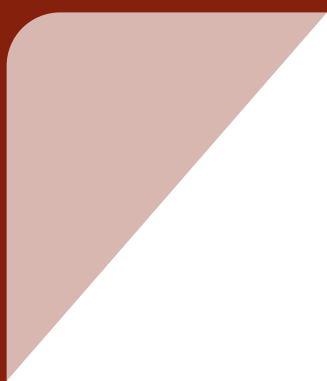


# Review of Applications for Demolition of Historic Structures

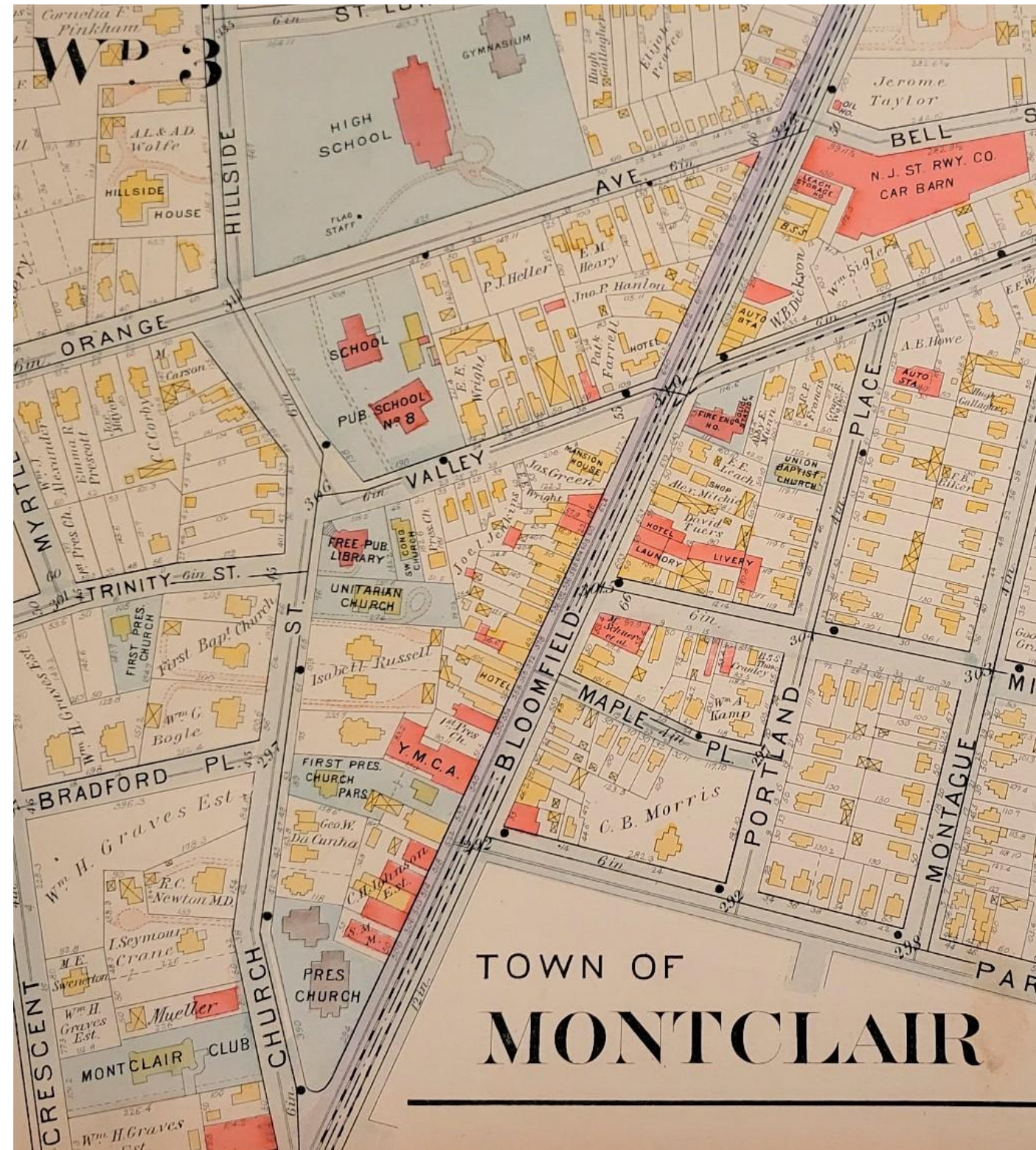
Montclair Historic Preservation Commission  
Certified Local Government Training  
June 2026

Steven Smolyn & Janine G. Bauer

A decorative graphic in the bottom right corner consisting of a light beige square with a rounded top-left corner, partially overlapping the dark red background.

# Agenda

1. Policy Foundation
2. Jurisdiction
3. Scope & Mechanisms
4. Application Contents
5. Review Criteria
6. Findings & Report
7. Case Studies



# Training Objectives



1. Understand the purpose and authority of the demolition ordinance
2. Know the role of the Planning Board or Zoning Board and role of the HPC
3. Distinguish total demolition, partial demolition, and low-impact
4. Apply the ordinance's criteria consistently for recommendations for approvals and denials
5. Build a clear record of written fact findings, and conditions, and confirm them before voting
6. Understand the role of the Planning Dept. staff, the Administrative Officer, and HPC consultant

Policy Foundation

§ 347-142.1 - Demolition of Historic Structures

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| <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1. Demolition of historic structures. [Added 11-18-2019 by Ord. No. O-19-021]</div><div>A. Purpose. In addition to the purposes enumerated in § 347-127:</div><div><div>(1) It is the intent of this article to preserve the integrity and authenticity of historic structures and the character, ambience and stability which these structures bestow on the neighborhoods and the community. The Township's historic structures are woven into the fabric and identity of the community. The demolition of an historic structure is a tear in that fabric that qualitatively changes the ambience and environment.</div><div>(2) It is the Township Council's intent that this article provide notice to current owners and those who in the future will own historic structures that the Township regulates and protects its historic buildings, including prohibiting demolition in cases where the application of the criteria and standards set forth in this article support that conclusion.</div><div>(3) The Township Council recognizes that the Township's property owners and public officials are stewards of the lands and historic structures, committed to encouraging and managing appropriate growth while preserving and protecting the historic and natural environment.</div><div>(4) The jurisdiction and procedures of the Planning Board and Board of Adjustment are intended to regulate what can be built on a particular property, and not whether an historic structure should or should not be demolished. As authorized by the Municipal Land Use Law, N.J.S.A. 40:55D-111, the Historic Preservation Commission has approval power concerning historic preservation over those aspects of a development application not determined by either land use board.</div><div>(5) The Historic Preservation Commission is constituted by statute with the expertise and judgment to determine the impact of the demolition of an historic structure. It is the intention of this section to confer the maximum authority consistent with the Municipal Land Use Law, particularly N.J.S.A. 40:55D-111, to review and approve or disapprove applications to demolish an historic structure.</div><div>(6) The Township Council recognizes that many applications subject to review because of the property location or the broad definition of "demolition" will have little or no impact on the historic context or character of the Township. In order to minimize the delays and costs to both the applicant and the Township associated with such review, this article also provides for an expedited procedure for low-impact cases.</div><div>(7) It is not the intent of this article to discourage contemporary architectural expression or to encourage new construction that emulates existing buildings of historical or architectural interest or of a certain period or architectural style, but to preserve historic structures and the integrity of historic districts for the purposes enumerated in this article.</div></div><div><div>B. Definitions. As used in this section, the following terms shall have the meanings indicated:</div><div>ADMINISTRATIVE OFFICER — For purposes of this Article XXIII, the Zoning Officer.</div><div>HISTORIC BUILDING, SITE OR STRUCTURE — Includes any property historic building, site or structure 1) located in a federally, state- or locally designated historic zoning district;</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div> | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>or 2) located on a federally, state- or locally designated historic site identified on the Zoning or Official Map; or 3) identified as historic or potentially historic in the Historic Preservation Element of the Master Plan with a documented historic survey filed with the New Jersey State Historic Preservation Office. The Department of Planning and Community Development shall maintain a list of properties deemed to be have historic buildings, sites or structures, and a notation to that effect added to the property record in the Tax Assessor's office.[Amended 9-26-2023 by Ord. No. O-23-06]</div><div>PARTIAL DEMOLITION and PARTIALLY DEMOLISHED — Any razing, dismantling, destruction, removal, or demolition of less than 50% of the total building, site or structure as calculated by the surface area of any visible facade, exterior wall and/or architectural element, including removal of a building, site or structure, which may or may not include the foundation.[Added 9-26-2023 by Ord. No. O-23-06]</div><div>PERMIT — Shall have the meaning given in § 347-128.</div><div>TOTAL DEMOLITION and TOTALLY DEMOLISHED — This section shall be applicable to the razing, dismantling, destruction, removal, or demolition (collectively referred to as "demolition") of all or substantially all of any historic building, site or structure, including any publicly visible facade, including removal of a building, site or structure from its site, which may or may not include the foundation. "Total demolition," which is subject to this section, is to be distinguished from "demolition" as defined at § 347-128, which is a broader category that includes total demolition. "Substantially all" of a building, site or structure means at least 50% of the exterior walls or publicly visible facade wall, as measured by the exterior surface area of the building, site or structure. Any demolition (partial or total) proposed within five years of a previous demolition permit issuance for the same property will be considered cumulatively with respect to the percentage of exterior walls or facade demolished or removed when determining whether total demolition is sought.[Amended 9-26-2023 by Ord. No. O-23-06]</div><div>TOTAL DEMOLITION PERMIT — A separate permit distinct from a construction or building permit issued by the Construction Official, specific to enforcement of the Montclair Code zoning provisions concerning historic preservation.</div><div>C. Notice to property owners. No later than 90 days after the effective date of this section, and no later than 90 days after this section becomes newly applicable to a property by way of a documented historic survey being filed with the New Jersey State Historic Preservation Office, adoption of an ordinance by the Township Council designating a new individual landmark property or district, or otherwise, the Township shall notify the owner of each property that as of said date is or contains an historic building, site or structure as defined in § 347-142.1B that said property is subject to the requirements of this section. Notice may be provided by regular mail to the last-known address of the owner of record as found on the Tax Assessor's records. Failure to receive notice shall not relieve the property from compliance with the provisions hereof. [Amended 9-26-2023 by Ord. No. O-23-06]</div><div>D. Permits for total demolition or removal of historic buildings, sites or structures. [Amended 9-26-2023 by Ord. No. O-23-06]</div><div><div>(1) No historic structure shall be totally demolished unless a total demolition permit has been issued as provided in this article. This article is applicable regardless of whether a</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div> | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>demolition permit issued by the Construction Official is required.</div><div><div>(2) This article applies to all historic structures, including those that would be totally demolished in connection with a development application to the Zoning Board or Planning Board.</div><div>(3) No permit shall be issued by the Construction Official to totally demolish an historic structure unless the proposed total demolition is approved by the administrative officer. Applications to the Building Department to totally demolish an historic structure shall be referred by the administrative officer to the Historic Preservation Commission for review and approval prior to the issuance of a total demolition permit.</div><div>(4) A permit to totally demolish an historic structure where a development application has been filed with the Planning Board or Zoning Board of Adjustment shall not be issued during the pendency of the development application or thereafter unless approved pursuant to the requirements of this article. In the event that the development application is denied, withdrawn or terminated for any reason, the total demolition permit shall not issue until the requirements of this article have been followed and completed.</div><div>(5) An order issued by the Fire Official or the Construction Official to demolish an unsafe structure is exempt from the requirements of this article.</div></div><div>E. Procedure and criteria for total demolition approval. [Amended 9-26-2023 by Ord. No. O-23-06]</div><div><div>(1) Supplementary application. An application, or supplementary application, as the case may be, for approval to totally demolish or remove an historic building, site or structure shall be completed and submitted on a form authorized by the Department of Planning and Community Development in cases where:</div><div><div>(a) An application for a total demolition permit for an historic building, site or structure has been submitted to the Construction Official.</div><div>(b) The administrative officer finds that any other permit application to the Construction Official involves total demolition of an historic building, site or structure as defined herein.</div><div>(c) An application for development is filed with the Planning Board or the Board of Adjustment that if approved would require the total demolition or removal of an historic building, site or structure.</div></div><div>(2) Required contents of application for total demolition or removal. The application for total demolition or removal shall include:</div><div><div>(a) Complete photographic record of all exterior elevations, interior spaces, and details of all existing buildings, sites or structures and any adjacent properties pertinent to the history of the building, site, structure or surrounding neighborhood.</div><div>(b) Statement of the need/purposes for the proposed total demolition or removal.</div><div>(c) Written documentation by a qualified historic preservation architect or other design</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div></div> | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>professional as defined by the Secretary of the Interior of: 1) the estimated cost and timing of restoration or rehabilitation of the building, site or structure so as to allow for its reasonable use; 2) evidence of good-faith offers of the historic building, site or structure for sale at a price that does not exceed its reasonable and comparable value to purchasers willing to remove and relocate the historic building, site or structure, at the purchaser's expense, to another location within the Township and/ or to preserve, rehabilitate or restore the building, site or structure, and 3) the time frame for such alternatives to take place. A reasonable and comparable price shall be demonstrated by the applicant by providing evidence such as recent appraisals, comparable sales of buildings similar in location, character, and condition to the building, site or structure proposed to be totally demolished or removed or such other evidence as the Historic Preservation Commission determines to be a reasonable indication of its value. At the request of the applicant, the HPC shall grant a waiver of this requirement upon a finding of good cause, including, but not limited to, instances the property's historic use as a non-profit institution or charitable organization is proposed to continue on-site, or continuous ownership since the period of significance.</div><div><div>(d) Written and pictorial record of the building's, site's or structure's history and architectural features for archival purposes, including, without limitation, all exterior facades as a whole, a street view with surrounding properties, pictures of all features identified in all historical/architectural surveys of the property on file with the Township, the dates of original construction of the building, site or structure to be totally demolished or removed; original documents, maps, drawings, and photographs; the square footage or dimensions of the building or structure to be totally demolished or removed; a brief description of the materials, configuration and use of the existing building, site or structure; significant events and occupants associated with the history of the building or property who are historically significant; architectural features; and a description of the building, site or structure through photographs, plans, and maps.</div><div>(e) Archaeological study of the land that is the subject of the building, site or structure before and/or during total demolition if the property falls within the area demonstrated to have a medium or high probability to contain archaeological resources.</div><div>(f) Preservation or salvage of architectural elements that are proposed for removal and photographic documentation. The Department of Planning and Community Development will provide applicants with local service directories of centers.</div><div>(g) Cost estimate of the proposed total demolition or removal, categorized by site preparation, abatement, physical demolition work, disposal of materials and any other relevant costs.</div><div>(h) Conceptual, design or other plans for any building or structure proposed or planned by the applicant to replace the historic building, site, or structure sought to be totally demolished or removed, including a design of the replacement building or structure, and a statement of how the replacement structure will affect the character</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div> | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>of the neighborhood. At the request of the applicant, the HPC shall grant a waiver of this requirement upon a finding of good cause.</div><div><div>(3) Review criteria for total demolition. With regard to applications to totally demolish or remove an historic building, site or structure, such application to demolish shall be granted if the applicant demonstrates that: 1) the preservation of the historic building, site or structure is not warranted; or 2) the preservation of the historic building, site or structure would impose an undue burden or hardship on the applicant.</div><div>(a) The first element may be demonstrated by evidence that the building's, site's or structure's historic characteristics do not warrant its preservation, based on the following factors:</div><div><div>[1] Its historical, architectural, cultural and aesthetic significance.</div><div>[2] Its use, its intended use and/or the use for which the building, structure or site was originally designed and the feasibility of the continuation of its designed use.</div><div>[3] Its importance to the Township and the extent to which its historical or architectural value is such that its removal will or will not be detrimental to the landmark district and/or to the public interest.</div><div>[4] The extent to which it is of such age, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty and cost.</div><div>[5] The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists or artisans, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the Township a more attractive and desirable place in which to live.</div><div>[6] The probable impact of its removal upon the character and ambience of the landmark district.</div><div>[7] The extent to which the replacement building, site or structure proposed would preserve or not adversely affect the character of the neighborhood.</div></div><div>(b) The second element may be demonstrated by evidence, in consideration of the following factors, that preservation of the building or structure or denial of the permit would impose an undue burden or hardship upon applicant:</div><div><div>[1] The condition, structural soundness, and integrity of the historic building, structure or site and the economic feasibility of its restoration or rehabilitation so as to allow for its reasonable use.</div><div>[2] The threat to the public health and safety as a result of deterioration or disrepair of the historic building, structure or site.</div><div>[3] The technological feasibility of structural rehabilitation.</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div></div> |
| <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div><div>[4] The interference with the charitable purposes of any nonprofit or charitable organization if total demolition is not permitted.</div><div>[5] Such other information and evidence regarding the burdens upon applicant of preservation as the Historic Preservation Commission may reasonably request in writing.</div></div><div><div>(4) Criteria regarding removal and relocation of historic buildings, sites or structures. An application to move the building, site or structure to a new location shall be granted if the applicant demonstrates that: 1) the preservation of the historic building, site or structure is not warranted under the criteria of Subsection E(4)(c)[1] through [6] above; and, 2) moving the historic building, site or structure is technically feasible and would not pose a substantial negative impact to the site, the present historic district, or the proposed district of relocation.</div><div>(a) The first part is satisfied if, upon consideration of the following factors, the building's, site's or structure's historic characteristics do not warrant its preservation:</div><div><div>[1] Its historical, architectural, cultural and aesthetic significance.</div><div>[2] Its use, its intended use and/or the use for which the building, structure or site was originally designed and the feasibility of the continuation of its designed use.</div><div>[3] Its importance to the Township and the extent to which its historical or architectural value is such that its removal will be detrimental to the landmark district and/or to the public interest.</div><div>[4] The extent to which it is of such age, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.</div><div>[5] The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists or artisans, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the Township a more attractive and desirable place in which to live.</div><div>[6] The impact of the loss of integrity suffered as a result of removal from the original and/or historic location; and, if located within an historic district, the impact of that loss of integrity upon the district as a whole.</div></div><div>(b) The second part is satisfied if, upon consideration of the following factors, moving the building, site or structure is not technically feasible and or would not pose a substantial negative impact to the site, the present district, or the proposed district of relocation:</div><div><div>[1] The condition, structural soundness, and integrity of the building, site or structure and the economic feasibility of its restoration or rehabilitation so as</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>to allow for its reasonable use at another site in the Township.</div><div><div>[2] The interference with the charitable purposes of any nonprofit or charitable organization if relocation is not permitted.</div><div>[3] The compatibility, nature and character of the areas adjacent to both the present location and the proposed location as they relate to the protection of historic properties and districts as regulated by this article.</div><div>[4] In the event that a proposed new location is in an historic district, the impact on the visual compatibility of adjacent buildings, structures or sites as set forth in § 347-137C(1) through (12), inclusive.</div><div>[5] The likelihood of significant damage to the physical integrity of the building, site or structure itself.</div></div><div>F. Review.</div><div><div>(1) The Historic Preservation Commission shall review the application for total demolition according to the standards set forth in § 347-137A and § 347-142.1D(2) and (3), and the standards set forth in 36 CFR 60.4, entitled "Criteria for Evaluation" as promulgated by the U.S. Secretary of the Interior, which is adopted and incorporated by reference herein.</div><div>(2) The Historic Preservation Commission may delegate the review of the total demolition application to the Historic Preservation Officer, provided that the Commission by resolution shall adopt or otherwise act upon the Officer's report at a public hearing.</div><div>(3) The Historic Preservation Commission shall report and certify its conclusion to the administrative officer as to whether the subject building or structure possesses cultural, historical or architectural significance which merits its preservation. The Historic Preservation Commission shall present its certification in a written report within 45 days of receipt of a complete application for total demolition. The report shall include, but shall not be limited to: [Amended 9-26-2023 by Ord. No. O-23-06]</div><div><div>(a) A description of the age (noting if the building, site or structure was constructed more than 50 years ago), architectural style, historical associations and significance of the building, site or structure.</div><div>(b) Certification that the building, site or structure is historic as defined in this chapter.</div><div>(c) Certification as to whether the building, site or structure is associated with events that have made a significant contribution to the broad patterns of our local, state, and/or national history.</div><div>(d) Certification as to whether the building, site or structure was associated with the life of a person who made a significant contribution to local, state and/or national history.</div><div>(e) Certification as whether the building, site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction, most especially if no other, or very few, buildings with the same association have survived.</div><div><div>(f) Certification as to whether the building, site or structure has yielded, or may be reasonably likely to yield, information important in prehistory or history.</div><div>(g) Certification as to whether the building, site or structure maintains integrity of:</div><div><div>[1] Location: the place where the historic property was constructed or the place where the historic event occurred; and/or</div><div>[2] Design: the combination of elements that create the form, plan, space, structure, and style of a property; and/or</div><div>[3] Setting: the physical environment of an historic property; and/or</div><div>[4] Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form an historic property; and/or</div><div>[5] Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory; and/or</div><div>[6] Experience: the property's expression of the historic sense of a particular period of time; and/or</div><div>[7] Association: the property's direct link between an important historic event or person and an historic property.</div></div><div>(4) The applicant is required to arrange site access to for the Township and the Township's contracted professional consultants, and reviewing commission members as needed in order to complete a complete review as outlined in this section. [Added 9-26-2023 by Ord. No. O-23-06]</div><div>G. Low-impact applications - expedited process.</div><div><div>(1) If an application meets the criteria for review under this article but, in the opinion of the Historic Preservation Officer following a review of the historic survey for the property, can be granted without a significant adverse impact on the objectives of historic preservation or on any building, site or structure expressly mentioned or discussed in the historic survey, the Historic Preservation Officer may approve the application. [Amended 9-26-2023 by Ord. No. O-23-06]</div><div>(2) If the application is approved by means of this expedited process, the Historic Preservation Officer shall report such approval to the administrative officer.</div><div>(3) The applicant may seek a determination as to whether the application is low-impact by submitting one or more current photographs and basic information about the property on a form provided by the Historic Preservation Officer. If the application is found to</div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div></div>                                                                                                                                                                                                                                                            | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>be low-impact, no further submission will be required.</div><div>H. Findings and decision.</div><div><div>(1) If, after the consideration of the standards and criteria set forth above, the Historic Preservation Commission concludes that the building or structure possesses no cultural, historical or architectural significance which would merit its preservation, or if the Historic Preservation Commission fails to file its findings with the administrative officer within 45 days of referral, the administrative officer shall approve and the Construction Official may issue a total demolition permit.</div><div>(2) If, after the consideration of the standards and criteria set forth above, the Historic Preservation Commission concludes that the subject building and/or structure possesses sufficient cultural, historical or architectural significance which merits its preservation, and the Historic Preservation Commission files its report within the required forty-five-day period, containing its findings and recommendation against the issuance of the total demolition permit or recommendation that the total demolition permit be issued with conditions, then the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be.</div><div>(3) In cases where the approval of a development application by the Zoning Board or Planning Board would result in the total demolition of an historic structure, issuance of a total demolition permit pursuant to this article shall be included as a condition in the Board's resolution of approval.</div><div>(4) The applicant for a total demolition permit may appeal the administrative officer's decision to the Zoning Board pursuant to N.J.S.A. 40:55D-70 and 40:55D-70.2. The Historic Preservation Commission, by one or more authorized representatives, shall appear at the appeal hearing and provide testimony as to the basis for the disapproval. Any person aggrieved by the decision of the Zoning Board may appeal to a court of competent jurisdiction as permitted by applicable law.</div><div>(5) In cases of an appeal of the administrative officer's denial of a total demolition permit or imposition of conditions thereon, the Zoning Board may, in its discretion, hear the appeal together with the development application.</div></div><div>I. Notice of hearing [Added 9-26-2023 by Ord. No. O-23-06]</div><div><div>(1) The applicant for total demolition or for removal and relocation of an historic building, site or structure shall give notice of the date, time and location of the public hearing during which the application is to be heard as follows:</div><div><div>(a) Public notice shall be given by publication in the official newspaper of the municipality at least 10 days' prior to the date of the hearing.</div><div>(b) Notice shall be given to the owners of all real property as shown on the current tax duplicates located within 200 feet in all directions of the property which is the subject of such hearing and all adjoining property which is under common ownership and whether located within or without this municipality. Such notice shall be given by serving a copy thereof on the owner as shown on said current tax</div></div></div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div>                                                                                                                                                                         | <div><div>Township of Montclair, NJ</div><div>§ 347-142.1</div><div>§ 347-142.1</div><div>duplicate or his or her agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his or her address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, a Vice President, Secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a limited-liability company may be made by service upon any member thereof. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas. The requirement of service shall be satisfied by notice to the condominium association, in the case of any unit owner whose unit is above or below it, or horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it.</div><div><div>Downloaded from https://codes360.com/MO0769 on 2026-05-17</div></div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

# Why This Section Exists

## Purpose

- Historic structures contribute to the Township's identity, character, and stability
- Demolition is treated as a permanent loss to community fabric and ambience
- Ordinance establishes that demolition may be restricted or denied where criteria support preservation



Lackawanna Train Terminal ca. 1914

# Jurisdiction

# HPC Authority



**National Historic Preservation  
Act of 1966**



**National Register of  
Historic Places**



**New Jersey Register of Historic  
Places Act of 1970**



**New Jersey Register of  
Historic Places**

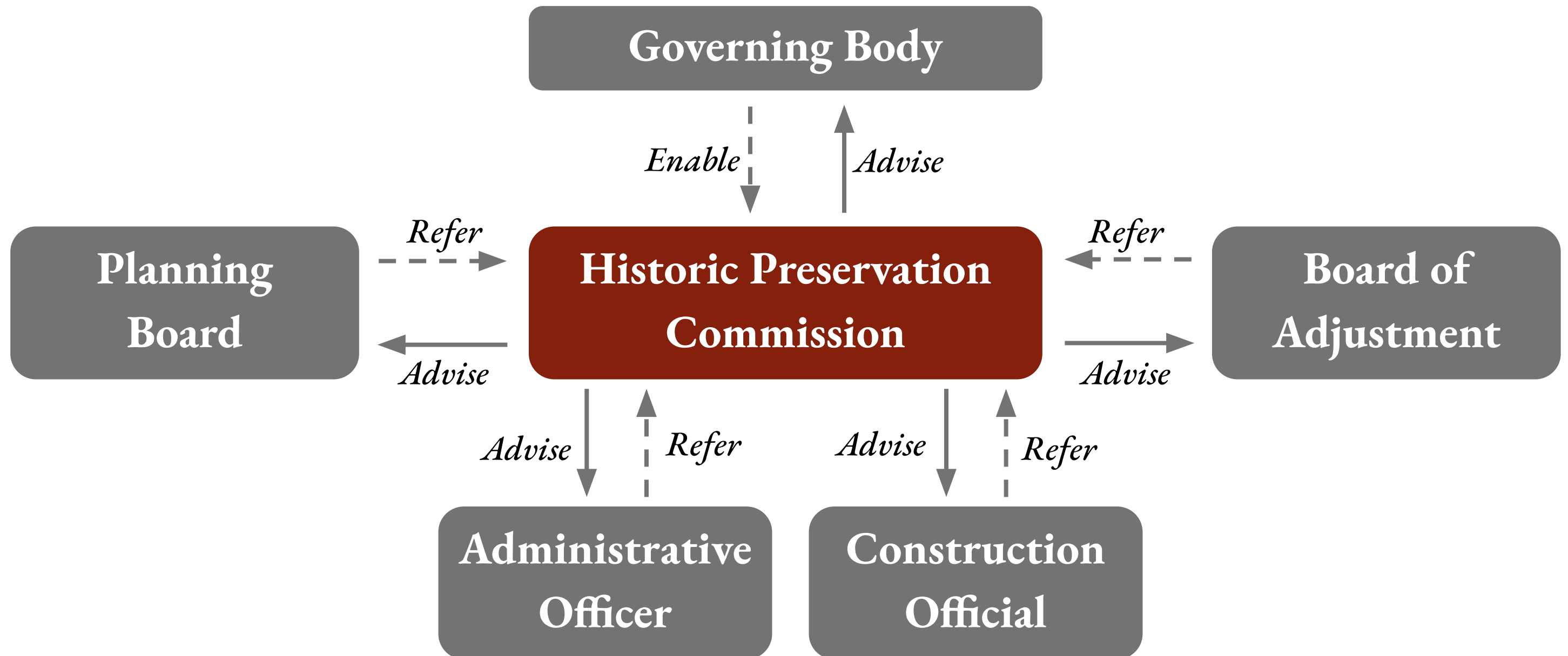
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**Municipal Land Use Law  
(1985 Amendment)**



**Local Historic  
Preservation Ordinances**

# Relationship to Other Bodies



# Governing Body

## Governing Body

- Designates historic sites and districts by ordinance
- May adopt design criteria and guidelines
- Must state reasons if designation is not identified in the Master Plan

Planning  
Board

Historic Preservation  
Commission

Board of  
Adjustment

Administrative  
Officer

Construction  
Official

# Planning Board

Governing Body

## Planning Board

- Prepares Historic Preservation Element of the Master Plan
- Reviews development, subdivision, and site plan applications
- Applies zoning, bulk, subdivision, and site development standards

## Historic Preservation Commission

Administrative Officer

Construction Official

## Board of Adjustment

- Considers appeals of Administrative Officer actions (including HPC recommendations)
- Grants relief of zoning, bulk, subdivision, and site development standards

# Administrative Officer & Construction Official

Governing Body

Planning  
Board

Historic Preservation  
Commission

Board of  
Adjustment

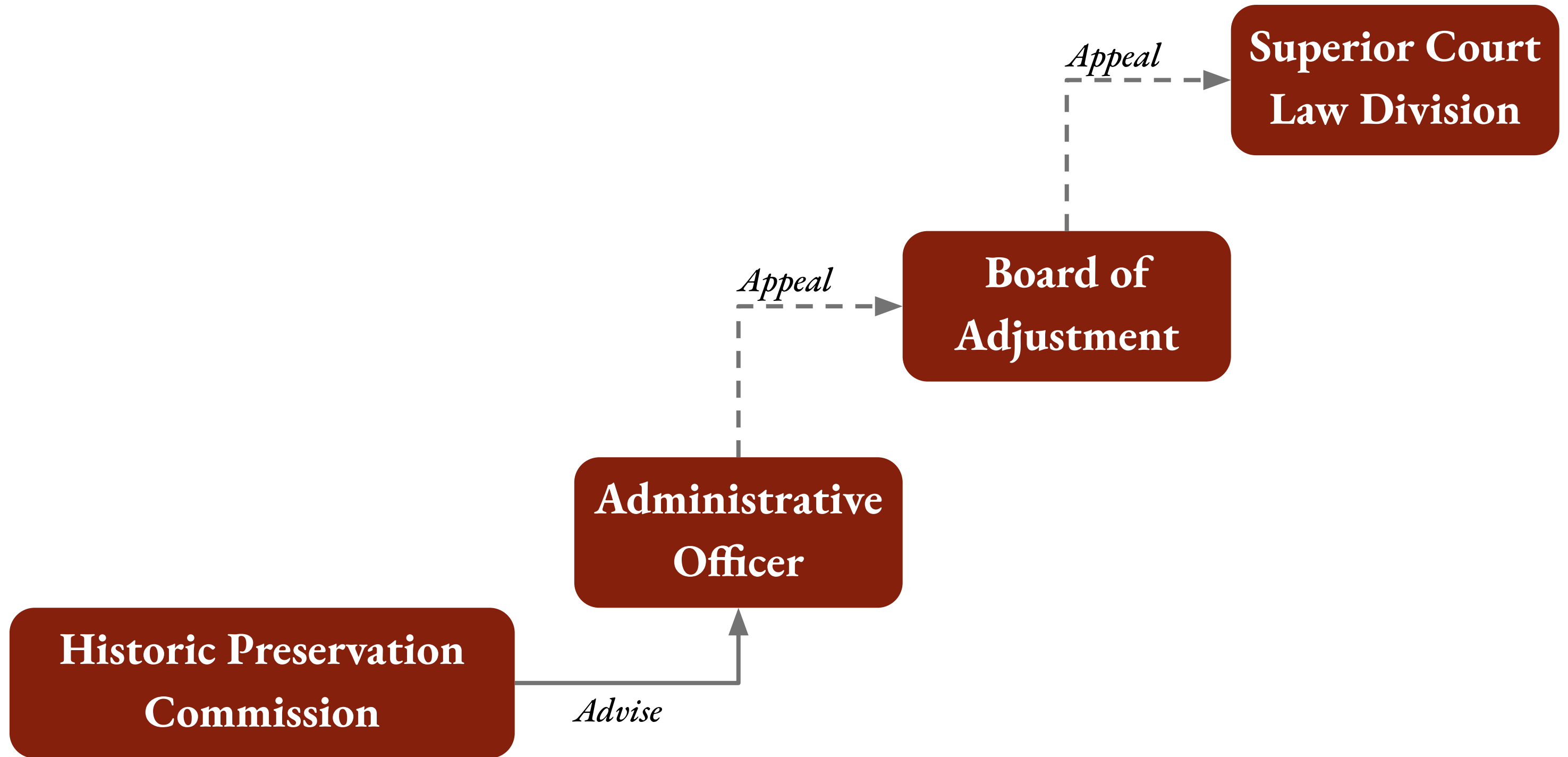
- Zoning Officer
- Refers permit and demolition applications to the HPC
- Implements HPC recommendations as part of permit review

**Administrative  
Officer**

**Construction  
Official**

- Enforces building and property maintenance codes
- May not issue demolition permit until required HPC review is completed

# Appeal Process

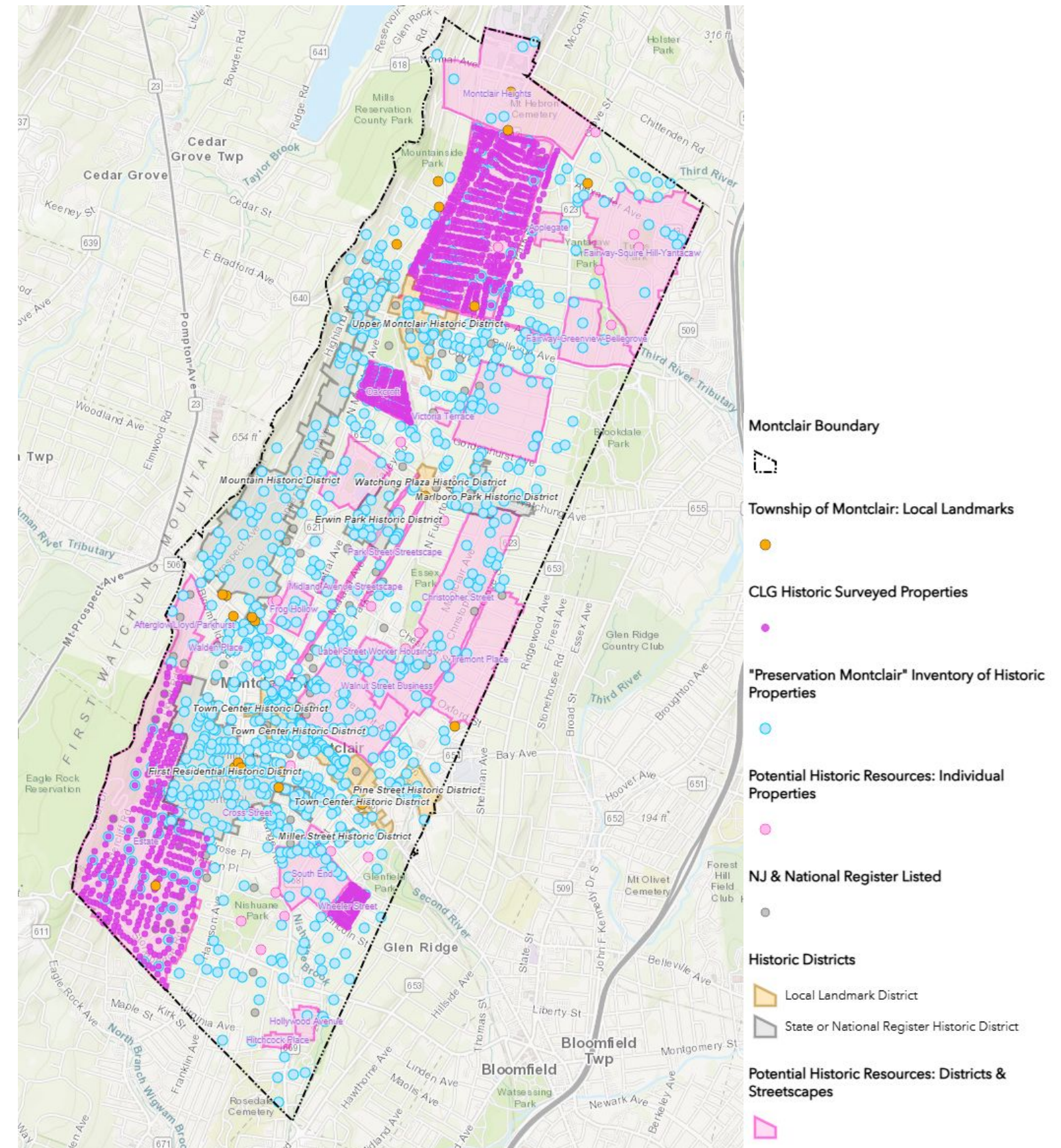


# Scope & Key Mechanisms

# Scope

## Any property...

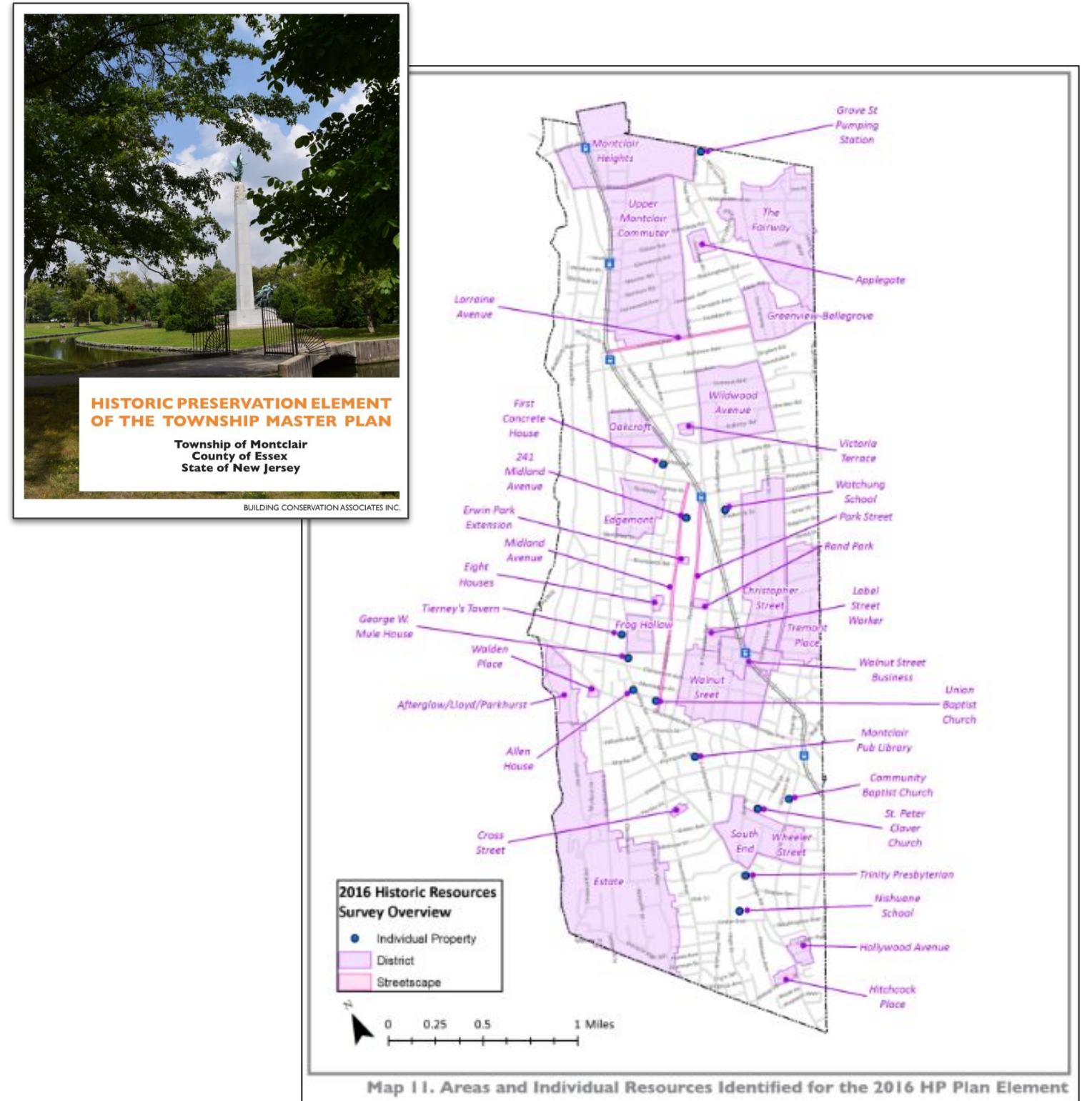
1. Located in a federally, state- or locally designated **historic zoning district**; or
2. Located on a federally, state- or locally designated **historic site** identified on the Zoning or Official Map; or
3. Identified as historic or potentially historic in the **Historic Preservation Element of the Master Plan** with a documented historic survey filed with SHPO



# Master Plan

## Historic Preservation Plan Element

1. Historic sites and districts should be **identified** in the Historic Preservation Plan Element of the Master Plan
2. Based on a **detailed survey** of such properties, sites, objects, etc. by a qualified individual or firm
3. Include **standards** used to assess worthiness for identification, the location and significance, and an analysis of the impact of each component and element of the Master Plan



# Terminology

## Total Demolition

- Razing, dismantling, destruction, removal, or demolition of all or **substantially all** of a historic building, site, or structure.
- Includes removal of a **publicly visible façade**.
- Includes removal of the building, site, or structure from its site, whether or not the foundation remains.
- “Substantially all” means **at least 50% of the exterior walls or publicly visible façade wall**.
- Partial and total demolition **work within five years is counted cumulatively** for the same property.

## Total Demolition Permit

- **Separate permit** required for total demolition of a historic building, site, or structure.
- Distinct from a construction or building permit issued by the Construction Official.

### ***Exception:***

*Demolition ordered for unsafe structures by Fire or Construction Official*

# Triggers

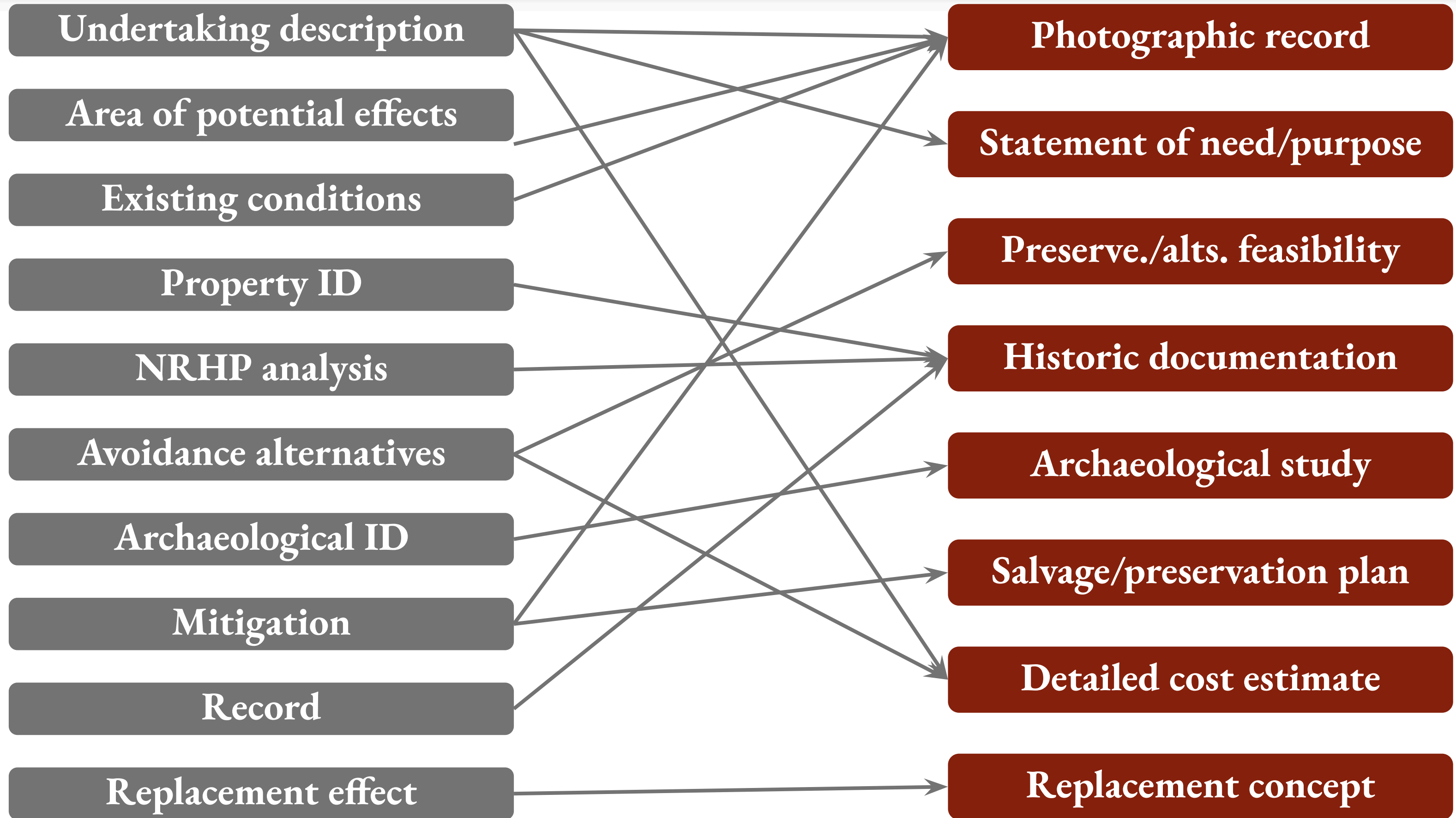
**Application for total demolition submitted to  
Construction Official**

**Another permit application found by the  
Administrative Officer to involve total demolition**

**Development application to Planning Board or Zoning  
Board that would require total demolition or removal**

# Application Contents

# Federal Sec. 106 vs. Montclair Demo Application



# Supplementary Application

**Photographic record**



**Documents existing conditions and context.**

**Statement of need/purpose**



**Explains why demolition or removal is requested.**

**Preserve./alts. feasibility**



**Tests whether alternate to demo is feasible.**

**Historic documentation**



**Historical and architectural record.**

**Archaeological study**



**Identifies potential subsurface historic resources.**

**Salvage/preservation plan**



**Retains or documents significant removable elements.**

**Detailed cost estimate**



**Clarifies the scope and cost of demolition.**

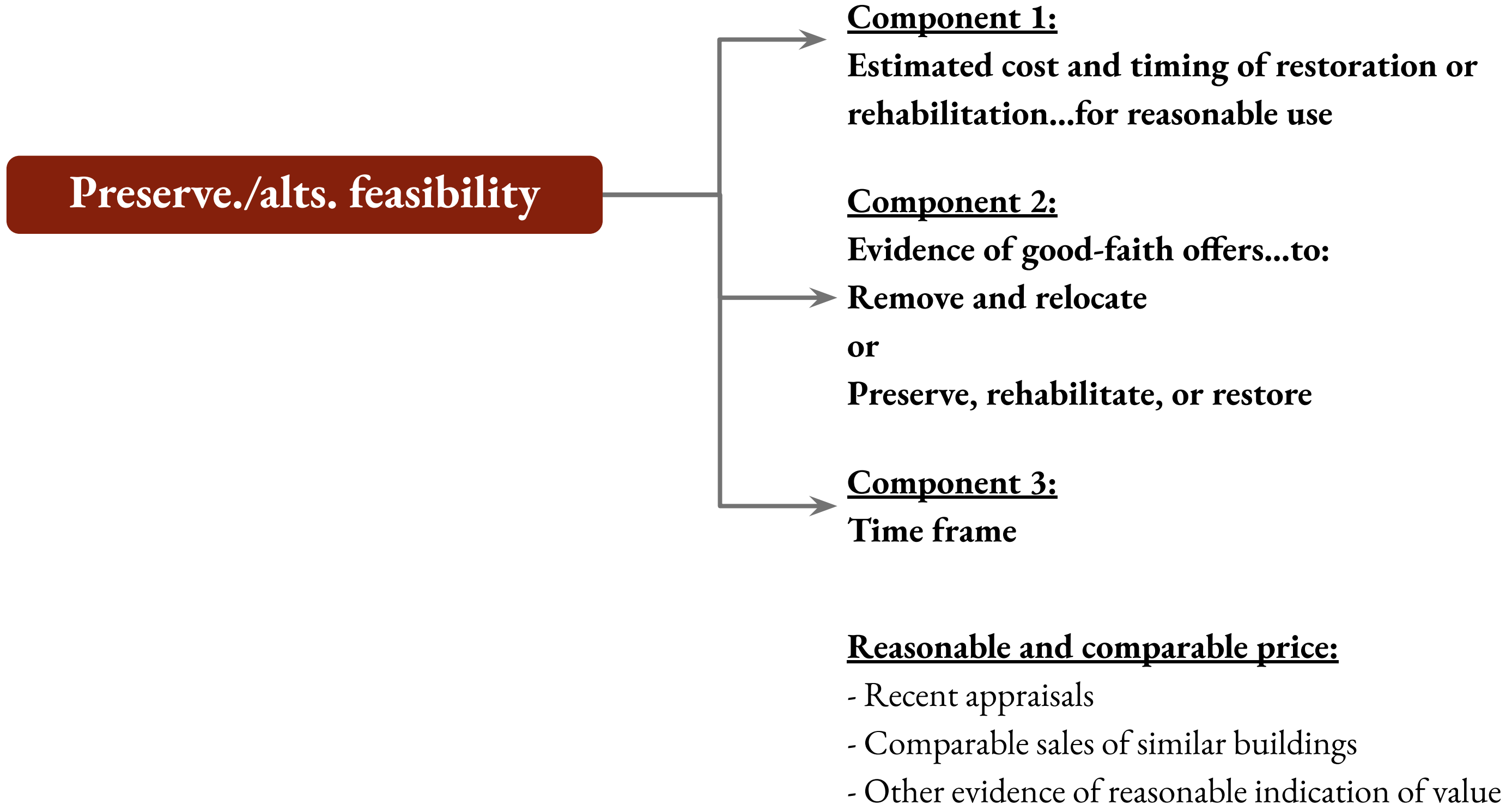
**Replacement concept**



**Shows potential future conditions.**

# Supplementary Application

## Preserve./alts. feasibility



```
graph LR; A[Preserve./alts. feasibility] --> B[Component 1: Estimated cost and timing of restoration or rehabilitation...for reasonable use]; A --> C[Component 2: Evidence of good-faith offers...to: Remove and relocate or Preserve, rehabilitate, or restore]; A --> D[Component 3: Time frame]; E[Reasonable and comparable price:] --> F[- Recent appraisals]; E --> G[- Comparable sales of similar buildings]; E --> H[- Other evidence of reasonable indication of value];
```

### Component 1:

Estimated cost and timing of restoration or rehabilitation...for reasonable use

### Component 2:

Evidence of good-faith offers...to:

Remove and relocate  
or

Preserve, rehabilitate, or restore

### Component 3:

Time frame

### Reasonable and comparable price:

- Recent appraisals
- Comparable sales of similar buildings
- Other evidence of reasonable indication of value

# Waiver of Application Requirements

## Reasonably Necessary

- If information is **reasonably necessary for HPC to make a decision**, it should not be waived.
- Staff or HPC consultant may conduct an initial completeness review.
- The HPC should confirm the completeness determination and any waivers **on the record**.
- The HPC may **request additional information during the hearing** if it becomes reasonably necessary to decide the application.

# Review Criteria

# Historic Significance

Decision about what is important from the past

**Criterion A**  
Event



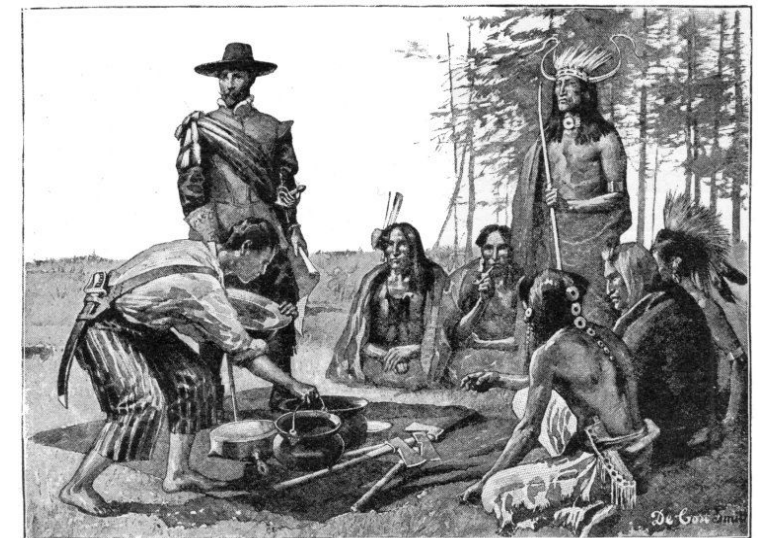
**Criterion B**  
Person



**Criterion C**  
Design / Construction



**Criterion D**  
Information Potential



# Historic Integrity

***Ability of a property or element to convey its historic significance***

**Location**

**Design**

**Setting**

**Materials**

**Craft**

**Feeling**

**Association**

# Demolition Pathways

**Application for Total Demolition**

```
graph TD; A[Application for Total Demolition] --> B[Pathway 1  
Preservation is not warranted]; A --> C[Pathway 2  
Preservation would impose undue burden or hardship];
```

**Pathway 1**

Preservation is not warranted

**Pathway 2**

Preservation would impose undue  
burden or hardship

# Demolition Pathways

## Pathway 1

Preservation is not warranted

1. Historical, architectural, cultural, and aesthetic significance
2. Existing, intended, and designed use; feasibility of continuing designed use
3. Importance to the Township and public interest
4. Rarity of age, design, craftsmanship, texture, or materials
5. Contribution to tourism, education, study, business, civic attractiveness
6. Impact of removal on district character and ambience
7. Effect of replacement building on neighborhood character

# Demolition Pathways

## Pathway 2

Preservation would impose undue burden or hardship

1. Condition, structural soundness, and integrity
2. Economic feasibility of restoration/rehabilitation for reasonable use
3. Threats to public health and safety from deterioration/disrepair
4. Technological feasibility of rehabilitation
5. Interference with the charitable purposes of a nonprofit/charitable organization
6. Any other reasonably requested evidence of burden

# Findings and Report

# Report Purpose

**Establish official record**

**Support Administrative Officer decision**

**Definisibility on appeal**

# HPC Analysis

## Pathway 1

Preservation is not warranted

- Resource lacks sufficient significance or integrity.
- Resource does not meaningfully contribute to district or streetscape.
- Character-defining features have been substantially lost.
- Demolition would not result in unacceptable loss of historic character.

## Pathway 2

Preservation would impose undue burden or hardship

- Applicant demonstrated undue burden with sufficient evidence.
- Rehabilitation, reuse, sale, or relocation alternatives were reasonably explored.
- Reasonable use is not feasible through preservation.
- Hardship is not self-created.

# Case Studies

# *Berardo v. City of Jersey City, 476 N.J. Super. 341 (App. Div. 2023)*



- Following an invalidated “determination of significance” by the municipality’s HPO, Jersey City HPC held a hearing and denied the demolition request;
- The Zoning Board denied the owner’s appeal by a 6–1 vote.
- The house is not landmarked and not within a designated district, but Jersey City’s process allows review of surveyed historic resources.

# *Pansini v. City of Ocean City, 407 N.J. Super. 137 (App. Div. 2009)*



- The Ocean City HPC denied demolition; the ZBA initially reversed, but preservation advocates successfully litigated, and later litigation focused on how the historic ordinance's sale/waiting-period mechanism should work.
- The Appellate Division described the building as a 19th-century former U.S. Life Saving Service / Coast Guard station, one of the last four such East Coast stations, and confirmed that the owner had to comply with Ocean City's historic-preservation demolition procedure.

# *Nadelson v. Township of Millburn, 297 N.J. Super. 549 (Law Div. 1996)*



- The owners sought to demolish a rear garage/wing and construct a large new addition.
- The Millburn HPC denied the application; the owners challenged the ordinance as vague. The court treated the adequacy of standards in historic-preservation ordinances as an issue of first impression in New Jersey and upheld the ordinance framework against the vagueness challenge.

# Appendix

# Preservation Philosophy

- Encourage appropriate growth alongside preservation
- Do not require replication of historic styles in new construction
- Emphasize preservation of authentic historic resources and district integrity



Aerial View of Bloomfield Ave - Montclair History Center

## Historic Preservation Commission

### **Authority grounded in N.J.S.A. 40:55D-111:**

- HPC has primary authority to review demolition permit applications for historic sites and structures within historic districts.
- HPC does not technically approve or deny the demolition permit.
- HPC makes a recommendation to the Administrative Officer or Planning Board.
- For Planning Board or Zoning Board applications, HPC provides an advisory report on historic preservation issues, including demolition.

# Notice

Official newspaper  
(*The Montclair Times*)

All owners within 200'  
(Personal service or Certified Mail)

- **Time:** 10 days' prior to date of public hearing
- **Contents:** date, time location of public hearing

# Low-Impact Application

**No significant adverse impact on historic district**

**Abridged submission**