

**BOROUGH OF RIVERTON  
BURLINGTON COUNTY**

**ORDINANCE 2023-05**

**ORDINANCE OF THE BOROUGH OF RIVERTON, COUNTY OF BURLINGTON,  
STATE OF NEW JERSEY AMENDING ARTICLE XI OF THE CODE OF THE  
BOROUGH OF RIVERTON TO RENAME THE ARTICLE AS THE “HISTORIC  
PRESERVATION ADVISORY COMMISSION” AND FURTHER AMENDING AND  
REVISING SECTIONS 128-40 THROUGH 128-49 CONSISTENT WITH THE  
ESTABLISHMENT OF THE HISTORIC PRESERVATION ADVISORY COMMISSION**

**WHEREAS**, the Council of the Borough of Riverton (the “Borough”) following after a thorough discussion amongst its members and thoughtful consideration of comments provided by the Borough’s residents has determined that the goals and objectives of the Borough would be best served by preserving and protecting designated historic structures within the Borough;

**WHEREAS**, the Council of the Borough believes that the establishment of a Historic Preservation Advisory Commission would achieve these goals and objectives and further finds that establishing this Commission would impose the least amount of burden upon property owners within the Borough when weighed against these goals and objectives.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Riverton, in the County of Burlington, State of New Jersey as follows:

**Section 1.** The title of Article XI entitled “Architectural Review” shall be deleted and replaced with the title “Historic Preservation Advisory Commission”.

**Section 2.** Sections 128-40 through 128-49 are hereby deleted in their entirety and replaced as follows:

§ 128-40. **Statutory authority, purpose and objectives.**

- A. The Legislature of the State of New Jersey has in N.J.S.A. 40:55D-107 et seq. delegated the responsibility to local governments to adopt regulations designed to promote the protection of certain significant architectural, historical, and structures, sites, or districts for the general welfare of its citizenry.
- B. The Borough of Riverton recognizes that it has structures of historic and architectural significance. It is in the interest of the general welfare to preserve these structures to ensure that new development is compatible and relevant with these structures. This chapter is intended to achieve these purposes and objectives and to promote the preservation of the environment, promote a desirable visual environment through creative development techniques and good civic design and arrangements, prevent the

degradation of the environment through improper use of land, and promote the most appropriate use of land in the Borough.

§ 128-41. **Historic Area designation.**

The following area of the Borough is hereby designated as the Historic Area:

- A. The Riverton Historic District is bounded by the Delaware River on the north. It extends to the western boundary of the property at 109 Bank Avenue and along that property line and the rear property lines of the houses on the west side of Thomas Avenue to Carriage House Lane. At Carriage House Lane, it turns east, extending along the center of the street to Maple Lane in the center of block 303. From there, it extends along the center of Maple Lane to the rear of the properties fronting on the north side of Second Street where it turns west to Thomas Avenue, incorporating the properties fronting on the south side of Second Street and from there back to the center of Maple Lane. The district line then follows the center of Maple Lane to its juncture with the western boundary of the property at 315 Thomas Avenue. It then proceeds east along the center of Thomas to the property at 410 Thomas Avenue, where it turns south to run along the rear of the properties facing on the south side of Thomas. At its juncture with the rear line of the property at 104 Broad Street it again turns south to incorporate that property, then it proceeds east to cross Broad Street. Immediately across Broad, the line turns north to meet the rear property lines of the houses facing on the south side of Thomas Avenue. From there, the line proceeds eastward to Seventh Street, where it turns south one block to the center of Linden Avenue and from there, east to the rear line of the properties facing on the 100 block of Midway. Following the rear line of those properties south, the district line crosses Elm Terrace to incorporate the property at 2 Midway. It then proceeds along the center of Elm Terrace to the rear of the properties at 2 and 4 Park Avenue, where it meets the Riverton Borough line. This, it follows across Park Avenue and through a portion of the Riverton Country Club property to Thomas Avenue. From there, it follows the rear property lines of the houses facing on the eastside of Shrewsbury Lane (incorporating Shrewsbury Yard), then follows the center of Main Street to Eighth Street. At Eighth Street, the lines turns north, following the street to the rear property lines of the houses facing on the north side of Cinnaminson Street. Turning west, it proceeds to the western boundary of 601 Cinnaminson Street, where it turns northeast to incorporate the building on the Conrail Railroad line at Cedar Street. From there, it again turns west down the center of Fulton Street where it continues on to the eastern boundary of the property at 201 Fulton. From there, it runs along that property line to its meeting with the line of the property at 701 Bank Avenue, and along the eastern boundary of that property to the Delaware River and the point of origin.

- B. The NB Neighborhood Business District as shown upon the Zoning Map.<sup>[1]</sup>  
*[1] Note: The Zoning Map is on file in the Borough offices.*

§ 128-42. **Definitions.**

The terms set forth hereinafter shall have the following meanings:

**ADMINISTRATIVE OFFICER**

The Zoning Officer of the Borough unless a different municipal official or officials are designated by ordinance to handle the administration of this chapter and attend the Planning Board meetings as deemed necessary.

**ADVISORY COMMISSION**

Historic Preservation Advisory Commission of the Borough of Riverton.

**APPLICANT**

Any private person, persons, or any representative or any private entity, private organization or association, with legal authority to make an alteration, addition, improvement, renovation, repair or demolish a structure.

**APPLICATION FOR DEVELOPMENT**

An application to the Planning Board of the Borough of Riverton for approval of a major or minor subdivision, plot or site plan, planned development, conditional use, use, or zoning variance.

**BUILDING**

Any structure, either temporary or permanent, having a roof (including an annex or addition), which requires for its use a fixed location on the land and which is designed, intended or used for the sheltering or protection of persons, animals, or chattel.

**BUILDINGS AND PLACES WHICH ARE VISUALLY RELATED**

All buildings, structures, sites and landscaping located on lots within 200 feet of the exterior perimeter of any lot upon which the assessment of visual compatibility is being made.

**CERTIFICATE OF APPROPRIATENESS**

A document indicating permission or to commence work or activity on a structure located within the Historic District or on a designated historic site.

**COMMISSION**

The Historic Preservation Advisory Commission established pursuant to the provisions of this chapter.

**CONSTRUCTION OFFICIAL**

The Officer in charge of the granting of building or construction permits in the Borough of Riverton.

**DEMOLITION**

Partial or total razing or destruction of any historic site or of any improvement within the Historic District.

**DESIGNATED HISTORIC LANDMARK OR HISTORIC DISTRICT**

An individual building, structure, site, object, improvement or district which has been determined to have historical significance pursuant to the provisions of this chapter.

**HISTORIC DISTRICT**

Shall be co-terminus with and include that area shown on the Zoning Map of the Borough of Riverton and as set forth in § 128-41.

**HISTORIC DISTRICT RESOURCES**

Those resources classified as either key, contributing or noncontributing, which are defined as follows:

- A. "Key" shall mean any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for historic landmark status;
- B. "Contributing" shall mean any buildings, structures, sites, objects or improvements which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant;
- C. "Noncontributing" shall mean any buildings, structures, sites, objects or improvements which do not have significant historical value because they neither date from a time period nor represent an architectural type, period or method which is historically significant.

**HISTORIC PRESERVATION ADVISORY COMMISSION**

The body which, for the purposes of this chapter, acts as the historic preservation commission as cited in the Municipal Land Use Law, N.J.S.A. 40:55D-107 et seq.

**HISTORIC LANDMARKS (or LANDMARK)**

Any buildings, structures, sites, or districts which possess integrity of location, design, setting, materials, workmanship, and association, which meet the criteria set forth in § 128-44A.

**IMPROVEMENT**

Any structure or any part thereof installed upon real property.

**INVENTORY**

A list of historic properties determined to meet criteria of significance specified herein.

## **INTEGRITY**

The authenticity of a building, structure, site, object, improvement or district evidenced by the survival of the physical characteristics that existed during its historic or prehistoric period.

## **INTERESTED PARTY**

Any person whose right to use, acquire or enjoy property is affected by any action taken under this chapter.

## **MAJOR EXTERIOR RENOVATIONS**

A change requiring a building permit for the exterior facade of a building which results in a significant change from the existing design appearance.<sup>[2]</sup>

*[2] Note: It should be recognized that the renovation to an existing building consisting of installing new windows, siding, doors and a roof does not presently require the issuance of a building permit.*

## **MASTER PLAN**

The Master Plan of the Borough of Riverton, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

## **MUNICIPAL LAND USE LAW**

The Municipal Land Use Law of the State of New Jersey, P.L. 1975, c 291 (N.J.S.A. 40:55D-1 et seq.), as amended from time to time.

## **NATIONAL REGISTER CRITERIA**

The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 CFR 60.4 et seq.

## **ORDINARY MAINTENANCE**

The act of repairing any deterioration, wear, or damage to a structure, or any part thereof, in order to return the same as nearly practicable to its condition prior to the occurrence of such deterioration, wear, or damage. Ordinary maintenance shall further include replacement of exterior elements or accessory hardware, including signs, using the same materials or like and having the same appearance.

## **PERMIT**

Any required approval issued by the Construction Official or Zoning Officer pursuant to applicable building or construction codes, or the Zoning Ordinance, for work or improvement(s) to property, or to a building or structure located thereon.

## **PERSON**

Any individual, natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, firms, companies, corporations, entities or unincorporated groups; or any officers, agents, employees, servants, factors or any kind of personal representatives of any thereof in any capacity, acting either for himself or for any other person, under either personal appointment or pursuant to law. When permitted by context, "person" shall also include the United States, the

State of New Jersey and/or other states, or any political subdivision thereof, and any foreign country or government.

### **PRESERVATION**

The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic landmark. 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.

### **PROTECTION**

The act or process of applying measures designated to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury.

### **REMOVAL**

The act of partially or completely causing a structure or portion of a structure to change to another location, position, station or residence.

### **SECRETARY OF THE INTERIOR'S STANDARDS**

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," 36 C.F.R. 68, issued in 1992 and revised and supplemented from time to time.

### **STRUCTURE**

A combination of materials to form a construction for occupancy, use or ornamentation, having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land. For the purposes of this chapter, the word "structure" shall also include fences, walls, independent radio and television antennas, pergolas, and swimming pools.

### **SURVEY**

The inventory of buildings, structures, sites, objects, improvements and districts located within the Borough of Riverton which is conducted by the Advisory Commission for the ascertainment of their historical significance pursuant to the provisions of this chapter.

### **SURVEY DATA**

The raw data produced by the survey; that is, all the information gathered on each property and area investigated.

### **VISUAL COMPATIBILITY**

Shall mean that any change or modification of any sort, kind or description to any building, structure, site or lot shall present a visually harmonious relationship maintaining the architectural design between the existing building, structure, lot or site and with the buildings, structures, lots or sites on all buildings or structures located on lots within 200 feet of the lot on which the change or modification is proposed.

**§ 128-43. Establishment of a Historic Preservation Advisory Commission.**

There is hereby created in and for the Borough of Riverton a Commission to be known as the Historic Preservation Advisory Commission of the Borough of Riverton. The purpose of the Commission other than as set forth in Section 128-46 herein is to provide non-binding advise with respect to historic structures within the Borough.

**A.** Composition of the Historic Preservation Advisory Commission. The Historic Preservation Advisory Commission shall be comprised of five members, with two alternates:

(1) Of the five regular Commission members:

(a) Three shall be Class "A" or Class "B" members as said classes are defined in N.J.S.A. 40:55D-107;

(b) The balance of the members shall be Class "C" members as said class is defined in N.J.S.A. 40:55D-107.

(c) To the extent available from within the Borough of Riverton, the Mayor shall appoint Class "A", Class "B" or Class "C" members who are residents. Should such individuals not be available from within the Borough, the Mayor shall have the authority to appoint such individuals who reside outside of the Borough.

(2) Of the two alternate Commission members, both shall be Class "C" members, as Class "C" is defined above. The two (2) alternate Commission members shall be respectively designated "Alternate No. 1" and "Alternate No. 2."

(3) Class "C" members shall be citizens of the Borough of Riverton, i.e., individuals who are either residents of the Borough or property owners in the Borough.

(4) Class "A", "B", and "C" regular members shall all serve for terms of four (4) years. The terms of the members first appointed under this Ordinance 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.

**B.** Appointment of Historic Preservation Advisory Commission Members.

(1) Members of the Historic Preservation Advisory Commission shall be appointed as provided for in N.J.S.A. 40:55D-107.

(2) Vacancies shall be filled as provided for in N.J.S.A. 40:55D-107.

**C.** Election of Chairperson and Vice Chairperson. The Historic Advisory Preservation Commission shall elect from its membership a Chairperson and a Vice Chairperson.

**D. Liaison person.** A member of the Planning Board of the Borough of Riverton shall be designated by the Council as a liaison between the Historic Preservation Advisory Commission, the Council and the Planning Board. The role of such liaison person shall be informational only and such person shall possess no voting rights with regard to any action taken by the Commission.

**E. Establishment of rules and regulations.** The Historic Preservation Advisory Commission shall create rules and procedures for the transaction of its business, which shall be available to the public, subject to the following regulations:

(1) A quorum for the transaction of business shall consist of three of the Historic Preservation Advisory Commission's members. This quorum may include alternate members filling the vacancies of regular members. A majority of the members present and voting may grant or deny a certificate of appropriateness.

(2) The Historic Preservation Advisory Commission shall appoint a Secretary, who need not be a member of the Historic Preservation Advisory Commission. 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 record.

(3) Such rules shall include a specific section prohibiting conflicts of interest.

**F. Compensation of Commission members.** The members of the Historic Preservation Advisory Commission shall serve without compensation.

**G. Retention of professional assistance.** The Historic Preservation Advisory Commission may retain appropriate professional technical aid and assistance as provided for in N.J.S.A. 40:55D-108, provided there is an allotted budget for the same. The Borough Solicitor shall provide legal services to the Commission.

**H. Powers and duties.** Other than as set forth in Section 128-46 of this Chapter, the Historic Preservation Advisory Commission shall have advisory only powers, duties and responsibilities as set forth in N.J.S.A. 40:55D-109, N.J.S.A. 40:55D-110 and, in addition, the following powers and duties:

(1) Undertake a comprehensive survey of the Borough of Riverton to identify properties that should be designated as historic landmarks and historic districts worthy of protection and preservation, which survey shall be updated every other year.

(2) Following the preparation of the survey, prepare and adopt pursuant to § 128-44 et seq. of the ordinance, a Landmark and Historic Districts Designation List and Official Landmarks Map which shall then be referred to the Planning Board for inclusion in the Borough Master Plan pursuant to N.J.S.A. 40:55D-28(b) and to the Council of the Borough of Riverton for inclusion in the Historic Preservation Ordinance.



(3) Hear and decide applications for certificates of appropriateness pursuant to § 128-46 of this chapter.

(4) Amend, from time to time, as circumstances warrant, the Landmarks and Historic Districts Designation List and Official Landmarks Map in the manner set forth in § 128-44.

(5) Advise the Planning Board on applications for development pursuant to N.J.S.A. 40:55D-110.

(6) Provide written reports pursuant to N.J.S.A. 40:55D-111 on the application of the Zoning Ordinance directly to the Administrative Officer and the Construction Code Official.

(7) Report at least annually to the Planning Board and the Council of the Borough of Riverton on the state of historic preservation in the Borough and to recommend measures to improve same.

(8) Collect and disseminate material on the importance of historic preservation and specific techniques for achieving same.

(9) Advise all Borough agencies regarding goals and techniques of historic preservation.

(10) Review all proposed National Register nominations for properties that come within the jurisdiction of the Commission, as established by the criteria of the 1980 amendments of the National Historic Preservation Act of 1966.

(11) Carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough of Riverton.

(12) Assist applicants in obtaining any financial assistance, whether in the form of loans or grants, or tax benefits, from any federal, state or local entity.

(13) Exercise any and all other powers authorized by law.

I. Meetings. The Historic Preservation Advisory Commission shall meet on a regular monthly basis. All meetings shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-7 et seq.).

#### **§ 128-44. Designation of landmarks and historic districts.**

A. Criteria for designation. The criteria for evaluating and designating historic districts shall be guided by the National Register Criteria. The Commission may recommend designation of historic landmarks or historic districts that are in accordance with the National Register Criteria which are herein set forth below:

(1) Character, interest, or value as part of the development, heritage or cultural characteristics of the Borough, state or nation;

- (2) Association with events that have made a significant contribution to the broad patterns of our history;
- (3) Association with the lives of persons significant in our past;
- (4) Embodiment of the distinctive characteristics of a type, period or method of construction, architecture, or engineering;
- (5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the Borough, state or nation;
- (6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative;
- (7) Unique location or singular physical characteristics that make a district or landmark an established or familiar visual feature;
- (8) Ability or potential ability to yield information important in prehistory or history;
- (9) A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- (10) 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 a historic person or event;
- (11) A birthplace of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life;
- (12) 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; or

**B. Procedures for designation.**

(1) Persons wishing to make a nomination shall contact the Secretary of the Historic Preservation Advisory Commission regarding consideration of a proposed historic district. The Advisory Commission may also initiate the designation of an historic district. The Advisory Commission will schedule a hearing at its next regular meeting to review the proposed historic landmark or historic district.

(2) A nomination to propose an historic landmark shall include the following information which addresses the criteria for designation as set forth herein:

- (a) A photograph, preferably black and white, of the proposed landmark;

(b) A copy of the municipal tax map showing the property on which the proposed landmark is located;

(c) A physical description of the proposed landmark; and

(d) A statement of significance.

(3) A nomination to propose an historic district shall include the following information which addresses the criteria for designation as set forth herein:

(a) A building-by-building inventory of all properties within the district;

(b) A photograph, preferably black and white, of all properties within the district;

(c) A copy of the municipal tax map of the district showing boundaries;

(d) A physical description of the proposed district; and

(e) A statement of significance.

(4) Following receipt of a nomination to propose an historic district, the Advisory Commission shall schedule a public hearing on the proposed designation.

(5) At least 14 days prior to the public hearing, the Advisory Commission shall, by personal service or certified mail, perform the following:

(a) Notify the owner(s) of record of a property that has been proposed for historic landmark 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 therefor;

(b) Advise the owner(s) of record of the significance and consequences of such designation and of the right of the owner(s) of record to contest such designation under the provisions of this chapter;

(c) Notify the owner(s) of record of the date, time and location of the hearing concerning the proposed designation of the property or district; and

(d) Serve any further notices as may be required under the provisions of the Municipal Land Use Law.

(6) At least 14 days prior to the public hearing, the Advisory Commission shall also cause public notice of the hearing to be published in the official newspaper of the Borough.

(7) At least 14 days prior to the public hearing, a copy of the nomination report shall also be made available for public inspection in the municipal offices of the Borough.

(8) At the public hearing scheduled in accordance with this chapter, the Advisory Commission shall review the nomination report and accompanying documents. Interested persons shall be given the opportunity to be heard and to comment on the proposed nomination for designation.

(9) If the proposed nomination is approved by the Advisory Commission, it shall forward a report concerning the proposed historic landmark or historic district to the Council of the Borough of Riverton. The governing body of the Borough of Riverton shall consider the report and recommendations of the Advisory Commission and if the governing body chooses to act favorably thereon, the Zoning Ordinance of the Borough of Riverton shall be appropriately amended pursuant to law.

(10) All other requirements of the Municipal Land Use Law regarding adoption of development regulations shall be followed.

(11) Upon adoption of an ordinance by the Borough of Riverton designating an historic landmark or an historic district, the designation list and map shall be incorporated into the Master Plan and Zoning Ordinance of the Borough as required by the Municipal Land Use Law. Designated properties shall also be noted as such on the records for those properties as maintained by the Planning and Zoning Offices, as well as the offices of the Construction Official, the Zoning Officer, the Borough Tax Assessor and the Borough Clerk.

**§ 128-45. Public hearings.**

**A.** Representation of parties. Any owner or owners and all persons having a legal and equitable interest in any property which has been proposed for designation, or is designated, as a local landmark, or for which an application for a building permit or application for development has been made to the Borough, may appear in person or be represented by an authorized agent or attorney at any public hearing scheduled by the Riverton Historic Preservation Advisory Commission.

**B.** Order of procedure. The order of procedure at all public hearings of the Riverton Historic Preservation Advisory Commission shall be as follows:

- (1) Opening of the hearing by the Chairperson;
- (2) Incorporation in the record of the Notice of Hearing in accordance with the Open Public Meetings Act of the State of New Jersey;
- (3) Statement by the Chairperson summarizing the items on the agenda for the meeting;
- (4) Approval of the minutes of previous meetings;

(5) Review and approval of any resolutions memorializing decisions reached on applications at previous meetings;

(6) Applications that were heard previously by the Advisory Commission and carried to the next hearing date shall be heard under "old business;"

(7) Applications not previously heard by the Commission shall be heard under "new business."

(a) Upon calling the case of a new application, the applicant, or the authorized agent or attorney, shall indicate to the Commission who will be representing the applicant at the hearing and who will be offering testimony regarding that application.

(b) An opening statement will be made by the Chairperson or the staff of the Commission regarding the application, specifically what documents and evidence have been submitted to the Commission prior to the hearing date.

(c) An opening statement will be made by the owner, authorized agent or attorney representing the applicant, setting forth the overall intent of the proposed activities to be undertaken on the property in question.

(d) Following the opening statements, presentations will be made by the identified witnesses and evidence will be given in support of the proposed activities that directly relate to the property which is the subject of the hearing. Documents and other physical evidence that will be submitted to the Commission shall be appropriately designated by the Commission Secretary, using a consecutive numbering system.

(e) The opportunity to cross-examine witnesses shall be in the following order:

[1] Counsel to the Advisory Commission;

[2] Members of the Advisory Commission;

[3] Members of the Public attending the hearing.

(f) Following presentation in support of the application, statements, if any, of other interested persons, either for or against the proposed activities, will be heard by the Commission. Such statements shall be limited to such length of time as the Commission shall designate.

(g) Final disposition of any matter subject to public hearing before the Advisory Commission shall be in accordance with the applicable provisions contained within the Historic Preservation Ordinance of the Borough of Riverton. Copies of the said final determinations shall be distributed in conformity with the provisions of said ordinance. If the vote taken on a specific application results in a tie, the application shall be deemed denied.

**(h)** Following the presentation of the oral summation, the Advisory Commission shall enter into public deliberations regarding the testimony offered, evidence submitted, and any issues raised by the public, the Advisory Commission members or staff relating to the activities proposed to be undertaken by the applicant. Based upon these deliberations, the Advisory Commission shall render a decision setting forth in full its reasons for approving or denying the application. In the case of approval, any conditions placed upon the approval shall be made as a part of the record. In either case, the Advisory Commission shall, at the following meeting, pass a resolution memorializing its decision and setting forth the testimony offered, evidence entered in the record, findings of fact, and the conclusions reached on the application.

**(8)** Following the conclusion of all new business to come before the Advisory Commission, it shall take up such other business as may require its attention, including but not limited to: new grant applications; existing grant application projects; seminars; consideration of ordinance changes; consideration of new structures for designation as local landmarks, etc.

**(9)** Following the discussion of such additional business as noted above, the Advisory Commission shall open the meeting to receive any comments or questions from the general public as may be in attendance at the meeting.

**(10)** Following the presentation to the Advisory Commission by any members of the public, the Chairperson shall declare, upon a motion duly made, that the meeting be adjourned.

**C.** The Riverton Historic Preservation Advisory Commission may, in its discretion, impose reasonable time limits upon the presentation of evidence and statements. The Chairperson of the Commission, at his/her discretion, may alter the order of procedure as circumstances may require and warrant.

**D.** All testimony offered by witnesses shall be given under oath or affirmation and said testimony may be given by question and answer method or, at the Chairperson's discretion, in statement form. Persons wishing merely to state a position for or against a proposed application shall be placed under oath or affirmation.

**E.** Exhibits shall be marked for identification and shall be offered in an orderly fashion. They shall be made available for examination by any and all parties of interest. Leave to file post-hearing exhibits or information may be sought at the hearing, or thereafter in writing, which may be granted by the Chairperson. In the event leave to file post-hearing exhibits or information is granted, copies shall be served upon interested parties or representatives in person, or by United States mail, by certified mail, return receipt requested, together with a signed statement that this rule has been complied with, which shall be attached to or shall accompany such documents submitted.

**F.** Hearings shall be conducted in such a manner as shall result in a just and lawful determination of the issues as promptly as circumstances shall permit. The Advisory Commission shall make determinations as to the relevance and materiality of evidence. The

Advisory Commission may require a preliminary statement of the nature of the evidence proposed to be elicited from any witness.

**§ 128-46. Certificate of appropriateness.**

**A.** Actions requiring a certificate of appropriateness. A certificate of appropriateness issued by the Historic Preservation Advisory Commission shall be required before a permit is issued for any of the following activities on the property of any landmark or within any historic district:

- (1) Demolition of an historic landmark or of any improvement.
- (2) Relocation of any historic landmark or of any improvement.

**B.** Exceptions.

(1) A certificate of appropriateness shall not be required for any repainting, repair or other maintenance including a major exterior renovation. While an advisory only application to the Commission shall be required, a certificate of appropriateness shall not be required in connection with an application for development under the New Jersey Municipal Land Use Law, the construction of any new principal or accessory structure, or in connection with any Major Exterior Renovation. Paint color and the preparation of a wooden structure for painting are outside the scope of this chapter.

(2) A certificate of appropriateness shall not be required before a permit is issued by the Construction Official for changes to the interior of a structure.

(3) A certificate of appropriateness shall not be required for any necessary temporary ramps for the convenience of any handicapped persons.

**§ 128-47. Applications for certificate of appropriateness.**

**A.** Application procedure. Application for a certificate of appropriateness shall be made on forms available from the Zoning Officer at the Borough. Completed applications shall be delivered to the Administrative Officer at Borough Hall. No application will be deemed complete until the applicant has established an escrow account with the Borough in order to address commissions incurred fees and expenses associated with the adjudication of the Applicant. Each applicant for a certificate of appropriateness shall be required to pay an application fee of \$100.00. The initial amount of the escrow for each individual application for a certificate of appropriateness shall be \$2,500.00. The applicant may be required to replenish the same in accordance with the MLUL.

**B.** Application information and supporting documents. Application for a certificate of appropriateness shall include the following:

**(1)** All forms completed by the applicant.

**(2)** The following exhibits:

**(a)** When the application is for the demolition of an existing structure or home within the designated historic district, the applicant shall provide the Commission with the following:

- (i)** photographs and architectural or other drawings to adequately inform the Commission of the amount and extent of the renovations required to restore the home or structure to the condition that existed prior its current state of disrepair;
- (ii)** a signed and sealed engineering report which details that it is not reasonable (financially) to restore and return the home or structure to the condition that it existed prior its current state of disrepair;
- (iii)** a construction contractor's detailed estimate as to the specific cost associated with restoring the home to its condition that existed prior its current state of disrepair and at a minimum to a habitable condition acceptable to the Construction Code Official;
- (iv)** a market analysis as to the value of the property before and after the proposed renovations; and
- (v)** any other drawings, specifications, documents or materials which may assist the Commission in deciding whether a certificate of appropriateness should be issued;

**(3)** For all other advisory only applications to be submitted to the Commission that do not require the issuance of a certificate of appropriateness, the following exhibits should be submitted:

**(a)** When the application is for new construction, the applicant shall provide an overall site plan layout, at a scale of one inch equals 20 feet, showing the location of all contiguous properties and elevations of the proposed new construction.

**(b)** When the application is for Major Exterior Renovations to an existing structure, the applicant shall provide sufficient photographs and architectural or other drawings to adequately inform the Commission of the amount and extent of the changes proposed and to show those changes in the context of the structure as a whole.

**(c)** When the application is for restoration of a structure to an earlier historic appearance, the applicant shall provide historical documentation such as descriptions, historic photographs, or comparisons to other similar historic structures (to the extent that such information is reasonably available) to support the proposed restoration.



(d) Additionally, the applicant shall provide the Commission with such other photographs, diagrams, architectural or other drawings, specifications, documents, and materials which may assist the Commission in the review of the work for which application is being made.

(4) The Administrative Officer of the Borough shall determine if the information submitted with an application for a certificate of appropriateness constitutes a complete application.

C. Time frame of decision by Advisory Commission. The Historic Preservation Advisory Commission shall reach a decision on any application within 45 days after the Administrative Officer has declared an application to be complete; otherwise the application shall be deemed to have been approved. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Historic Preservation Advisory Commission. The Historic Preservation Advisory Commission may advise the applicant and make recommendations in regard to the appropriateness of proposed action and may grant approval upon such conditions as it deems appropriate within the intent and purpose of the chapter.

D. Rationale. Actions taken by the Historic Preservation Advisory Commission shall be memorialized at the meeting following approval or disapproval by the adoption of a formal resolution setting forth in detail all of the reasons for the approval or disapproval of a certificate of appropriateness and setting forth any and all conditions imposed, if any, on the grant of approval. The applicant shall, within 10 days of the adoption of such a resolution of memorialization, publish notice thereof in the Borough's official newspaper in the same manner as notice of formal action by the Riverton Planning Board is required for site plan approval, subdivision approvals and the like.

E. Resolutions. The Secretary of the Historic Preservation Advisory Commission shall immediately upon adoption forward a copy of the resolution to the applicant, the Construction Official, the Zoning Officer, the Borough Planning Board, and the Borough Clerk.

#### § 128-48. **Standards of consideration.**

In making its determinations and recommendations, the Historic Preservation Advisory Commission shall take into consideration specific standards, as set forth below.

##### A. Demolitions.

(1) In regard to any application to demolish an historic landmark or any improvement within an historic district brought before the Historic Preservation Advisory Commission, the following shall be considered:

- (a) Its historic, architectural, archaeological, and/or aesthetic significance.
- (b) Its use.

(c) Its importance to the Borough and the extent to which its historical, architectural or archaeological value is such that its removal would be detrimental to the public interest.

(d) 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 great difficulty.

(e) The structural soundness and integrity of the building and the economic feasibility of restoring or rehabilitating the structure so as to comply with the applicable building codes.

(f) If it is within an historic district, the probable impact of its removal upon the ambience of the historic district.

(g) The cost to repair the interior and exterior of the home or structure to a condition that existed before the homes current state of disrepair in order to make the home/structure habitable as per the Construction Code Official.

(h) A demolition ratio (1.25) equal to the cost of returning the subject historic structure to the condition in which it existed prior to its state of despair which is supported by an engineer's estimate and actual construction costs divided by the fair market value post construction.

(2) Upon issuance of the final recommendation of the Historic Preservation Advisory Commission, taking into account the factors set forth in Subsection A(1)(a) through (h) above, the Construction Official may postpone the demolition of a landmark or improvement within the historic district for a period of up to twelve (12) months. The time period associated with the delay of the demolition as directed by the Construction Code Official shall commence upon the Construction Code Official's receipt of the Commission's written recommendation. If the Historic Preservation Advisory Commission recommends such postponement, it shall promptly initiate such actions as may lead to the preservation of the improvement.

(3) The Historic Preservation Advisory Commission may at any time during such delay period approve a certificate of appropriateness and, at the end of such delay period, shall approve if it has not already done so a certificate of appropriateness. Upon the issuance of such certificate of appropriateness during the delay period or at the termination thereof, the Borough of Riverton may, within 60 days or such further period that the property owner may agree, relocate the structure and for a failure to relocate the structure during such period a demolition permit shall be forthwith issued by the Construction Official.

(4) In the event of the imposition of a delay in demolition of up to twelve (12) months as herein provided for, the applicant may appeal the imposition of such delay to the Planning Board. Such appeal shall be accompanied by a certificate of an independent structural engineer detailing how and in what manner the structural integrity of the structure has been so compromised that it should be demolished. Within 30 days of the filing of such an independent

certificate the Borough of Riverton shall have the right to have the building inspected by its own engineer at the Applicant's sole cost and expense, to be drawn from the Applicant's dedicated escrow.

**B. Removals out of the Borough.** In regard to an application to move an historic landmark or any structure in an historic district to a location outside of the Borough, the Commission shall consider the following matters:

- (1) The historic loss to the site of the original location.
- (2) The compelling reasons for not retaining the landmark or structure at its present location.
- (3) The proximity of the proposed new location to the Borough, including the accessibility to the proposed new location to the Borough, including the accessibility to the residents of the Borough and other citizens.
- (4) The probability of significant damage to the landmark or structure itself as a result of the move.
- (5) The applicable matters set forth in § 128-48A of this chapter.

**C. Removals within the Borough.** In regard to an application to move an historic landmark or any structure in an historic district to a new location within the Borough, the Commission shall consider the following, in addition to the matters set forth in § 128-48B of this chapter:

- (1) The compatibility, nature and character of the current and of the proposed surrounding areas as they relate to the intent and purposes of this chapter.
- (2) If the proposed new location is within an historic district, the visual compatibility factors as set forth in § 128-48F of this chapter.

**D. Visual compatibility.** In regard to an application to move a landmark or structure into an Historic District, or to construct a new structure or add to or alter an existing structure within the Historic District, or a landmark, the visual compatibility of the proposed structure with the structures and surroundings to which it would be visually related shall be considered in terms of the visual compatibility factors as set forth in § 128-48F of this chapter.

**E. Other considerations on advisory only application and applications for certificates of appropriateness.** In regard to an application for approval pursuant to § 128-46 of this chapter, the following shall be considered:

- (1) If an historic landmark or structure in an historic district is involved:
  - (a) The impact of the proposed change on its historic and architectural character.

(b) Its importance to the Borough and the extent to which its historic or architectural interest would be adversely affected to the detriment of the public interest.

(c) The extent to which there would be involvement of textures and materials that could not be reproduced or could be reproduced only with great difficulty.

(2) The extent to which the proposed action would adversely affect the public's view of a landmark or structure within an Historic District from a public street.

**F. Visual compatibility factors.** The following factors shall be considered in determining the visual compatibility of a building, structure or appurtenance thereof with the buildings and places to which they are visually related and shall be known as "visual compatibility factors":

(1) The height of the proposed building being visually compatible with adjacent buildings.

(2) The relationship of the width of the building to the height of the front elevation being visually compatible with the buildings and places to which it is visually related.

(3) The relationship of the width of the windows to the height of the windows in a building being visually compatible with the building in which they are located and to all buildings on lots within 200 feet thereof. The relationship of solids to voids in the front facade of a building shall be visually compatible with the buildings and places to which it is visually related.

(4) The relationship of solids to voids in the front facade of a building being visually compatible with the buildings and places to which it is visually related.

(5) The relationship of the building to the open space between it and the adjoining buildings being visually compatible with the buildings and places to which it is visually related.

(6) The relationship of the entrance or entrances and the porch projections to the street being visually compatible with the buildings and places to which it is visually related.

(7) The relationship of materials, texture and color of the facade and roof of a building being visually compatible with the predominate materials used in the buildings to which it is visually related.

(8) The roof shapes of a building being visually compatible with the buildings to which it is visually related.

(9) Appurtenances of a building such as walls and open-type fencing forming cohesive walls of enclosure along a street to the extent necessary to maintain compatibility of the building with the buildings and places to which it is visually related.

(10) The size of a building and the mass of a building in relation to open spaces, the windows, door openings, porches and balconies being visually compatible with the buildings and places to which it is visually related.

(11) A building being visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

(12) New buildings having the same relative placement on the lot as the older structures and the setback distance from the street being equal.

(13) A structure's related exterior features such as lighting, fences, signs, sidewalks, driveways and parking areas shall be visually compatible with the features of those structures to which it is visually related.

**§ 128-49. Certificate of appropriateness approval; denial, appeal.**

**A.** Appeal and right of judicial review. Denial of a certificate of appropriateness where one is sought to be issued to the Construction Department or Zoning Officer may be appealed to the Planning Board on the record made before the Historic Preservation Advisory Commission in the same manner as an appeal may be made from an adverse determination of the Zoning Officer as such appeal is provided for by ordinance and statute.

**B.** Posting. The owner shall post the certificate of appropriateness in a conspicuous spot on the exterior of the designated property visible to the public during the entire process of work.

**C.** Inspection. When a certificate of appropriateness has been issued, the Construction Official or his/her appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Advisory Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

**D.** Period of validity. A certificate of appropriateness shall be valid for a period of two (2) years from the date of issue unless reasonable extensions are requested by the applicant or the Advisory Commission.

**E.** Emergency procedures. When an historic landmark or historic district resource requires immediate repair to preserve its continued habitability and/or health and safety of its occupants or others, emergency repairs may be performed in accordance with applicable construction codes immediately upon approval of the Construction Official, who shall certify that a bona fide emergency exists, without first obtaining a certificate of appropriateness from the Advisory Commission. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure. The property owner shall make application for a certificate of appropriateness from the Advisory Commission within 30 days of the commencement of emergency repairs.

**F. Certificates of appropriateness for government actions:**

(1) It is recognized that the intent and purposes of this chapter would not be fully served if the municipality and other governmental agencies were to control the actions of others but fail to apply similar constraints to itself. The Borough of Riverton, when it plans to undertake any work on any municipally-owned historic landmark or on any municipally-owned property in an historic district, may submit such plans to the Historic Preservation Advisory Commission.

(2) In circumstances where the Borough cannot require compliance, as in certain cases involving the county, the voluntary cooperation of such agencies in seeking a certificate of appropriateness and hereby authorizes the Advisory Commission to consider such requests and applications. This does not relieve the property owner from complying with the applicable state and federal regulations regarding historic preservation.

**§ 128-50. Enforcement and penalties.**

**A. Enforcement.** It shall be the duty of all Borough officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a certificate of appropriateness. If it should, the Administrative Official shall inform both the Construction Official and the applicant, as well as the Historic Preservation Advisory Commission.

**B. Penalties.**

(1) Any person who shall undertake any activity which requires a certificate of appropriateness without having first obtained such certificate shall be deemed to be in violation of this chapter.

(2) Upon learning of the violation, the Zoning Officer shall serve upon the owner of the lot whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the landmark or improvement to its status quo ante. Service shall be by personal service and sent by certified mail, return receipt requested, to the owner at his/her last known address, as it appears on the Borough tax rolls. A copy of this notice shall be posted on the site of violation.

(3) In the event that the violation is not abated within the ten (10) day period following mailing and/or posting on the site, the Zoning Officer shall cause a summons and complaint, returnable in the Riverton Municipal Court, to be issued and served pursuant to law, charging violation of this chapter. Each separate day the violation exists shall be deemed to be a new separate violation of this chapter,

(4) Any person violating any of the provisions of this chapter shall be subject to the penalties provided in the Code of the Borough of Riverton. Each day that a violation of this chapter continues shall be a separate chargeable offense.

(5) In the event that any action which would permanently and/or adversely change the landmark or historic district, such as demolition or removal, is about to occur without a certificate of appropriateness having been issued, the Borough of Riverton may apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction of any landmark.

**§ 128-51. Preventive maintenance.**

A. Recognizing the need for preventive maintenance to ensure the continued useful life of landmarks and structures in the Historic District, the Council of the Borough of Riverton hereby declares that code enforcement in relation to landmarks and structures in historic districts is a high Borough priority.

B. In the event that any landmark or improvement in an historic district suffers deterioration to the point where, in the opinion of the Borough's Code Enforcement Officer, the deterioration jeopardizes the continued existence of the landmark or improvement, the Borough's Code Enforcement Officer is hereby authorized to take the appropriate action to remedy the property maintenance issue so identified.

**§ 128-52. Designation by Advisory Commission of landmarks outside of the established Historic District.**

The Advisory Commission may from time-to-time inventory other individual properties in the Borough of Riverton which may meet the criteria established for Historic District resources and historic landmarks. Upon the inventory of such structures, a list thereof shall be forwarded to the Council of the Borough of Riverton who shall, upon due consideration, determine whether or not such structures and landmarks and historic sites should be included as separate historic preservation districts and, if the Council shall so determine, appropriate ordinance enactment may be made by the Council.

**Section 3.** If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of the Ordinance.

**Section 4.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall take effect after final adoption and publication according to law.

<b>INTRODUCTION</b>						
<b>Roll Call Vote</b>						
<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Corbi			x			
Fullerton		x	x			
Quinn			x			
Rafter	x		x			
Scott			x			
Wilburn			x			

<b>ADOPTION</b>						
<b>Roll Call Vote</b>						
<b>Council Member</b>	<b>Motion</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Corbi						
Fullerton						
Quinn						
Rafter						
Scott						
Wilburn						

**CERTIFICATION**

I, Michelle Hack, Municipal Clerk of the Borough of Riverton, County of Burlington, and State of New Jersey, do hereby certify the forgoing to be a true and correct copy of an Ordinance which was introduced by the Council of the Borough of Riverton at its meeting of August 15, 2023, with a second reading, public hearing, and final adoption held on September 19, 2023.

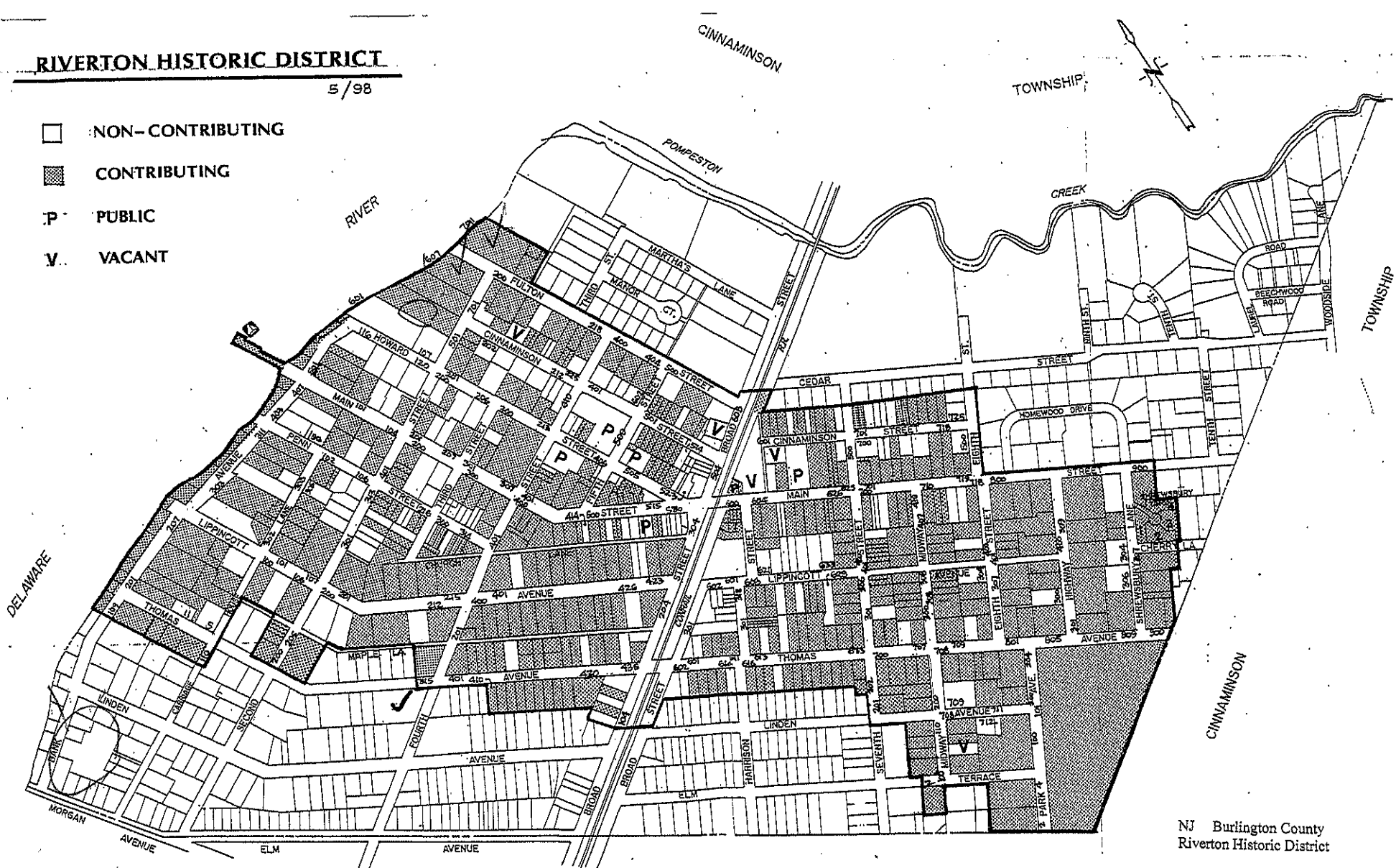
\_\_\_\_\_  
**Michelle Hack,**  
**Municipal Clerk**



# RIVERTON HISTORIC DISTRICT

5/98

- NON-CONTRIBUTING
- ▨ CONTRIBUTING
- P PUBLIC
- V VACANT



BOROUGH OF PALMYRA

NJ Burlington County  
Riverton Historic District