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To: Princeton Mayor and Council  
From: Gerald J. Muller  
Re: Ordinances Merger – Historic Preservation Ordinance  
Dated: December 17, 2013

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As you know, the first step in the merger of the Township and Borough land use ordinances is the finalization of the Historic Preservation Ordinance. Staff (Lee Solow, Christine Lewandoski, Derek Bridger, and I) identified six major historic preservation issues that should be addressed before we begin drafting the combined ordinance. We have met with HPC and ZARC jointly about them, and those bodies added two additional ones, numbers 7 and 8 set forth below. We have also met with the Planning Board on December 12, 2013, and it agreed unanimously with all of the HPC and ZARC recommendations other than that set forth in paragraph 2 below. In that case, the Board agreed with the ZARC recommendation.

The policy issues and the Planning Board's recommendations on them are set forth below. In addition there are a number of technical and more minor policy issues that will be identified when the next draft of the ordinance is circulated after Council provides its input on the policy issues. The existing former Borough and Township criteria with minor alterations and reorganization will be used in the merged ordinance.

1. Should the Planning Board be able to reject HPC recommendations as part of development application review only if the reasons for doing so are set forth on the record? The Township ordinance presently requires this, while the Borough ordinance is silent on the matter.

**The Planning Board will review and consider all HPC recommendations on development application, but should not be required to place their reasons for rejecting any HPC recommendation on the record.**

2. Should HPC act in lieu of SPRAB on all development applications, where it has an advisory role? This is the approach under the Borough ordinance, while under the Township ordinance both HPC and SPRAB review major applications and HPC acts in lieu of SPRAB on minor applications.

**HPC thought that it should be the sole review agency when a preservation plan was involved, the Borough approach, while SPRAB supported the Township approach, where it as well as the HPC would to play a review role on major applications. The Board recommends that the Township approach be taken, with both HPC and SPRAB reviewing**

**major applications and HPC acting in lieu of SPRAB on minor applications. The Board notes that there is a process at the staff level by virtue of which the SPRAB Chair is asked to review applications that in the judgment of staff do not need SPRAB review, giving the the Chair the option of informally waiving SPRAB review if he or she determines that its review would not be productive. This process should continue.**

3. For proposed historic districts, should some kind of consent by owners within the district be required? If so, it could be done on the basis of a majority of owners or of owners of a majority of lots or majority of the acreage in the district.

**The Board does not recommend that consent by owners within a proposed district be required. It agreed with the concerns expressed by both HPC and ZARC that the duties of HPC and the Board itself would be hampered by this requirement.**

4. Should an applicant be permitted to demolish or move a structure within the historic preservation district if he or she meets two criteria, namely, that the structure cannot be put to a reasonable use and that its preservation will impose an undue hardship on the applicant (the Township approach) or as in Borough if he or she meets the criteria or satisfies the preservation plan criteria.

**The Board recommends that the Township approach be utilized when evaluating demolition of historic properties. The Borough approach is problematic in that persons seeking to demolish a property in a historic district must always satisfy the preservation**

**plan criteria for what, if anything, will replace the demolished structure, and there are therefore no regulations covering permissible demolitions.**

5. Should the former Township and former Borough historic preservation districts retain their different standards regarding viewing area and color?

a. In the Township the Historic Preservation Commission reviews proposed improvements wherever they are visible from a public way or place or from another property in the historic preservation district and reviews the color of paint when it is being changed to a color substantially out of character with the historic preservation district or if paint is being added to a surface which was not painted before.

b. In the Borough the Historic Preservation Review Commission reviews proposed improvements wherever they are visible from a public way, and color is only reviewed if an unpainted surface is being painted.

**The Board recommends that the distinctions regarding viewing area and color be retained for historic districts in the former Township and Borough. Historic districts in the former Township will be mapped on the zoning map as Historic District Type 1, to which the criteria set forth in paragraph 5a will apply, and the historic districts in the former Borough will be mapped as Historic District Type 2, to which the paragraph 5b criteria will apply.**

6. Should the present Township stabilization plan requirement, which authorizes the board of jurisdiction when reviewing a development application to bar removal of interior features of historic significance and requires that damage to the interior be repaired, be retained?

**The Board believes that the former Township's stabilization plan requirements regarding historic features are well conceived and should be included in the new ordinance.**

7. Should the new ordinance address the issue of sustainability?

**The Planning Board recommends that the new ordinance should do so in generalized terms, but direct HPC to formulate guidelines that could be used by homeowners required to secure preservation plan approval. A number of historic preservation commissions have such guidelines.**

8. Should the new ordinance includes standards to address fencing, landscaping, or other features that may obscure historic structures?

**The Board is concerned with what it sees as a trend to install front yard fencing and especially landscaping that changes the open streetscape in historic districts and limits the view of historic structures. It therefore recommends that appropriate standards to address this problem be included in the new ordinance.**

cc: Mr. Robert Bruschi (via electronic transmission)  
Mr. Lee Solow (via electronic transmission)  
Ms. Christine Lewandoski (via electronic transmission)  
Mr. Derek Bridger (via electronic transmission)

