

City of Bridgeton Historic District Commission

The 2012 Annual Report

WHAT WE HAVE DONE
WHAT WE STILL NEED TO DO



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City of Bridgeton Historic District Commission

EXECUTIVE SUMMARY:

The following document is intended to address the Historic District Commission's obligation to "report at least annually to the Planning Board and the municipal governing body on the state of historic preservation in the municipality and recommend measures to improve same." [Ord. No. 89-11 § 370.29 (3-6)] It surveys the function and actions of the Bridgeton Historic District Commission over the past year (with reference to several previous years as well), and makes some recommendations for improving its role in City government. It is subdivided into four broad areas of activity: the Ordinance; District integrity; Partnering in preservation; Community education. Specific recommendations are enumerated for each area of concern.

Recommendations are both general and specific. They highlight the importance of developing some access to financial support for the Commission both in its review function and as first line of defense for the integrity of the largest historic district in the state, with emphasis on becoming part of the State Certified Local Government program and on building a funding mechanism for legal and secretarial support. They stress active partnerships with all sources of community reinvestment, public and private, but especially with CHABA (the Center for Historic American Building Arts) as a new community non-profit with a preservationist mission that can do some things the Commission cannot do, or cannot do alone.

We encourage developing active communications and building good working partnerships with public and private agencies at the state and federal levels and private foundations at every level, and call for **an active immediate effort to rescue the Ferracute site, the city's signal claim to a potential national landmark**, by taking the simple but dynamic first step of letting agencies like the State HPO, Preservation NJ, the National Trust for Historic Preservation and the National Park Service, keepers of our nation's landmarks, know that we *want* to save it.

Thank you for this opportunity to communicate Bridgeton's achievements and needs in this important area of public and governmental concern.

The Members of the City of Bridgeton Historic District Commission:

Flavia Alaya, Chair
James Livoti, Vice Chair
Rosemary DeQuinzio, Secretary
Sarah Jane Fusinatti
Jack Surrency

September 10, 2012



The 2012 Annual Report

The Challenge--a Personal Introduction

By name if not by nature, an annual report covers a small slice of time, and we could probably meet our statutory obligation with a few bullet points. But this moment may represent a special opportunity: how many HDCs have actually made such a report in the ordinance's thirty-year lifetime?¹

Yes, it has been thirty years since the State and National Register Historic District was declared in 1982, and almost that since the *municipal* district (when the City's first local ordinance was adopted) in 1983. What an amazing challenge this little city took on. As a relative newcomer to both city and commission (I had the insane honor of being appointed within the first month I moved here in 2006), I often think about what that time was like--when Bridgeton's audacity surprised even the *New York Times*.² Some 2000 properties--about a quarter of all the structures in the city--under the land-use protections of historic preservation? Jawdropping. It still is.

So it may be as good a moment as any to ask: what has the ordinance done for Bridgeton? And, conversely, what has Bridgeton done for a District it once confidently made the largest in the state?

The will to save something valuable you may be at risk of losing--not just a record of it but the visible, daily, physical reality--is a daring and powerful force. Yes, it can be nothing more than a stubborn refusal to move on. But it can also be a statement of abiding self-respect, a way to meet economic and social challenges that threaten community pride and quality of life, and as a force for self-development, it can be life-giving, even visionary. It can say we are in this for the long haul. It says we will not sacrifice what for us actually makes daily life worth living.

This difference matters, and it has mattered. We now know that not even a strong historic commission could hold back all the changes upheaving American cities in the late 20th century. But we also know that this movement is not just about history but about community. We know that preservation of our built environment, if it is vigorously and intelligently pursued, if it can seize the cultural moment and, when necessary, turn on a dime, has proven a vital tool for economic development. Bridgeton has that tool: not just a great story, or better a whole encyclopedia of stories, but an underlying faith in the creative power of those stories to adapt to new ideas of community identity and self-respect. Its ordinance did more than give the name "Bridgeton Historic District" to a unique self-awareness and a distinctive commitment to history on the landscape. It defined our social conscience, a belief that if you affirm what you own, if you tell and retell those stories on the fingers of one hand and calculate their benefits on the fingers of the other, you can actually turn the complex well-layered narrative of this city to account.

Are there challenges to educating the new and the young to the social and economic value of preservation? To encouraging the financial and personnel commitment it sometimes takes, and putting our money where our mouth is? To seeking, when we need it, the support of others who also care about what we do here? Of course there are, and this forward-looking Mayor and Council well know what they are. But preservation itself now has a venerable track record. It tells us that many communities have been there and that they have met and surmounted the challenges.

Supporting "the largest historic district in the state"--and *keeping* it that way because it has become a precious and irreplaceable claim to fame--is no longer a sign of fear of change but part the art of Bridgeton citymaking.

Thirty years onward: a new day. Our day, if we will make it ours.

Flavia Alaya, Chair

¹ The BHDC's last report was three years ago.

² Mildred Jailer, "Communities Finding A New Resource in Victorian Houses; Old Houses a New Resource." March 16, 1980, *New Jersey Weekly*, Page NJ1



City of Bridgeton Historic District Commission



I The Commission and the Ordinance: Statutory Functions/Compliance Matters:

Meetings--Secretarial & Legal Assistance--Formal Resolutions--Status of Commissioners--Administrative Officer--Major/Minor applications--Compliance follow-up:

Meetings: Over the last three years we have met at least 11 of every 12 scheduled meetings a year, sometimes under very difficult circumstances,³ and held special meetings three times to accommodate emergencies. We have evaluated about 60 applications for certificates of appropriateness (CoAs) that rose above the level of minor applications (i.e., those that could be administratively approved),⁴ consisting of demolitions, additions and rehabs, facade modifications, and signage. In three instances we addressed applications for new infill construction within the district.

In rare cases where we had no compliance hearings. or they were postponed, we used our scheduled, publicly noticed meetings as much-needed workshops, increasing our capacity to develop aspects of our public education function (e.g., the Awards Program) and meet other ordinance requirements, e.g., compliance follow-up on previous decisions, and reports on HDC participation in the broader governmental process.

Quorum: Through the strategic filling of vacancies two years ago, Mayor Kelly has assured that we no longer have routine quorum issues. For future purposes, however, we believe the appointment of two or three alternate commissioners would mitigate any future quorum issues, enrich input at meetings, and build future capacity and participation. It is also a requirement for Certified Local Governments (CLG).⁵

Secretarial & Legal Assistance: As of now we have no lawyer or legal consultant at meetings. We have begun to utilize the recording function at the Municipal Complex hearing room for an accurate record. Minutes are then transcribed by Commissioner DeQuinzio as her personal time permits. This is far from an ideal arrangement. Given the sensitive quasi-legal nature of our decisions, we believe secretarial functions should be performed not by a commissioner, but by a non-voting volunteer, intern, or paid employee.

³ Under Mayor Begley, who chose not to appoint replacements for resigned or retired members, quorum was a frequent issue. Just as this issue was resolved by Mayor Kelly, our part-time Administrative Officer came under increasing pressure from other obligations. and we were in a state of urgent catch-up until Mark Pierce in Code Enforcement was named Administrative Officer.

⁴ We have only recently begun to track the number of applications actually administratively resolved during any given month.

⁵ See Appendix for information on the advantages of being a Certified Local Government.

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We of course follow our ordinance and Design Guidelines in making our decisions, often quoting them. But however conscientious we may be, our judgments, though they have legal force, are not legally watchdogged. The City needs to address the broader issue of having a legal consultant at our meetings. Decisions in which this need was highlighted are further discussed below.

Formal Resolutions: We need to document our decisions with formal resolutions that spell out the conditions of compliance and are signed by the AO and the Chair. (Again this is a requirement of CLG compliance.)

Status of Commissioners: Of the present five commissioners, four actually sit in expired terms. As appointees of the Mayor, we must of course await his good grace. But a lack of mayoral action (on the assumption that we are “good” until replaced--which could happen at any time) can undermine both authority and morale, even as it reflects poorly on the seriousness with which the role of the Commission is perceived in the community.

Administrative Officer: While we thank Kevin Rabago for doing a near-heroic job of managing the Historic District along with his increasing other duties over the past five years, we are very grateful for the recent appointment of Mark Pierce as a dedicated Administrative Officer, which assures attention to the procedural and informational requirements of the historic ordinance. Although we have averaged 20 or more applications a year, we suspect this may increase now that the AO has more dedicated focus and it is more apparent which applications must be heard. It is of course what we are here for. The only downside to the lengthening of our compliance agendas is our lack of meeting support, as described above.

Major/Minor Applications: It is important to note that the distinction between what we hear and what we don't arises from the latitude in the ordinance itself, both between major and minor applications and, in the case of minor applications, the sometimes vexed difference between what the AO feels comfortable ruling on alone and those borderline decisions he feels the Commission would prefer to have a role in deciding because they have a high public profile.⁶



We are working to clarify this major/minor distinction in practice. With some legal advice we might seek to have it further clarified in the language of the ordinance. (That section of the ordinance is attached to this report.) The AO now provides us a monthly list of minor applications to which he has issued Certificates of Appropriateness without a Commission hearing. We are currently reviewing these first few lists to see where we stand in assuring evenhandedness in evaluating applicant projects.

Status of Ordinance: The City paid to have a new historic ordinance drafted four years ago. That draft should be revisited and any changes adopted that will enhance its application to Bridgeton, especially those that will make it CLG compliant.

Recommendations:

- (1) Bring the Ordinance into Compliance with Certified Local Government requirements;
- (2) Clarify reappointment status of commissioners or appoint new commissioners;
- (3) Appoint commission alternates;
- (4) Budget for the Commission to provide legal & recordation support (secretary and lawyer) for hearings;
- (5) Create a formal resolution to record each decision and all conditions;
- (6) More clearly articulate distinction between major and minor applications.

⁶ One such recent "call," for instance, gave administrative approval for major alterations to a highly visible business facade within the district, on North Laurel Street.

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II Protecting the Integrity of the District:

Demolition--Infill--Compliance follow-up--the Bertini Building--the Ferracute Site

Demolition: Over the years, we have seen a pattern of loss of historic fabric especially involving requests to demolish barns, garages, and outbuildings. These are buildings allowed to fall into disrepair over many years in a process of what is known in preservationist terms as "demolition by neglect."

By the terms of the ordinance, requests to demolish are clearly major applications, and they are treated as such before and when they come to the Commission. (Public and timely notice to neighbors, etc.) Nevertheless they can appear on our docket without prior warning to us, and then only when the Code Official has highlighted their immediate threat to public safety, when it is often too late to properly consider saving them.⁷ Confronted by such urgent demolition requests without prior warning or supportive code enforcement history, for example, or some legal interpretation of our statutory obligations--e.g., for consultation with the SHPO, commissioners can sometimes feel under extreme pressure to authorize immediate demolition.

The ordinance might be strengthened with regard to demolitions, but the problem can also be addressed by asking that some historical survey record on the building in question become part of every hearing. It makes obvious sense to have our own AO in the Code Enforcement department, assuring that applicants make a clear association of historic protection with the zoning code. But conversely the City should be able to say, in practice, that routine code enforcement and historic code enforcement run on parallel tracks, and that the threat of losses to the historic district are taken very seriously, not considered merely a final solution.

Infill Construction: There have been three recent applications for infill construction in the historic district (which in the current housing climate represents an interesting statistic in itself!). One involved the demolition and replacement of a deteriorated house on Cedar Street that was impacting neighborhood safety and home values; two others were for construction of new housing on cleared or open land, a series of Hope VI-style infill proposals for the section of the district known as Southgate, and an application for building a spec home on open land on Lake Street in the Park View section.



The first was in some sense a slam-dunk, a promise of a revitalized historic neighborhood through the subsidized housing of agricultural workers whose need for housing is of foremost concern. The second, spec home was to have been built in what is often considered a "premier" section of the Historic District. The builder's hasty cutting of trees on the property had already heated the public atmosphere in which we heard this application. The hearing became further embattled when the developers challenged the Commission's authority to ask for design alterations, although these were fully consistent with the Historic District Design Guidelines for new construction.

On appeal the Zoning Board's decision ultimately favored the Commission, but rumor that the applicants may still be seeking further legal relief still circulates. It has left the issue unresolved in people's minds, even as the owners' ongoing neglect of the property is interpreted as some sort of retribution for our decision.

Again, lack of legal counsel can undermine and make us vulnerable at the very moment we are arriving at a difficult decision. In this case it may have emboldened the applicants to appeal, a choice that would of course prove costly to the City as well as the applicant. Legal support could actually reduce cost over the long haul, enhance confidence, and encourage respect for the law. It could also assure that decisions will be more timely, and help dispel uncertainty and public doubt.

⁷ A recent instance of an endangered outbuilding was a supposed "barn" that proved to have been a "Milk Depot," a rare survivor of an early and pioneering 20th century public health initiative to lower infant mortality by guaranteeing a safe milk supply. We often do not know what we have until we research it.

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Timely Compliance Follow-up: There are other decisions that somehow remain in limbo because of shortage of staff time and focus, and again perhaps, legal advice.⁸

Two years ago, a private owner did some unsympathetic work on the highly historic Giles House (on Broad Street). The work has remained visible to the street yet somehow below the compliance radar. We would like to be able to revisit this, and get a clear assessment of how much historic fabric and historic integrity have actually been lost in recent modifications of that very important historic landmark.

But this is an issue throughout the district, where there are clearly visible signs of loss and destruction of facade integrity and historic character, many in apparent violation of all City permitting requirements, let alone of the historic ordinance as such.

Yet in an economic atmosphere that may not justify more zealous code enforcement, perhaps these issues can be better addressed by a two-pronged approach that (1) underwrites a somewhat less than formal survey of the district, a piece at a time, by graduate-student preservation interns, and (2) that builds a psychology of code compliance at the grassroots. The latter recommendation is highlighted below under the City's forthcoming partnership with CHABA.

The Bertini Building: There is probably little need to back-and-fill on the infamous history of this building, which last came before the HDC as a request for demolition in 2008. The Commission considered not just the owner's desire to save it, but both its symbolic and its real value as a key contributing structure at the downtown edge of the historic district, with potential something like the recently-restored David Sheppard House for high-profile adaptive reuse. Four years later, because funding has still not been secured, it remains standing, its lifeline uncertain and its adaptive reuse potential unrealized.

One good that came out of the temporary rescue of this structure was the creation of CHABA (the Center for Historic American Building Arts), a community non-profit dedicated to using preservationist tools for creating economic reinvestment incentives. CHABA is now addressing broader district issues with a major workshop program and Design Guidelines adaptation and translation. What it needs now is a cooperative role with City, County and State to build reinvestment tools and partnerships, like a **revolving fund** that could impact the rehabilitation not just of the Bertini but of a number of commercial buildings in the downtown that have similar potential.

The Ferracuta Site: A very high-profile collaborative decision with both the State preservation office and NJDOT last year involved a proposed reconfiguring the Buckshutem Road intersection with Route 49/Broad Street. Here the HDC joined with the SHPO in advising the applicant regarding impact to historic resources. It was a perfect opportunity to bring transportation funding to bear on a historic resource considered vital to the community narrative. Unfortunately, this project is still stuck somewhere in the transport funding pipeline, contributing to sinking hopes for its potential contribution to a Ferracuta revitalization.

But the Ferracuta is not any ordinary site that just happens to be in the pathway of a road. ***It is a potential National Landmark in our own backyard.*** There is a city, state and national moral obligation here, and a city, state and national stake in its survival and adaptive reuse. Demolition by neglect on the City's watch is not an acceptable scenario. Something must be done.



⁸ This uncertainty has been highlighted recently by another matter still needing legal resolution in connection with a mitigation proposal for the Vine Street School project.

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Recommendations:

- (1) **Again, engage legal support for the Commission;**
- (2) **Seek a university public history or preservation internship to do an informal survey of the District for historic code compliance, promoting better-informed recommendations for future action;**
- (3) **Encourage more citizen education, especially of landlords and tenants in areas of the district where rentals abound;**
- (4) **Support collaboration with the new citizen non-profit, the Center for Historic American Building Arts (CHABA) in such an effort, as well as in other roles where it can utilize private as well as public resources, especially in creation of a Revolving Fund for adaptive reuse of downtown properties;**
- (5) **Move the Ferracute into the national spotlight with assistance of the National Trust "National Treasures" initiative and other potential partnerships. Move it to individual Register listing and encourage National Landmarking by the National Register.**

III Community Partnerships: Building Other Collaborative Roles in Preservation/Redevelopment:

Institutional partners (Rutgers University/CompleteCare/County Courthouse)--Pocket Park & Appel Farm--NJ Historic Trust/STL!--Bridgeton Main Street/National Trust--County College--City Park Visioning

Rutgers University/CompleteCare/County Courthouse: Over the past three years, since the official opening of the Sheppard House as an outpost of Rutgers University (and a shared community facility for CHABA and the New Sweden Colonial Farmstead, among others), the Commission has been proud to review and support several major restoration redevelopment projects, including the adaptive reuse of two schools: Irving Avenue as a CompleteCare facility (with federal funding) and the Vine Street School as County legal offices with County and other funding sources. At the invitation of County planner, Matt Pisarski, we had the pleasure of taking a class of UPenn students through the Vine Street School recently to showcase this major instance of adaptive reuse in a distressed urban historic district.

Pocket Park & Appel Farm: The development of the corner of Laurel & Commerce Streets as a "Pocket Park" with a mural largely funded by Appel Farm and PNC, and with support from the Philly Mural Project. enjoyed critical investment by Bridgeton Community Redevelopment and Bridgeton Main Street as well as the Historic District Commission, and has been a welcome sign of community collaboration in developing a new constituency of appreciation for the historic integrity and artistic enhancement of the downtown. We applaud the food-related historic narrative theme and integration of worker and entrepreneurial contributions to it. The entire project's multicultural sensibility represents a stride toward bridging the gap between old and new in city culture.



New Jersey Historic Trust: Our review power can often be a congenial tool for welcoming preservationist initiatives, like the redevelopment of the Old Cumberland Bank Building (and enhancing of its potential for serving Library functions) through state grants and grassroots matching funds. We applaud the City's working with the New Jersey Historic Trust in similar funding initiatives. These have also moved us closer to successful heritage tourism interpretation of the Nail House (former administrative home of the Cumberland Nail & Iron Works) and adaptive reuse of old City Hall. We consider these very positive signs of Bridgeton's historic preservation maturity, and look forward to more such collaborations to come.

Bridgeton Main Street/National Trust for Historic Preservation: Although the Commission has not yet been formally involved in Bridgeton Main Street's downtown facade improvement programs, we welcome such initiatives for bringing a fresh face to Bridgeton's handsome historic commercial frontage. The broader activism of



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the Bridgeton Main Street Association--in targeting economic redevelopment through "culinary arts" in the commercial downtown, in supporting Hispanic merchants (and business diversity generally), and in helping building Cinco de Mayo as a signature Bridgeton festival--will continue to be a valuable part of the successful "sell" of Bridgeton as historic destination. This activism has not only already impacted the downtown but has extended itself into the wider cultural community, with a key role in the success of both the FoodFilmFest and the Crabfest/RiverFest.

It is important to remember that these economic development initiatives of BMSA are deeply rooted in the preservation ethic of the National Trust for Historic Preservation, which actually inaugurated the New Jersey Main Street program with the Bridgeton chapter in 1990. In offering reliable support to the annual Christmas Parade and Holiday House Tour, BMSA has remained true to mission by not only targeting the connective historic downtown along Commerce Street, but simultaneously invigorating a major residential corridor along two sides of the historic district with its East Side/ West Side theme.

BMSA's role in establishing Bridgeton as a PreserveAmerica city has also provided us national cachet and resonance in the preservation community. "Rebranding" Bridgeton as a classic American city both deeply-rooted *and* on the rise offers clear potential for incentivizing economic investment and job development.⁹

Finally, there is BMSA's critical role in building the Youth on Main Street program, and in introducing "Arkidecture"--a project that engages older kids with younger ones and both age-groups with the historic environment of the downtown, and goes a long way toward proving that historic cities are also for the young.

Cumberland County College: We applaud the new County College culinary classes initiative coming to Bridgeton, involving use of the Ashley-McCormick facility. We encourage more of this kind of public-private collaboration wherever possible, and welcome any opportunity to give such initiatives formal or informal Commission endorsement.



City Park Visioning and the Nail House: We have been glad to participate in the recent master-planning initiative for the Bridgeton City Park. Though only a small portion of the park is within official boundaries of the Historic District, this initiative acknowledges it as one of the city's most important historic resources, a "cultural landscape" (to use the official term) of immense significance--to the growth of the city and the interpretation of its history, yes, but above all to its people.

We are also glad to say that several historic structures within the park (the Nail House, the so-called Cooper shop, and the Water Works), as well as the Veterans Memorial and the New Sweden Colonial Farmstead (now being explored for Register eligibility) are all considered potential targets of future public enhancement projects. We hope to see a New Jersey Trust planning grant applied to the future interpretation of the Nail House as "gateway" to the park.

Recommendations:

- (1) **Continue to partner with Rutgers and other major institutions, as well as local institutions, and local businesses in historic rehabilitation projects;**
- (2) **Continue to support and partner with BMSA projects and assure BMSA funding support;**
- (3) **Work with Appel Farm and with regional schools and colleges to encourage more cultural initiatives, and art, artists and artistic enhancement in the downtown as well as good design in the park;**
- (4) **Continue to develop projects that partner with the NJ Historic Trust and the National Trust;**
- (5) **Encourage volunteer participation in Park initiatives, especially the maintenance of the gardens.**

⁹ It is another aspect of the National Trust that could be engaged in promoting rescue of the Ferracute site.



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IV Community Education in Historic Preservation: Building Communication & Understanding of the Role of Preservation in the City's Future

Historic Preservation Awards Program-- Historic Preservation Trust Fund--City Website--Design Guidelines & Other Public Communication Materials



One of our essential ordinance-mandated roles, in addition to monitoring compliance and protecting district integrity, is to assure that the community has some understanding its own history, including its architectural history, and some appreciation for the role and function of the Historic District Commission, not just in upholding the law, but in protecting essential aspects of community quality of life.

Historic Preservation Awards: Toward these ends, the Historic District Commission has been proactive in recently creating an Historic Preservation Awards program. This program, which held its first public event last November, is designed to bring public attention and appreciation to projects that have saved

historic properties, private or public, or protected them in such a way as to enhance neighborhood and community quality of life. Each choice of awardee at last year's ceremony had a very distinctive profile, meant to illustrate the many ways that preservation contributes to the tangible enhancement of the city.

Perhaps our most controversial award was to the Hope VI project. It focussed on quality infill design and construction, and highlighted how these have their proper if limited role in the larger concerns of historic preservation in distressed communities, preserving the integrity of a sense of place even when historic fabric is judged to be no longer viable.

We are now planning our *Second* Annual Awards program and hope it will have some of the same vibrancy and public endorsement as the first. We are confident that it will gain meaning and cachet over the years.

Historic Preservation Trust Fund: Given that there is as yet no line item in the City Budget for the Commission, one strategy for enabling this Awards program was the prior creation of an Historic Preservation Trust Fund. We are very grateful to the Mayor and Council for approving the development of this fund. Because it is a place for monies for historic preservation-related programs, we were able to collaborate with the non-profit Center for Historic American Building Arts (CHABA) in seeking special projects funding from the County Cultural & Heritage Commission that paid for the program, enabling the Commission to both cover costs and direct any surplus back into the coffers of the Trust Fund.

While obviously serving the Award program, this fund can also provide matches for future grants, no small thing, given the cash-strapped City budget. Lacking such funds has sometimes put handsome grant awards for historic preservation (from such agencies as the New Jersey Historic Trust, the State Certified Local Government program, and private foundations like the 1772 Foundation) out of our reach, simply because they require a certain proportional match. Because of the Commission's stake in landmark revitalization, we need to see this Fund developed for such future uses, as well as protected by routine reporting of its uses to the Commission as well as the Council.

City Website & Access to Historic District Information: We recently addressed our concerns for community access to preservation information by requesting that material relevant to the Commission, the Historic District and project reviews be made available on the City website. This has been done to an extent, and we sincerely



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thank the Business Administrator and Web Administrator for these improvements. But we still see some issues and are unsure if they represent accidental or systemic concerns.

One is the sequestering of Historic Commission-related matters in a drop-down menu for "Planning and Zoning Boards." Anyone who has actually navigated the site knows that this page is several hits down the road from the main page, and requires a certain skill to locate, let alone "hit." Once you do hit it, of course, now it is all there: ordinance, map, list of district properties by address, design guidelines, the works. But everyone who has a project with potential historic impact may not intuitively understand that protection of historic properties is a function of Planning & Zoning, and there being no search engine on the site, unsophisticated searchers may hit a dead end and never find what they're looking for.

Is this a fine point? Perhaps. But it has a bigger one embedded in it: a city like Bridgeton, a PreserveAmerica city that we know takes serious pride in its history--the only Cumberland County city on the Bayshore Heritage Byway--a city that has actually made protecting its history the law: shouldn't its website, every day in every way, be building a positive public perception of it as a historic destination? Encouraging users to appreciate the beauty and artfulness of its architecture and the stories of its people? Shouldn't we be boasting of our successful historic restorations and adaptive reuse projects, and promoting ourselves as a mecca for tourism-related initiatives?

Maybe somewhere in the economic redevelopment handbook there's a warning about historic codes as a downer for some kinds of investors and reinvestors. But there's another way to read it, and many historic cities have perfected this lens before us: Love what you own. And, more important, own what you love.

There *is* magic in the web. Give us a website that vaunts our historic district and the marvelous historic, cultural, arts, and yes, culinary initiatives that are bound up in it. And that takes people from there, in one or two easy clicks, to what they need to do to be part of it.

Design Guidelines & Other Public Communication

Materials: CHABA (as we've mentioned) is now developing a series of community workshops to educate owners and renters on the nature of the preservation beast, and how to ride it. The City is already supporting this initiative through CDBG.

We see the potential of such workshops to become routine--annual or bi-annual--and perhaps the CDBG program can continue to make it possible. Such workshops would continue to do what they have just been funded to do this year: involve HD commissioners in communicating, not just adjudicating; build community relationships on the ground, where people live. Help people understand the diverse histories of their own neighborhoods, and how--whether they're owners, landlords or renters--preservation law works and how preservation incentives can enhance the value of their homes and the quality of their lives. Declare the reality that good historic neighborhoods were never meant to be just for the rich.

One essential communication tool is our Design Guidelines document, drafted many years ago from the City of Plainfield guidelines, and while still a vital tool, lacking in user-friendly immediacy for 21st century Bridgeton. It would also be great to have even this one in two languages. But perhaps we need a new version, one that not only affirms the importance of preservation and who's responsible for it, but feels contemporary, cuts through ordinance legalese to spell out a clear process from application to hearing to written post-hearing resolution to appeal process, and gives clear advice for those seeking to do code upgrades and use new replacement materials. And the Commission needs a procedural handbook too, one that gets new members up to speed and puts the historic ordinance into its whole zoning/code-enforcement context.

We should reexamine the present Certificate of Appropriateness too, and make it link in a simple and transparent way to the "Guidelines" document. Both should be as clear and user-friendly as possible. And, yes, it should ALL



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have HIGH visibility on the website. (Can't afford to do these? One more drumbeat for CLG: it's a program that offers grants for such things.)

Recommendations:

- (1) Support the Historic Preservation Awards Program--vocally and publicly;**
- (2) Support and help build the Historic Preservation Trust Fund; make it transparent to the HD Commissioners, and help them find ways to build it;**
- (3) Encourage CHABA in all the ways that integrate Commission concerns and educate the public to the community-building aspects of historic preservation;**
- (4) Improve Website access to information on City history as well as on historic preservation and the Commission;**
- (5) Redo and update our Design Guidelines in English and Spanish and link them to the Certificate of Appropriateness;**
- (6) Create a procedural handbook for commissioners.**

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APPENDIX A

Historic Preservation Ordinance regarding Major and Minor applications:

§ 370-32. Application procedures.

- A.** All applicants shall complete a preapplication form as promulgated by the Commission not less than 10 days before a Commission meeting. An administrative official for the Commission shall be appointed by City Council to serve at its pleasure.
- B.** The administrative official shall review the preapplication form and classify the application in accordance with the relief requested.
- (1)** If the action for which the certificate of appropriateness is requested will substantially affect those characteristics of the district listed on the district's landmark designation, the administrative official shall classify the application as a major application and write the applicant to submit a full application as described in the Commission regulations.
- (2)** If the action for which the certificate of appropriateness is requested will not substantially affect the building or district as stated in Subsection **B(1)** above, then the administrative official shall classify the application as a minor application.
- C.** Process for minor and major applications.
- (1)** Minor applications may be heard and decided immediately upon classification. Such immediate hearing shall be at the administrative official's discretion, if he or she feels there is sufficient evidence on the record at that point. If the official finds that an adjacent property may be affected by the action for which a certificate has been requested, the official may order, as a condition subsequent to the approval of a minor application, that the applicant send certified mail notices of the official's actions to such owners of adjacent property as the adjacent property owners shall have 30 days to file a written objection, absent which the minor approval shall be deemed final. If written objection is received, the official shall refer the matter to the Commission for its consideration and decision. The objector shall have full rights to present evidence and to cross-examine prior witnesses. The Commission shall hear and decide any objection within 45 days of its receipt.
- (2)** Major applications shall be decided within 45 days after an application is declared complete by the Commission Secretary as per § [370-31](#) hereof. In addition to those items required by regulation to be submitted as part of a full application, the applicant shall also submit:
- (a)** A certificate that all property owners within 200 feet of the lot lines of the building property have been sent certified mail notice of the application not less than 10 days before it is to be heard; and
- (b)** Proof of publication of a notice of the application in the newspaper not less than 10 days before it is to be heard.
- D.** The Historic District Commission shall reach a decision the application within 45 days after the Secretary 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 District Commission. The Historic District 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 purposes of this chapter. The Commission shall set forth its decision on each application in resolution form with findings of fact and conclusions. If an application is approved, the Historic District Commission shall forthwith issue a certificate of appropriateness and provide same to the applicant along with a certified copy of the resolution. In case of disapproval, the Historic District Commission shall notify the applicant with a certified copy thereof. A summary of the Commission's action shall be published in the official newspaper.
- E.** In the event that an applicant alleges that compliance with requirements of this section would be an unreasonable hardship and that the nature of his application is such that the minor change sought neither justifies the time and expense of the plenary proceeding nor will impact negatively on the public good nor specifically on the historic qualities sought to be preserved, the Commission, by a three-fifths affirmative vote

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of its full authorized membership, may grant such relief from the requirements of this section as it deems consistent with the public good and the purposes of this chapter.

- E.** An applicant may allege that a certificate of appropriateness should be granted without his fulfilling all of the application requirements set forth herein because the addition or alteration contemplated will not be visible from any place to which the public normally has access and, therefore, that the said addition or alteration cannot adversely affect the public interest. In that event the Commission, by a majority vote of its full authorized membership, upon a finding that the applicant's claim is accurate, may forthwith grant a certificate of appropriateness on that basis.



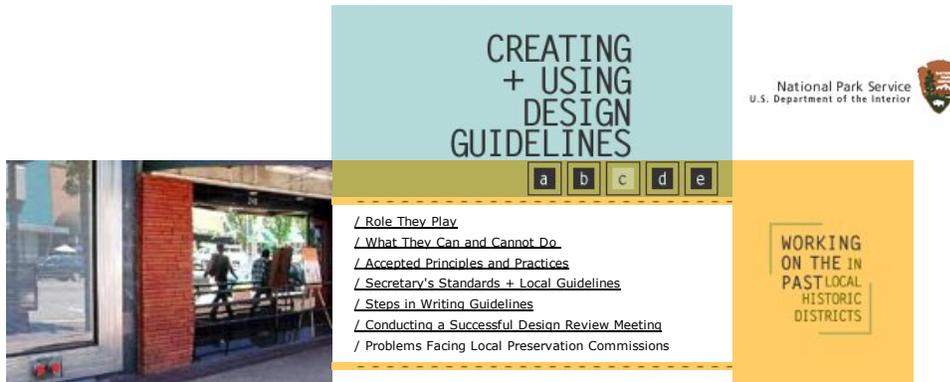
<end of Appendix A>

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APPENDIX B The National Park Service on Commissions

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Creating and Using Design Guidelines



Despite a rapidly growing body of law dealing with the powers of local historic preservation commissions, there are troubling hints that in many communities existing commissions do not (because they cannot) do an adequate job of protecting local resources. There may be several reasons for such a problem:

ONE / A weak local preservation ordinance, which prevents the commission from protecting local resources adequately. This weakness may be of two primary types: ambiguity in language (often resulting from a failure to define key terms) or unnecessary restrictions in basic commission powers. Although there are now several published "model" preservation ordinances, review of an existing local preservation ordinance should always be undertaken by someone familiar with the body of existing case law in a specific state but also aware of national trends in local historic preservation programs.

TWO / Lack of staff support for the commission, which makes it difficult for the commission to issue suitable minutes, to draft certificates of appropriateness and to monitor work on approved projects. Adequate local staff is essential in order for a commission to produce the routine administrative paperwork that any responsible local governmental agency needs to prepare as evidence that it has followed required procedures and reached a clear decision.

THREE / An inadequate budget for the commission's work, which prevents staff and commission members from attending training workshops, national or regional or statewide preservation conferences, and makes subscribing to basic materials which might help the commission in its work difficult or impossible. The National Park Service and National Alliance of Preservation Commission have sponsored helpful statewide and regional training conferences, and the National Trust for Historic Preservation routinely includes in the program for its annual preservation conference several sessions for preservation commission members.

FOUR / Lack of support from a city or county attorney, meaning that challenges to the commission are weakly defended and that basic legal advice to the commission chairman, members and staff about the commission's powers and proper procedures for conducting hearings is unavailable. In extreme cases, a local attorney may have a personal bias that makes it impossible for this individual to provide objective advice, which accurately reflects existing case law.

FIVE / Political interference with the operations of the commission, perhaps taking the form of poor appointments to the commission or a tendency for the city council to overrule the commission almost automatically whenever an owner files an appeal to the council from a commission decision.

SIX/ The failure of commission members to understand the local preservation ordinance they administer and the appropriate role of the commission on which they serve.

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Creating and Using Design Guidelines

What can be done about these problems?



The first approach to a solution is for local preservation leaders to assess the situation and try to identify the basic problem. (Some unfortunate commissions may exhibit all of the symptoms listed above, and help for these commissions will require some careful political groundwork over a period of many months or even years.)

- If a local ordinance is weak, it may be very difficult to strengthen the ordinance until the commission has shown that it can be a helpful player on the local scene. A city council is not likely to give additional powers casually to a commission, which has not yet proved its worth. Advice from the state Certified Local Government Coordinator can be extremely useful in alerting a commission to areas in which its ordinance is weak when compared to other ordinances in its state.
- Contacting a state Certified Local Government coordinator may also be a good way to learn about staffing and budgets for typical preservation commissions across a state. This statistical information can then be used locally to argue for stronger staffing and a more adequate budget for a commission.



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- Commission members, local preservation leaders and representatives of the press should be aware that in many smaller communities the city or county attorney fills this role on a part-time basis and may work on a contract arrangement. Political leaders may be reluctant to permit an expensive outside consultant to devote scarce time to preservation questions until they understand the risks of not providing necessary legal advice to the local commission.
- A beginning preservation commission must bear in mind the importance of its educational activities. Local property owners, the city attorney, and members of the city council must be reminded frequently of the purposes of the new preservation ordinance and the importance to the community as a whole of identifying and protecting its cultural resources. The commission must learn not to be shy about emphasizing its good work and pointing to obvious achievements.
- Each new member of a local preservation commission should be given basic materials to help that member do a better job as a commission member. Some commissions develop notebooks containing copies of state enabling legislation, the local preservation ordinance and any rules of procedure or design guidelines the commission may have adopted. A set of minutes from the commission's previous year may help orient a new commission member. Every effort should be made to convince a new commission member that he or she has serious responsibilities that will need to be addressed in a thoroughly professional manner.

By Stephen Neal Dennis, Washington, DC. This material is based in part on a "Preservation Law Update" issued by the National Center for Preservation Law in 1989 (Update 1989-47, December 7, 1989).

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<end of Appendix B>

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Appendix C: Requirements for Certification of Local Governments

A. The local government shall enforce appropriate State and local legislation for the designation and protection of historic properties and shall comply with Section 106 of the National Historic Preservation Act, as amended.

1. There shall be a local ordinance which includes:

- a. A statement of purpose.
- b. Definitions.
- c. Establishment of a historic preservation review commission (Commission) and a grant of powers to it.
- d. Procedures for the designation of a landmark and a historic district, including but not limited to, notice publication and a public hearing.
- e. Criteria for the designation of a landmark and a historic district.
- f. Procedures for the review of applications for alterations, demolitions, or new construction affecting designated landmarks or historic district.
- g. Standards and criteria for review of alterations, demolitions, or new construction affecting designated landmarks or historic districts.
- h. Definitions of an emergency review and procedures for the adjudication of emergency review applications on an accelerated basis.
- i. Procedures for the enforcement of the provisions of the ordinance, including, but not limited to, the institution of any appropriate action or proceedings to prevent the unlawful alteration, demolition, or new construction effecting a designated landmark or historic district.
- j. Provisions for the Commission to make binding decisions or to recommend denial or approval to a body which has the final decision making authority.

2. In accordance with the New Jersey Register of Historic Places Act, the local government will request the authorization of the Commissioner of the Department of Environmental Protection prior to encroaching upon a resource listed on the State Register of Historic Places.

3. The local government shall demonstrate compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, by entering into a programmatic Memorandum of Agreement with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation for all locally sponsored CDBG and UDAG projects.

B. The local government shall establish by State or local law an adequate and qualified historic preservation review commission (Commission) composed of professional and lay members.

1. The Commission shall consist of a minimum of five members, all of whom have a demonstrated interest, competence, or knowledge in historic preservation.

2. To the extent available in the community, the local government shall appoint professional members from the disciplines of planning, folklore, cultural anthropology, curation, conservation, landscape architecture, architecture, history, architectural history, prehistoric archaeology and historic archaeology who meet the requirements of Appendix A or the National Park Service Professional Qualification Standards. The local government can request from the HPO an exemption from this requirement by demonstrating that a reasonable effort has been made to appoint qualified professionals. However, when any of these disciplines is not represented, the commission shall obtain professional expertise as outlined in Section II.B.8.g.

3. Vacancies on the Commission are to be filled with qualified members within 60 days.

4. The Commission shall hold regular meetings at least 4 times per year and there shall be an attendance rule for Commission members.

5. The Commission shall have by-laws or rules of procedure which are available to the public and which include a section prohibiting conflict of interest.

6. Designation and review decisions must be made in a public forum and applicants must be notified of meetings and advised of decisions.

7. The Commission shall keep written minutes of all meetings and the minutes shall be available to the public.

8. The duties of the Commission shall include:

- a. Maintaining a system for the survey and inventory of historic resources that is

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compatible and coordinated with HPO's state-wide inventory.

b. Making recommendations for the designation of local landmarks and historic districts to the appropriate local governing body. The recommendations shall be based on established written criteria.

c. Reviewing applications for alterations, demolitions, and new construction affecting designated landmarks and historic districts. The recommendations shall be based on established written standards and criteria.

d. Acting in an advisory role to other officials and departments of local government regarding the designation and protection of cultural resources;

e. Acting as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

f. Working toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns;

g. Ensuring that when a discipline is not represented on the Commission, and the Commission considers an action (e.g., development application, National Register nomination) which is normally evaluated by a professional in that specific discipline, the Commission shall obtain professional expertise before rendering a decision. When there are HPO funded preservation staff positions at County Cultural and Heritage Commissions, the HPO will require that staff preservationists to provide CLG commissions in their counties with technical assistance. Commissions should also consider gaining the necessary professional expertise by contacting universities, private preservation organizations, the appropriate County Cultural and Heritage Commission, or by selecting a consultant. All professional experts, whether paid or volunteer, must meet the applicable federal professional qualifications (see Appendix A).

h. Ensuring that all Commission members annually attend either a conference or training workshop on historic preservation issues. The HPO offers annual workshops to provide CLG orientation materials and training to provide attendees with a working knowledge of the roles and operations of federal, state and local preservation programs. In addition, a CLG can request that a representative of the HPO attend a Commission meeting to provide onsite training. The request must be made in writing and be received by the HPO at least 30 days prior to the date of the Commission meeting.

i. Assuming responsibilities which are mutually agreed upon in writing between the HPO and the CLG. The CLG's written certification agreement will outline all responsibilities and requirements, including those indicated in the monitoring checklist in Appendix D.

j. Reviewing all proposed National Register nominations for properties within its jurisdiction. The CLG will be involved in the process in the following manner:

1.) When the nomination materials are received first or initiated by the Commission, the Commission shall promptly notify the HPO and forward a copy of the nomination.

2.) When a nomination within a CLG's jurisdiction is received, the HPO will forward a copy of the nomination to the Commission for its review.

3.) Within 30 days of receipt of any nomination, the HPO will prepare a preliminary determination of the technical completeness of the nomination and forward the determination to the CLG. HPO staff may also provide a preliminary determination on the resource's eligibility.

4.) The Commission shall allow a reasonable opportunity for public comment on the nomination by publicly announcing when the nomination will be discussed and conducting the discussion at a public meeting that complies with the requirements of the New Jersey "Open Public Meetings Act" held within 45 days of receipt of the nomination.

5.) The Commission shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within 60 days of notice from the HPO, that a nomination is technically complete, the chief local elected official shall transmit the report of the Commission and his/her recommendation to the HPO.

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6.) Following receipt of the report and recommendation, or if no such report and recommendation are received within sixty days, HPO shall proceed with processing the nomination under regulations specified in 36 CFR 60 and 36 CFR 61. HPO may expedite the process with the concurrence of the CLG.

7.) Complete applications will be scheduled for presentation to the State Review Board. At least 60 but not more than 120 days prior to the State Review Board meeting, the HPO will notify in writing the property owner(s), the chief local elected official, and the Commission.

8.) If both the Commission and the chief local elected official recommend that a property not be nominated, the HPO shall take no further action, unless within thirty days of the receipt of such recommendation an appeal is filed. If an appeal is filed, the HPO shall follow appeal procedures and any report and recommendations made by the Commission and the chief local elected official shall be included with the nomination submitted by the HPO to the National Register.

C. The local government shall maintain a system for the survey and inventory of historic properties.

1. The local government shall begin or continue an HPO approved process to identify historic properties within the boundaries of the community. The HPO will offer technical assistance to CLG's in developing a survey approach.

2. At a minimum, surveys must:

a. Be compatible with the statewide historic sites inventory and the statewide comprehensive historic preservation planning process.

b. Utilize the HPO's "Guidelines for Architectural Surveys" and Survey System or an HPO approved alternate.

c. Evaluate properties against the criteria for inclusion in the New Jersey and National Registers of Historic Places. A reconnaissance level survey will not provide adequate information to allow definitive evaluations of National Register eligibility, therefore the local government should undertake an intensive level survey, in consultation with the HPO, that will provide the necessary historical research and comparative analysis to evaluate all properties for National Register eligibility.

d. Include archeological sites;

e. Be accessible to the public, except that access to archeological site locations should be restricted, as directed by the HPO according to existing practices.

f. Be available through duplicates to the HPO;

g. Updated at least every other year to incorporate any newly acquired historical documentation and to reflect changes to a resource's integrity or condition.

In order to develop an organized and prioritized approach to the identification, evaluation, registration, protection, and management of resources, CLGs are encouraged to develop a community-wide historic preservation plan. The HPO will provide technical assistance in developing a planned strategy which is compatible with the New Jersey Historic Preservation Plan (NJHPP) and meets the Secretary of the Interior's Standards for Preservation Planning.

D. The local government shall provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

1. All Commission meetings shall be publicly announced, be open to the public, have a previously advertised agenda, and should be held in accordance with the New Jersey "Open Public Meetings Act."

2. All decisions by a Commission shall be made in a public forum and applicants shall be given written notification of decisions of the Commission.

3. Careful minutes of all decisions and actions of the Commission, including the criteria/standards applied and reasons for making these decisions, must be kept on file and available for public inspection.

4. All rules of procedure adopted by the Commission shall be available for public inspection.

E. The local government shall satisfactorily perform the responsibilities listed in points A-D above, according to the Standards specified in Appendix D. [This is a Compliance Checklist]

<end of Appendix C>