HISTORIC PRESERVATION TOOLS IN NEW JERSEY

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HISTORIC PRESERVATION OFFICE (HPO)

- DEP
- NJ & NATIONAL REGISTERS
- REGULATORY (SECTION 106, STATE REGISTER etc.)
- CLG PROGRAM
- TAX CREDIT PROGRAM
- SURVEY PROGRAM
- STATE PLAN
- EDUCATION/TRAINING
- TECHNICAL ASSISTANCE
- GIS
WHY HISTORIC PRESERVATION?
QUALITY OF LIFE BENEFITS

- Economic
- Heritage Tourism
- Developmental
- Walkability
- Aesthetics
- Commemoration
- Education
- Environmental
ECONOMIC BENEFITS

IN THE NOSTALGIA DISTRICT

[Image of a cityscape with various shops and stores, including a photo shop, fix-it shop, stationery supplies, travel agency, and internet cafe.]
INCREASED PROPERTY VALUES AND TAX BASE
ECONOMIC STUDIES

Regional and Community Studies

- Historic Preservation: At the Core of a Dynamic New York City (2010)
- Historic Preservation: Part of the DNA of Pittsburgh (2010)
- Blue, Gray, and Green: Economic and Tourism Benefits of Battlefield Preservation (2010-2013)
- The Economic Impact of Historic Preservation in Philadelphia (2010)
- The Economic Impact of National Heritage Areas (2010)
- Supporting Regional Economies: National Heritage Areas and Their Impact (2010)
- Historic Preservation Essential to the Economy and Quality of Life in San Antonio (2015)
- Economic and Community Impact of National Heritage Area Sites (2013)
- Beyond Tourism Historic Preservation in the Economy and Life in Savannah and Chatham County (2015)

Local Impacts of Historic Property and District Designation

- Saratoga Springs: Enhancing the Values through Historic Preservation (2010)
- Benefits of Residential Historic District Designation for Property Owners (2007)
- Economic Effect of National Register Listing (1994)
- The (Economic) Value of National Register Listing (2002)
- Connecticut Local Historic Districts and Property Values (2011)
- Historic Districts Are Good for Your Pocketbook: The Impacts of Local Historic Districts on House Prices in South Carolina (2000)
TAX CREDITS
ECONOMICS – JOB CREATION
WALKABILITY
AESTHETIC BENEFITS
COMMENORATION & CIVIC PRIDE

Seaside Home, Cape May Point, N. J.
"Our districts are not frozen in time. They’re vibrant and changing," says Shannon Miller, historic preservation officer for the city of San Antonio. "We just have the regulations in place to make sure they’re changing in a way that’s positive."
EDUCATIONAL BENEFITS
ENVIRONMENTAL

The citizens of Fullerton, Nebraska, celebrate the historic meeting of East and West Coast Suburban Sprawl.

It takes energy to construct a new building. It saves energy to preserve an old one.
HISTORIC PRESERVATION AT THE FEDERAL AND STATE LEVEL
The Act established:

- National Register of Historic Places
- Federal Agency Responsibilities
- Advisory Council on Historic Preservation (ACHP)
- State Historic Preservation Office / Officer (SHPO)
NEW JERSEY REGISTER OF HISTORIC PLACES ACT

• Created only four years after the NHPA. Designed to complement the NHPA and provides additional protection.

• Establishes the New Jersey Register of Historic Places and the corresponding review process

• Establishes the New Jersey Historic Sites Council

• An exceptional law when enacted. 30 states currently have state register laws affording protection against state agencies but only a handful extend protection to include county and municipal undertakings.
NEW JERSEY AND NATIONAL REGISTERS OF HISTORIC PLACES
National Register of Historic Places

- Administered by the National Park Service and expanded through nominations by individuals, organizations, State and local governments and Federal agencies.

- Official list of the nation’s historic properties worthy of preservation.

- Includes properties of National, State, and Local significance.
NEW JERSEY REGISTER OF HISTORIC PLACES

- Created by the New Jersey Register of Historic Places Act of 1970
- Official list of New Jersey’s historic resources of local, state, and national interest.
- Closely modeled after the National Register program and specifically designed to complement the National Register
COMPARING THE NATIONAL AND NEW JERSEY REGISTERS

SIMILARITIES

- Both registers use the National Register Criteria for Evaluation
- Both registers use the same nomination form and review process
- Both registers offer a layer of review and protection from public undertakings
- Both registers offer potential financial benefits for listed properties
- Both registers offer public recognition of a property’s significance
Comparing the National and New Jersey Registers

Differences

• A level of review and protection from Federal vs. State/County/Municipal undertakings

• Nature of regulatory review processes: Section 106 vs. NJRHPA Review

• Eligibility for Federal Investment Tax Credits vs. eligibility for NJ Historic Trust Grants

• Difference in owner objection portion of listing process
ARE ALL OLD THINGS HISTORIC?

ON THIS SITE IN 1897 NOTHING HAPPENED.
National Register Criteria for Evaluation

- **Significance**
  - History
  - Architecture
  - Archaeology
  - Engineering
  - Culture

- **Property types**
  - Buildings
  - Structures
  - Sites
  - Objects
  - Districts
National Register Criteria for Evaluation

- **Criterion A** - Associated with events that have made a significant contribution to the broad patterns of our history; or

- **Criterion B** - Associated with the lives of persons significant in our past; or

- **Criterion C** - Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- **Criterion D** - Yielded or may be likely to yield, information important in prehistory or history.
INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association
SIGNIFICANCE

+ INTEGRITY

ELIGIBILITY
INTEGRITY VS. CONDITION
Myths & Misconceptions
What Register listing really means to the property owner

- Property Use
- Alterations to the Property
- Tax Increases and Loss of Property Value
- Public Access
- Paint Colors
THE LOCAL LEVEL:
HOW A LOCAL PRESERVATION PROGRAM WORKS
LOCAL HISTORIC PRESERVATION IN NEW JERSEY

- How does local preservation fit into the larger State and National context?

- Why is a local preservation program important?
NEW JERSEY MUNICIPAL LAND USE LAW

- Originated in 1976 and governs all planning and zoning in NJ. Revised to include historic preservation in 1985.

- Prior to 1985, preservation ordinances in New Jersey were based upon the general police power.

- In more recent years, Ordinances are based upon the State Municipal Land Use Law (the “MLUL”) (N.J.S.A. 40:55D-1, et seq.), which represents the enabling legislation for land use regulation.
The Neuberger's made Colonial Revival additions and alterations to the house, improving and expanding farm buildings as they converted the property to a gentleman’s farm and country estate. Katherine Neuberger was prominent in Republican circles, and served twelve years on New Jersey’s Board of Higher Education. The property was sold to Calton Homes following her death in 1982. Litigation over its planned use resulted in the invalidation of Middletown Township’s old landmarks law, which was then revised to meet legal objections. The property was bought in 1990 by the Monmouth County Board of Chosen Freeholders for a park.
FOUR KEY MUNICIPAL AGENCIES INVOLVED WITH MLUL AND LOCAL PRESERVATION:

- Governing Body
- Planning Board
- Zoning Board of Adjustment
- Historic Preservation Commission

"Let's see... that's five votes in favor of saving the historic old hotel, and one vote for smashing it to bits and eating everyone inside."
PIECES OF THE PUZZLE

- New Jersey Municipal Land Use Law
- Historic Preservation Master Plan Element
- Survey
- Ordinance
- Historic Preservation Commission
- Local Designation & Regulation
- Education & Outreach
- CLG Status
NJ State law gives communities a choice

“Strong” Commission
Or
“Weak” Commission
Planning Board as the HPC

40:55D-25D. In a municipality having a population of 2,500 or less, the Planning Board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all of the powers of a Historic Preservation Commission, provided that at least one Planning Board member meets the qualifications of a Class A member of a Historic Preservation Commission and at least one member meets the qualifications of a Class B member of that commission.
LOCAL DESIGNATION OF LANDMARKS & DISTRICTS

This will affect private action!

The governing body must designate by zoning ordinance.

Triggers review anytime a private property owner seeks a permit for:
- Demolition
- Alteration
- Additions/new construction
- Removal
Demolition Delay Period

- Wait period requirements appear to be based upon N.J.S.A. 40:55D-44.
- That statute provides that certain “public areas” may be reserved from development for a period of one (1) year.
- The term “public areas” is defined by the MLUL to include “scenic and historic sites.” (Note: Sites only! Not for properties in historic districts)
- Property owner entitled to just compensation for temporary period.
- Not yet tested in Court.
WHAT CAN I DO TO PROTECT THE NEIGHBORHOOD?
- OR -
HOW DO ORDINANCES WORK?

People Want to Protect Resources → Draft a Protective Ordinance → Educate the Public → City Adopts the Ordinance

Survey Historic Resources and Study Potential Designations → Adopt Rules of Procedure → Preservation Commission Appointed

Educate the Public → Determine Boundaries for Districts → Draft Designation Report and Mail to SHPO → Educate the Public

Residents Apply for Certificates of Appropriateness → Draft Design Review Guidelines → Hold Public Hearings and Designate District(s)

PEOPLE PROTECTING RESOURCES
Result = Proud Owners and Preserved Community Character
Tool of Empowerment

We Can Do It!
What is a local district?
How is a district designated? What are the benefits to me of designation?
What is historically significant about our community?
What is the legal basis for a local historic district?
Does district designation affect my property rights?
Why isn’t zoning sufficient to protect historic properties?
What is a zoning overlay?
What is the difference between a contributing and a non contributing building?
What are design guidelines? How are they applied?
What does “historic integrity” mean?
How does designation affect my property values and taxes?
What is the HPC?
Will designation prevent me from repairing, altering, renovating, or adding on to my property?
What projects need approval?
How does the certificate of appropriateness process work?
How are HPC decisions enforced?
What if the HPC denies my application? How do I appeal?
Are there extra costs and fees associated with district designation?
Does district designation require me to fix up my house?
Is there money available to help preserve old buildings?
Will the HPC tell me what color to paint my house?
Can I make my building more energy efficient?
Will designation mean that new construction has to be designed in a certain way?
Will interiors be subject to review?
What about demolition?
Will the district be expanded to cover more properties?
THANK YOU

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