor application for the issuance of a permit pertaining to historic sites or property in the Barnegat Historic District, the Chairperson of the Historic Preservation Commission is authorized to act in the place of the full commission for purposes of this section pursuant to N.J.S.A. 40:55D-111.

§ 11C-10. Other reports.

All applications for issuance of permits pertaining to historic sites or property in historic districts shall be referred to the Historic Preservation Commission for a written report on the application of the Zoning Ordinance provisions concerning historic preservation to any of those aspects of the proposed change, which aspects were not determined by approval of an application for development by a municipal agency pursuant to the Municipal Land Use Law. N.J.S.A. 40:55D-1 et seq. The Historic Preservation Commission shall

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**report to the Administrative Officer within forty-five (45) days of his referral of an application to the Historic Preservation Commission. If within the forty-five (45) day period, the Historic Preservation Commission recommends to the Administrative Officer against the issuance of a permit to be issued, the Administrative 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 (45) day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.**