

BOROUGH OF MOUNTAIN LAKES

MORRIS COUNTY, NEW JERSEY

ORDINANCE 02-17

**“ORDINANCE AMENDING CHAPTER 40 OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF MOUNTAIN LAKES INCLUDING ESTABLISHING A
HISTORIC PRESERVATION COMMITTEE AND ESTABLISHING SPECIAL ZONING
REQUIREMENTS FOR CONTRIBUTING DWELLINGS”**

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 40, Land Use Administration, Article VI, “Historic Preservation,” hereby amended to read in its entirety as follows:

ARTICLE VI

Historic Preservation

§ 40-46 Intended purposes and objectives.

The intention of this article is to effectuate and encourage the protection, enhancement and perpetuation of historic structures and historic landscapes within the Borough, to implement the historic preservation element of the Master Plan, and to advance the following public purposes:

- A. To foster civic pride in the history and architecture of Mountain Lakes and promote the heritage and community identity of Mountain Lakes;
- B. To promote appreciation of historic resources for the education, pleasure and welfare of the local population;
- C. To encourage beautification and private reinvestment in historic resources and surrounding properties;
- D. To discourage the unnecessary demolition of historic resources;
- E. To encourage the proper maintenance and preservation of historic resources.

§ 40-47 Historic Preservation Committee.

A. Establishment.

There is hereby established within the Borough a Historic Preservation Committee, hereinafter referred to as the “Committee,” whose members shall serve without compensation.

B. Responsibilities.

The Committee shall have the responsibility to:

- (1) Prepare a survey of historic sites of the Borough pursuant to criteria identified in the survey report;
- (2) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements and to the Council for the adoption of historic preservation provisions, standards and criteria in the land use ordinances;
- (3) Advise the Council on any features of the annual capital budget that have historic preservation implications;
- (4) Advise the Planning Board and Zoning Board of Adjustment on applications for development;
- (5) Provide guidance to the Zoning Board of Adjustment or Planning Board, as applicable, when applicants seek clarification concerning applicability and eligibility under the Bulk Incentives set forth in this ordinance and on appeals from any decision to deny eligibility for the Bulk Incentives.

- (6) Advise and assist applicants for construction permits, if requested by said applicants, in advance of a formal application concerning applicability and eligibility under the Bulk Incentives set forth in this ordinance.
- (7) Carry out such other advisory, educational and informational functions as will promote historic preservation in the Borough.
- (8) Evaluate historic sites included in the community-wide survey against the criteria for the New Jersey Register of Historic Places and the National Register of Historic Places and prepare nominations for consideration of the State Historical Preservation Officer.

C. Membership.

The Committee shall consist of seven members and two alternates who shall be appointed by the Borough Council.

D. Qualifications.

Members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or a related discipline, to the extent that such professionals are available in the Borough. Committee membership shall include other persons who have demonstrated special interest, knowledge or experience in building design and construction, history, architecture or a related discipline. Members may reside outside of the Borough, except that no more than two members of the Committee shall be nonresidents. Alternate members shall meet the qualifications of regular voting members and shall be designated as Alternate No. 1 and Alternate No. 2 at the time of appointment.

E. Terms.

The initial terms of office of the first regular Committee members shall be for one, two, three or four years, to be designated by the Borough Council in making such appointments in the following manner: one member shall be appointed for one year, two members shall be appointed for two years, two members shall be appointed for three years and two members shall be appointed for four years. The initial terms of office for the first alternate members of the Committee shall be for one year and two years, respectively. The term of each member shall expire on December 31 of the last year of each member's term. All members of the initial Committee shall be appointed within 90 days of the final passage of this article. The terms of appointment of succeeding Committee members shall be for four years each for regular voting members and two years each for alternate members, to expire on December 31 of the last year of such succeeding member's term. Notwithstanding any other provision herein, the term of any member common to the Committee and the Planning Board or the Zoning Board of Adjustment shall be for that person's term of membership on the Planning Board or Zoning Board of Adjustment.

F. Organization.

At its annual organization meeting, the Committee shall elect from its membership a Chairperson to serve as presiding officer of the Committee. The Committee shall also elect a Vice Chairperson from its membership and select a Secretary who may or may not be a member of the Committee. In lieu of a Chairperson and Vice Chairperson, the Committee may elect from its membership two Co-Chairpersons to serve as presiding officers of the Committee on a shared basis.

G. Training.

A majority of Committee members shall attend a conference or training session in historic preservation or a related field. Failure to obtain adequate training may result in removal from the Committee.

H. Vacancies.

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term only, and the appointment shall be made by the Borough Council.

I. Removal.

A member of the Committee may be removed by the Borough Council for cause; provided, however, that such member shall be entitled to a public hearing if he or she requests it.

J. Records and procedures.

The Committee shall keep minutes and records of all meetings and proceedings, including but not limited to voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be matters of public record. All meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-7 et seq. The Committee shall adopt such other procedural rules for the conduct of its business as it deems necessary and advisable. No Committee member shall vote or participate in any meeting concerning any matter in which he or she has a direct or indirect personal interest, monetary or otherwise.

K. Quorum.

A quorum for the transaction of business shall be four regular and/or alternate members.

§ 40-48 Designation of historic landmarks and historic districts.

The Committee shall maintain a comprehensive historic survey of the Borough to identify historic resources. The initial survey shall be the survey conducted in conjunction with, and included in, the nomination of the Mountain Lakes Historic District for listing on the New Jersey Register of Historic Places and the National Register of Historic Places in 2005.

§ 40-49 Special zoning requirements for contributing dwellings.

A. Bulk Incentives.

In order to provide an incentive for the preservation of contributing dwellings within historic districts, the bulk requirements in the Borough zoning ordinance have been enhanced for existing contributing dwellings in historic districts that satisfy the eligibility requirements set forth in § 40-49B. It is intended that properties containing contributing dwellings that satisfy the eligibility requirements will enjoy the full benefit of the Bulk Incentives, in lieu of the corresponding standard bulk requirements, for all purposes under the Borough zoning ordinance, including any improvements to the property unrelated to the contributing dwelling (including but not limited to accessory structures, garages, swimming pools, terraces and driveways) and for the purpose of determining the scope of any variances required by the property owner.

B. Bulk Incentives eligibility requirements.

Properties containing contributing dwellings will be eligible for the Bulk Incentives when all of the following conditions are satisfied with respect to any alterations (including proposed alterations) made to the contributing dwelling after the Bulk Incentives Effective Date:

- (1) *Street-facing facades.* The alterations to any street-facing facade must be compatible with the existing or original structure, and in particular with respect to the primary street-facing facade:
 - (a) The proportion between the width and height of the alterations must be compatible with the primary street-facing facade of the existing or original structure.
 - (b) The proportions and relationships between doors and windows in the primary street-facing facade must be compatible with the existing or original structure.
 - (c) Any alterations consisting of side additions to the primary street-facing facade must have a minimum setback of 12 inches from the plane of the existing primary street-facing facade, and any associated roofline must have a minimum setback of 12 inches from the existing roof line.
 - (d) The following exceptions to the foregoing minimum setback requirements will be permitted where there is, as of the Bulk Incentives Effective Date, an existing side addition or side porch to the primary street-facing facade:
 - [1] an existing open-air porch that does not comply with the 12-inch setback requirement may be enclosed within the existing plane of the porch,
 - [2] an existing side addition that does not comply with the 12-inch setback requirement may be extended a further five feet to the side of the same plane as the existing side addition.

All of the foregoing exceptions are subject to compliance with the overall modified bulk requirements.

- (2) *Height and roof shapes.* The height of the alterations must be compatible with the existing structure. The design of the roof and any dormers must be compatible with the existing roof and dormers. Any alterations must preserve the existing or original roof ridge, roof pitch and overhangs of the existing or original structure, and new or altered dormers must be compatible with the typical styles of dormers associated with the original structure.
- (3) *Architectural details.* Architectural details and materials must be incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the existing or original structure. Windows may be replaced as long as they contain real or simulated divided lights, grille patterns, sizes and shapes that are compatible with the typical style of windows associated with the original structure and otherwise comply with the requirements of this subparagraph (3).
- (4) *Retention of original structure.* After completion of the alterations:
 - (a) 100% of the existing primary street-facing facade width and height must be retained intact consistent with the other requirements of this § 40-49B.
 - (b) At least 75% of the floor area of the original structure as it existed on December 31, 1938 must remain. Interior renovations and any restoration to match the original will not be deducted in determining compliance with the 75% requirement.
- (5) *Approval of exceptions to bulk incentives eligibility requirements.* An owner of a contributing dwelling may seek approval for past or future alterations made after the Bulk Incentives Effective Date that do not strictly comply with the bulk incentives eligibility requirements, provided such alterations are compatible with the existing or original structure as determined by the Zoning Board of Adjustment, upon the recommendation of the Committee, under its authority to decide special questions under N.J.S.A. 40:55D-70(b), provided that no special notice shall be required for such application. In connection with any application for approval under this § 40-49B(5), the Committee may request that the applicant or its architect meet with the Committee to review the alterations that are the subject of the application and submit such documentation as the Committee reasonably requires in order to evaluate the application. Any proposed alterations that receive final approval under this § 40-49B(5) must be commenced within one year from the date of the final approval. Upon final approval of the application and completion of the alterations, the Committee will update any photographic records maintained in connection with this ordinance to reflect the alterations as if they had been made prior to the Bulk Incentives Effective Date. Any alterations approved under this § 40-49B(5) shall be deemed for all purposes under this ordinance, including the checklists and certifications required under § 40-49D(2), to have been made prior to the Bulk Incentives Effective Date.

C. Modified bulk requirements.

The following modified bulk requirements will apply to properties containing contributing dwellings that satisfy the eligibility requirements set forth in § 40-49B:

- (1) Limit on FAR:

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	16%
R-A	21%

- (2) Limit on ILC:

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	24%
R-A	30%

- (3) Minimum side setback (each side and combined total both sides):

<u>Zone</u>	<u>Properties Containing Contributing Dwellings</u>
R-AA	20 ft. minimum side setback; minimum total of 50 ft. both sides
R-A	20 ft. minimum side setback; minimum total of 50 ft. both sides

- (4) Grade Plane Calculations:

A height variance shall not be required for an addition to a contributing dwelling in the event that the addition causes a change in the grade plane calculation, provided that the addition is at least one story lower than the adjoining portion of the pre-existing structure.

- (5) Pre-existing nonconforming setbacks and height:

- (a) A property containing a contributing dwelling with a side setback of less than 20 feet as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming side setback, provided that (1) after the completion of the alteration or improvement, the property complies with the requirement that there be a minimum total side setback of 50 feet on both sides, and (2) the alteration does not result in an increase in the bulk of the portion of the contributing dwelling or any other structure or improvement within the existing nonconforming side setback.
- (b) A property containing a contributing dwelling with a front or rear setback of less than the applicable minimum setback set forth in the zoning ordinance as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming front and/or rear setback, provided that the alteration or improvement does not result in an increase in the bulk of the portion of the contributing dwelling or any other structure or improvement within the existing nonconforming front and/or rear setback.
- (c) A property containing a contributing dwelling with a height (in stories or feet) in excess of the applicable maximum height set forth in the zoning ordinance as of the Bulk Incentives Effective Date that satisfies the eligibility requirements set forth in § 40-49B will still be eligible for the Bulk Incentives, and will not require a variance solely with respect to such existing nonconforming height, provided that the alteration or improvement does not result in an increase in the portion of the contributing dwelling or any other structure or improvement that exceeds such maximum height.

D. Documentation and approval of Bulk Incentives eligibility.

- (1) Eligibility for Bulk Incentives will be determined by the Zoning Officer.
- (2) Whenever an applicant seeks Borough approval of a construction permit in reliance on the Bulk Incentives, or makes any other application to the Zoning Board of Adjustment or the Planning Board relying in whole or in part on eligibility for the Bulk Incentives, the applicant shall submit all of the following as part of the submission of the applicant's application:
 - (a) A fully completed checklist and certification in the form of Appendix A to this article from a New Jersey licensed professional architect that any alterations (including any proposed alterations) made to the contributing dwelling after the Bulk Incentives Effective Date comply with all of the requirements of § 40-49B and that the architect is familiar with the publication entitled, "Historic Mountain Lakes – Restoration and Renovation Handbook." In order to enable access to the foregoing publication by certifying architects, the Committee shall publish such publication on its website and make physical copies of such publication available upon written request.

- (b) In order to facilitate the Committee's periodic review of certifications made under this § 40-49D pursuant to § 40-49F, at least one additional complete copy of the applicant's application, including the checklist and certification required under § 40-49D(2)(a), shall be delivered to the Committee. The Borough shall modify all application checklists, including for construction permits or applications to the Zoning Board of Adjustment or the Planning Board, to include a requirement of confirmation and proof that this delivery requirement has been satisfied by the applicant.
- (3) If the Zoning Officer determines that, notwithstanding the submission of the checklist and certification required under § 40-49D(2), the applicant's application for a construction permit does not comply with the requirements of § 40-49B, the Zoning Officer shall deny the application and provide the applicant with a written statement of the grounds for such denial.
- (4) The applicant may appeal a denial of an application under § 40-49D(3) to the Zoning Board of Adjustment following the procedures under the zoning ordinance applicable to denials of zoning permits generally. The applicant may combine such appeal with an application to the Zoning Board of Adjustment for a variance with respect to the standard regulations as set forth in §§ 245-19 and 245-20.
- (5) The Planning Board or Zoning Board of Adjustment, as applicable, may also determine eligibility for Bulk Incentives in connection with any application for a subdivision involving a lot on which a contributing dwelling is located. Eligibility for Bulk Incentives shall be limited to the lot on which the contributing dwelling will be located after the subdivision and shall be determined using the procedures set forth in § 40-49D(2). Where the subject application for a subdivision does not involve any alterations to the contributing dwelling, eligibility for Bulk Incentives will be measured based on any alterations that have been made to the contributing dwelling after the Bulk Incentives Effective Date and prior to the date of the proposed subdivision.

E. Requests for clarification.

An applicant or architect may request clarification from the Zoning Board of Adjustment or Planning Board, as applicable, for a determination whether a given structure is eligible for the Bulk Incentives or whether a proposed alteration meets the eligibility requirements set forth in § 40-49B for the Bulk Incentives. The Committee will act in an advisory capacity in such requests to the Zoning Board of Adjustment or Planning Board. The Zoning Board of Adjustment or Planning Board shall render its decision no later than 60 days after the date a request is submitted.

F. Review of certifications.

In order to evaluate the effectiveness of the certification process required under § 40-49D(2) in effectuating the purposes of this ordinance, the Committee shall from time to time review applications that have been submitted in reliance on the Bulk Incentives and the accompanying checklists and certifications required under § 40-49D(2) and may make recommendations to the Planning Board and Borough Council regarding potential revisions to this article based on the results of such review.

G. Records relating to alterations to contributing dwellings.

- (1) Whenever a question arises, for purposes of this article, as to the condition of a contributing dwelling on the Bulk Incentives Effective Date, the applicant and the applicant's certifying architect shall have the burden of establishing what the condition of the contributing dwelling was on the Bulk Incentives Effective Date.
- (2) In order to facilitate establishing what the condition of contributing dwellings was on the Bulk Incentives Effective Date, all applicable Borough departments will maintain copies, which may be in hard copy or digital format, of files relating to applications for construction permits relating to contributing dwellings and make such files available to prospective applicants and their certifying architects for inspection and copying upon request. In addition, the Committee may create and maintain a photographic record of contributing dwellings to be used in documenting the condition of contributing dwellings.

§ 40-50 Demolitions and relocations.

A. Demolition of a contributing dwelling.

(1) For any application for a demolition permit for a contributing dwelling, the Construction Official shall issue a demolition permit provided that all of the following requirements have been fully met:

(a) Demolition Notice.

[1] The applicant shall cause to be delivered to the Committee a notice setting forth the following:

[A] The applicant's intent to demolish, including a description of the subject property (by block and lot as well as by physical location) and a description of the contributing dwelling to be demolished; and

[B] The anticipated time frame(s) associated with the demolition.

[2] The notice shall include proof of payment of a non-refundable fee of \$500 to the Borough of Mountain Lakes. This fee shall cover the costs incurred by the Committee and the Borough for review under this Ordinance.

[3] The notice shall be delivered to the Committee either in person at the Borough Hall or by certified mail.

(b) Notice Period. The "Notice Period" shall commence on the date the notice is delivered to the Committee and shall run for a period of time of 90 days.

(c) Documentation. During the Notice Period, the applicant shall, on not less than 10 days' prior notice from the Committee, [1] provide access for a period of four hours during the Notice Period to all interior and exterior areas of the contributing dwelling proposed for demolition to permit documentation of the contributing dwelling, or [2] provide documentation of the contributing dwelling to the Committee in accordance with guidelines established by the Committee. Such documentation may include photographs, floor plans, measured drawings, an archeological survey, and any other comparable form of documentation stipulated by the Committee. Where the applicant elects to provide documentation of the contributing dwelling to the Committee pursuant to § 40-50A(1)(c)[2], the Committee shall send a letter to the applicant either confirming that the applicant has complied with the requirements of this § 40-50A(1)(c) or notifying the applicant of any deficiencies in the applicant's submission. If the Committee does not send a letter to the Applicant within sixty (60) days of the submission, of the Applicant's documentation, the Applicant shall be deemed to have complied with the requirements of this § 40-50A(1)(c).

(d) Confirmation of Compliance. At the conclusion of the Notice Period, if the applicant still wishes to demolish the subject contributing dwelling, the applicant shall perform the following:

[1] File an application for a demolition permit with the Construction Official; and

[2] Provide the Construction Official with an affidavit of delivery relating to the notice to the Committee including a copy of the notice and proof of delivery in person at the Borough Hall or mailing by certified mail; and

[3] Provide the Construction Official with a copy of a letter from the Committee confirming that the applicant has complied in all respects with its obligations pursuant to § 40-50A(1)(c).

(2) *Permit Fee.* The fee for an application for a demolition permit for a contributing dwelling set forth in Chapter 111 shall be increased by a defined amount over the otherwise applicable fee for non-contributing dwellings, which amount shall initially be \$500 as of the Bulk Incentives Effective Date and shall thereafter be adjusted from time to time. This increased fee shall be in addition to the non-refundable fee paid pursuant to § 40-50A(1)(a)[2].

- (3) *Assignment.* No assignment of the rights granted by a demolition permit to demolish shall be permitted.
- (4) *Expiration of Approval.* In cases where demolition is permitted, the demolition permit shall be valid for one year from the date of expiration of the Notice Period. The one-year period shall not be extended.

B. Applicability of Bulk Incentives.

- (1) *Relocations.* A contributing dwelling will not be ineligible for Bulk Incentives solely because it has been relocated from its original site to another location within the boundaries of the historic district.
- (2) *Replacement Dwellings.* The Bulk Incentives set forth herein will not be available for a building which replaces a demolished or relocated contributing dwelling.

§ 40-51 General.

A. Other requirements unaffected.

The requirements of this article shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise provided for.

B. Powers of other boards and committees.

No duties or powers of the Committee shall supersede or infringe on the powers of other Borough boards and committees.

Section 2. Chapter 40, Land Use Administration, Section 40-3, entitled "Definitions", is hereby amended to include the following additional definitions:

BULK INCENTIVES – The modified bulk zoning requirements applicable to contributing dwellings satisfying the eligibility requirements set forth in § 40-49.

BULK INCENTIVES EFFECTIVE DATE – With respect to any contributing dwelling, shall mean, (a) for all contributing dwellings that are described as a "Hapgood" or "Belhall" structure in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, August 11, 2012, and (b) for all other contributing dwellings, April 1, 2017.

COMMITTEE – The Historic Preservation Committee established pursuant to the provisions of this article.

COMPATIBLE – When used in connection with a component of an alteration, shall mean the component is consistent or in keeping with the original structure or the existing structure. In order to be compatible, a component of an alteration is not required to be identical to components of the original structure or the existing structure. Being compatible includes both restoration and replacement of the original structural component.

CONTRIBUTING DWELLING – (1) One of the dwellings that (a) were constructed on or before December 31, 1938, (b) are listed as "contributing buildings" within the Mountain Lakes Historic District in the National Register of Historic Places Registration Form for the Mountain Lakes Historic District, and (c) have not been demolished; and (2) such other structures as are designated as "contributing dwellings" by ordinance upon the recommendation of the Committee and the Planning Board.

The Committee shall publish a listing of contributing dwellings on its website.

DEMOLITION or DEMOLISH – The razing, dismantling or destruction, whether entirely or in significant part, of any designated building, structure, site, object or improvement.

EXISTING– When used in connection with a structure or a component or feature of a structure, refers to such structure as it existed on the Bulk Incentives Effective Date, including alterations deemed to have been made prior to the Bulk Incentives Effective Date pursuant to an approval granted under § 40-49B(5).

HISTORIC DISTRICT – The Mountain Lakes Historic District in the New Jersey Register of Historic Places and the National Register of Historic Places.

HISTORIC RESOURCE – Any buildings, structures, sites, objects, improvements or landscapes which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant.

ORIGINAL– When used in connection with a structure or a component or feature of a structure, refers to such structure as it existed when originally constructed.

PRIMARY STREET-FACING FACADE – For a contributing dwelling that has only one street-facing façade, the primary street-facing façade is such street-facing façade. For a contributing dwelling that has more than one street-facing façade, the primary street-facing façade will be the street-facing façade of the contributing dwelling with the greatest width, with the following exceptions: (i) if the contributing dwelling has a formal (or “front”) entrance door in the street-facing façade facing the street that is also the street of the contributing dwelling’s street address, the primary street-facing façade is the street-facing façade containing such entrance door, and (ii) the owner of a contributing dwelling with multiple street facing facades may designate another street-facing façade as the primary street-facing façade for that contributing dwelling provided that the Committee determines that such designation will better preserve the historic integrity of the contributing dwelling or the historic streetscape.

REPLACE or REPLACEMENT – The act or process of replicating any exterior architectural feature that is used to substitute for a deteriorated or extensively damaged architectural feature.

RESTORATION – The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of later work or the replacement of missing earlier work.

STREET-FACING FACADE – The principal facade of a contributing dwelling that (i) directly faces a street which abuts the property on which the contributing dwelling is located and which is actively used as a roadway for vehicular traffic by the public, and (ii) is at an angle of zero to 45 degrees to the portion of such street that abuts the property. Contributing dwellings located on corner lots and “through lots” shall typically be considered to have two street-facing facades.

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof. Each of the provisions of this Ordinance relating to Bulk Incentives are inseparable from the remainder or any portion thereof, and if any section or provision of this Ordinance relating to Bulk Incentives, including the limitations on eligibility for Bulk Incentives, shall be held invalid in any Court of competent jurisdiction, then all provisions of this Ordinance relating to Bulk Incentives shall be invalid.

Section 4. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: 2/27/2017

Adopted: 3/27/2017

Name	Motion	Second	Aye	Nay	Absent	Abstain	Motion	Second	Aye	Nay	Absent	Abstain
Barrett					X				X			
Hanner	X		X				X		X			
Horst			X						X			
Korman			X					X	X			
Shepherd		X	X								X	
Barnett			X						X			
Holmberg			X						X			

Valerie A. Egan, Borough Clerk

Peter Holmberg, Mayor

LEGAL NOTICE OF FINAL ADOPTION

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Mountain Lakes, in the County of Morris, State of New Jersey, held in the municipal building on the 27th day of February 2017, and the same came up for final passage at a meeting of the said Borough Council on the 27th day of March 2017 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law. By order of the Borough Council of the Borough of Mountain Lakes, County of Morris and State of New Jersey.

Valerie A. Egan, Municipal Clerk

APPENDIX A
CHECKLIST AND CERTIFICATION FOR
ELIGIBILITY FOR BULK INCENTIVES

This Checklist and Certification must be completed, sealed and certified by a licensed architect.

ELIGIBILITY FOR BULK INCENTIVES

Applicant _____

Address _____

Owner _____

Address _____

Block Number _____ Lot(s) _____

Application Number _____

This Checklist and Certification is intended to assist the certifying architect in confirming that any **alterations** (including any proposed **alterations**) made to the **contributing dwelling** after the applicable **Bulk Incentives Effective Date** comply with all of the requirements of § 40-49B. The certifying architect remains fully responsible for ensuring the applicant is eligible for the **bulk incentives**. Certain terms are used as defined in the Mountain Lakes Land Use Administration Ordinance, including those in boldface type. For purposes of this Checklist and Certification, (1) all questions relating to “alterations” refer to all **alterations** (including any proposed **alterations**) made to the **contributing dwelling** after the **Bulk Incentives Effective Date**, and (2) any **alterations** approved under § 40-49B(5) shall be deemed for all purposes to have been made prior to the **Bulk Incentives Effective Date**. Eligibility for the **bulk incentives** is confirmed where all responses are checked to confirm the statement is correct, except where otherwise indicated:

1. _____ The principal **dwelling** located on the applicant’s property is currently listed as a **contributing dwelling** on the Mountain Lakes Historic Preservation Committee’s historic preservation incentives website, is not a replacement constructed after 1938 for a **dwelling** that has been **demolished** on such property, and otherwise satisfies all of the requirements in the definition of **contributing dwelling** in the Mountain Lakes Land Use Administration Ordinance.
2. _____ The applicable **Bulk Incentives Effective Date** for the **contributing dwelling** on the property is:
_____ August 11, 2012 _____ April 1, 2017
3. _____ The **contributing dwelling** has more than one **street-facing façade**. If this is checked, please fill in the blank in the following statement: The **primary street-facing facade** of the **contributing dwelling** is located _____ (describe location).
- 4.1 _____ Check here if the following statement is applicable. [If this item has been checked, you may skip all remaining questions except Questions 20 and 21.]
- 4.2 _____ Check here if the following statement is not applicable, and continue with the next question.

No **alterations** have been (or are proposed to be) made to the **contributing dwelling** after the **Bulk Incentives Effective Date**. [This should only be checked where the application does not involve proposed **alterations** to the **contributing dwelling** -- for example, where the application only involves an improvement to the property unrelated to the **contributing dwelling** (including but not limited to accessory structures, garages, swimming pools, terraces and driveways) -- and there have been no **alterations** to the **contributing dwelling** since the **Bulk Incentives Effective Date**.]

- 5.1 _____ Check here if the following statement is applicable. [If this item has been checked, you may skip Questions 6 through 9 and continue with Question 10 below.]
- 5.2 _____ Check here if the following statement is not applicable, and continue with the following questions.
- No **alterations** have been (or are proposed to be) made to any **street-facing facade** of the **contributing dwelling** (including side additions or enclosures or extensions of side porches) after the **Bulk Incentives Effective Date**.
6. _____ The **alterations** to any **street-facing facade** are **compatible** with the **existing** or **original structure**. (§ 40-49B(1))
7. _____ The proportion between the width and height of the **alterations** is **compatible** with the **primary street-facing facade** of the **existing** or **original structure**. (§ 40-49B(1)(a))
8. _____ The proportions and relationships between doors and windows in the **primary street-facing facade** are **compatible** with the **existing** or **original structure**. (§ 40-49B(1)(b))
9. _____ (If the following is applicable, check here and confirm below that one of the requirements below applies. If not applicable, please write "NA.")
- The **alterations** include side additions to the **primary street-facing facade**.
- 9.1 _____ Any **alterations** consisting of side additions to the **primary street-facing facade** have a minimum setback of 12 inches from the plane of the **existing primary street-facing facade**, and any associated roofline will have a minimum setback of 12 inches from the **existing** roof line. (§ 40-49B(1)(c))
- 9.2 _____ (If the following is applicable, check here and confirm below that one of the requirements below applies. If not applicable, please write "NA.")
- There was, on the **Bulk Incentives Effective Date**, an **existing** side addition or side porch to the **primary street-facing facade** (§ 40-49B(1)(d)):
- 9.2.1 _____ an open-air porch that existed on the **Bulk Incentives Effective Date** and does not comply with the 12-inch setback requirement has been (or will be) enclosed within the **existing** plane of the porch, and overall bulk requirements will be complied with. (§ 40-49B(1)(d)[1])
- 9.2.2 _____ a side addition that existed on the **Bulk Incentives Effective Date** and does not comply with the 12-inch setback requirement has been (or will be) extended no more than a further five feet to the side of the same plane as the **existing** side addition, and overall bulk requirements will be complied with. (§ 40-49B(1)(d)[2])
10. _____ The height of the **alterations** is **compatible** with the **existing structure**. (§ 40-49B(2))
11. _____ The design of the roof and any dormers will be **compatible** with the **existing** roof and dormers. (§ 40-49B(2))
12. _____ The **alterations** preserve the **existing** or **original** roof ridge, roof pitch and overhangs of the **existing** or **original structure**. (§ 40-49B(2))
13. _____ (If the following is applicable, check here and confirm that the requirement below applies. If not applicable, please write "NA.")
- Alterations** include new or altered dormers.

- 13.1 _____ Any new or altered dormers are **compatible** with the typical styles of dormers associated with the **original structure**. (§ 40-49B(2))
14. _____ Architectural details and materials are incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the **existing** or **original structure**. (§ 40-49B(3))
15. _____ (If the following is applicable, check here and confirm that the requirement below applies. If not applicable, please write "NA.")
- Windows will be **replaced** or have been **replaced** since the **Bulk Incentives Effective Date**.
- 15.1 _____ The **replacement** windows contain real or simulated divided lights, grille patterns, sizes and shapes that are **compatible** with the typical styles of windows associated with the **original structure** and otherwise comply with the requirements of this subparagraph (3). (§ 40-49B(3))
16. _____ After completion of the **alterations**, 100% of the **existing primary street-facing facade** width and height is retained intact consistent with the other requirements of this Checklist and Certification. (§ 40-49B(4)(a))
17. _____ After completion of the **alterations**, at least 75% of the floor area of the **original structure** as it existed on December 31, 1938 remains. (Interior renovations and any **restoration** to match the **original** will not be deducted in determining compliance with the 75% requirement.) (§ 40-49B(4)(b))
18. _____ I have read and am familiar with the publication entitled, "Historic Mountain Lakes – Restoration and Renovation Handbook." (Available on the Mountain Lakes Historic Preservation Committee website, or upon written request to the Mountain Lakes Historic Preservation Committee.)
19. _____ To the best my knowledge, any **alterations** to the **contributing dwelling** that were performed after the **Bulk Incentives Effective Date** and prior to the date of this Checklist and Certification, together with any proposed **alterations** (in each case excluding **alterations** that are deemed to have been made prior to the **Bulk Incentives Effective Date** pursuant to an approval granted under § 40-49B(5)), fully comply with the requirements of § 40-49B.

MUST BE COMPLETED FOR ALL CERTIFICATIONS:

20. _____ I have printed and submitted with each copy of this application (1) true and correct color copies of photographs of the **contributing dwelling** located on the property that are currently available on the Mountain Lakes Historic Preservation Committee's historic preservation incentives website representing the condition of the property as of the **Bulk Incentives Effective Date**, and (2) color copies of photographs of the **contributing dwelling** located on the property that accurately represent corresponding views of the **contributing dwelling** as of the date of this certification.
21. _____ I have caused to be delivered to the Mountain Lakes Historic Preservation Committee, in care of the Mountain Lakes Borough Hall, at least one additional complete copy of the applicant's application, including this Checklist and Certification and the photographs required under Question 20.

Certified by: _____.

Print Name: _____

License #: _____

Date: _____