

## **Chapter 2.114 HISTORIC PRESERVATION ADVISORY COMMISSION\***

### **2.114.010 Establishment of a system of historic preservation regulations.**

A. There is created in and for the borough of Freehold a commission to be known as "the historic preservation advisory commission," referred to in this chapter as "the commission." All members shall serve in a voluntary capacity without compensation.

B. It is the intention of the Freehold Borough council that the commission will work with and advise the planning board and the zoning board on the effect of development applications on any improvements located in a historic district or designated historic properties. In addition, the commission shall review all projects affecting the exterior of any improvement located in a historic district or a historic property.

C. This chapter does not require or prohibit any particular architectural style; rather its purpose is to preserve the past by making the past compatible with and relevant to the present. To that end, new construction within a historic district or upon or near a historic property should not necessarily duplicate an exact historic style; however, it must be compatible with and not detract from the historic district or the historic property.

D. The boundaries of the "Freehold Center historic district" including those improvements located therein are established as an overlay zoning district to the borough of Freehold zoning map. Other historic districts or historic properties may be established from time to time according to the criteria enacted by this chapter.

### **2.114.020 Purposes.**

These historic preservation regulations are intended to effect and accomplish the protection, enhancement and perpetuation of especially noteworthy examples or elements of the borough's environment in order:

A. To safeguard the heritage of the borough of Freehold by preserving resources within the borough which reflect elements of its cultural, social, economic and architectural history;

B. To encourage the continued use of historic properties and to facilitate their appropriate use;

C. To maintain and develop an appropriate and harmonious setting for the historic and architecturally significant buildings, structures, sites, objects, or districts within the borough of Freehold;

D. To stabilize and improve property values within the historic district and foster civic pride in the built environment;

E. To promote appreciation of historic properties for education, pleasure and the welfare of the local population;

F. To encourage beautification and private investment;

G. To manage change by preventing alteration or new construction not in keeping with the historic district;

H. To discourage the unnecessary demolition of historic resources;

I. To recognize the importance of resources located outside of a historic district by designating individual historic properties;

J. To urge property owners and tenants to maintain their properties in keeping with the requirements and standards of this chapter;

K. To encourage the proper maintenance and preservation of historic settings and landscapes;

L. To discourage inappropriate alterations of historic properties;

M. To enhance the visual and aesthetic character, diversity, continuity and interest in the borough;

N. To promote the conservation of historic properties and historic districts and to invite and encourage voluntary compliance for all historic resources within Freehold Borough.

#### **2.114.030 Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

"Addition" means the construction of a new improvement as part of an existing improvement when such new improvement changes the exterior architectural appearance of any improvement located in a historic district or a historic property.

"Administrative officer" means the person designated by the borough council to handle the administration of historic project review applications as well as the coordination of building permit applications as referenced in this chapter.

"Affecting a historic property or historic district" means any activity, other than painting, which alters the exterior architectural appearance of any improvement or structure located in a historic district or a historic property, including but not limited to demolition, additions, alterations and new construction.

"Alteration" means any work done on any improvement located in a historic district or a historic property which (1) is not an addition to a property or improvement, and (2) constitutes a change in the exterior architectural appearance of any improvement in a historic district or a historic property by addition or removal or replacement.

"Building" means a structure created to shelter human activity and any outbuildings or accessory structures associated with a principal structure.

“Certificate of Appropriateness” shall mean that document issued by the Commission which is required before any work may be commenced on any historic landmark or building or any building, structure, site, object or improvement located within an historic district.

"Demolition" means partial or total razing or destruction of any improvement located in a historic district or of any historic property.

"Design guidelines" means a set of written and graphic standards that govern alterations or additions to any improvement located in a historic district or a historic property including the construction of new structures in a historic district.

"Development" means any man-made or man-caused change to real estate, including but not limited to buildings and other structures.

"Development application" means any application to the planning board, zoning board of adjustment, building department, zoning officer, code office affecting any improvement located in a historic district or a historic property.

"Disrepair" means the condition of being in need of repairs; a structure or building in disrepair.

"Historic district" means a geographically definable area, urban or rural, small or large, possessing a significant concentration, linkage, or continuity of sites, buildings, structures and/or objects which, viewed collectively:

1. Represent a significant period(s) in the development of the borough; or
2. Have a distinctive character resulting from their architectural style; or
3. Because of their distinctive character can readily be viewed as an area or neighborhood distinct from surrounding portions of the borough.

Resources within a historic district shall be classified as key, contributing, or non-contributing, which are defined as:

1. "Key" means any improvements, buildings, structures, accessory structures, sites or objects which, due to their significance, would individually qualify as a historic property.

2. "Contributing" means any improvements, buildings, structures, accessory structures, sites or objects which are integral components of a historic district either because they date from a time period for which the historic district is significant, or because they represent an architectural style, period, or construction method for which the historic district is significant.

3. "Noncontributing" means any improvements, buildings, structures, accessory structures, sites or objects which are not integral components of a historic district because they neither date from a time period for which the historic district is significant, nor represent an architectural style, period, or construction method for which the historic district is significant.

"Historic preservation advisory commission" means the body which, for the purposes of this chapter, acts as the historic preservation commission as cited in the Municipal Land Use Law NJSA 40:55D-1, et seq.

"Historic property(s)" means any improvements, buildings, structures, accessory structures, sites, areas, objects or districts which possess integrity of location, design, setting, materials, workmanship, and association and which have been determined, pursuant to the terms of this chapter to be:

1. Of particular historic significance to the borough of Freehold by reflecting or exemplifying the broad

cultural, political, economic, or social history of the nation, state or community; or

2. Associated with the historic personages important in national, state or local history; or

3. The site of a historic event which had a significant effect on the development of the nation, state or community; or

4. An embodiment of the distinctive characteristics of a type, period, architectural style, method of construction or engineering; or

5. Representative of the work or works of a locally, regionally or nationally important or recognized builder, designer, artist or architect; or

6. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

7. Able or likely to yield information important in prehistory or history.

"Improvement" means any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction of installation for a period of not less than one hundred twenty (120) continuous days.

"Minor Application" shall mean an Application for a Certificate of Appropriateness which: (a) does not involve demolition, relocation or removal of an historic landmark or a key or contributing resource in an historic district; (b) does not involve an addition to an historic landmark or a property in an historic district or new construction in an historic district; (c) is a request for approval of windows, doors, roofing, fences, signs, awnings, porches, railings, steps, materials, finishes, exterior lighting, solar panels, communication devices, sidewalks, paving, or streetscape work and any other work subject to public view which will not substantially affect the architectural characteristics of the historic landmark or the historic district; or (d) is a request for a construction field change for a Certificate of Appropriateness which has already been issued and which meets the criteria of paragraph c above.

"Minor Work Review Committee (MWRC)" shall mean the members of the Commission appointed by the Chair at the annual organizational meeting, or from time to time as needed. The MWRC shall consist of the Chair and two other members and shall be responsible for reviewing

minor applications and applicant exemption requests with the assistance of the Administrative officer.

"Object" means a thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature of design, movable yet related to a specific setting or environment.

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

"Overlay zone district" means a zoning district made up of underlying zone districts or parts of zone districts as shown on the borough zoning map. An overlay zone district controls certain standards with the exception of bulk and use requirements, which are controlled by the underlying zone district(s).

"Removal" means to partially or completely cause an improvement, building, or object or portion of same to change to another location, position, station or residence.

"Repair" means any work done on any improvement located in a historic district or a historic property which:

1. Is not an addition to the property or improvement; and
2. Does not change the exterior architectural appearance of the property or any improvement.

"Replacement" means repairs affecting the exterior architectural appearance of any improvement located in a historic district or a historic property.

"Site" means the place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may also be the location of a ruined building, structure, or object if the location itself possesses historic, cultural, or archeological significance.

"Staff" shall mean the Chairperson, Vice-Chairperson, the Administrative officer and such other consultants or officials as may from time to time be retained and/or employed to provide application review services to the Commission.

"Structure" means any man-made work arranged in a definite pattern of organization, including but not limited to rooftop structures, communication towers, antennas, satellite dishes and mechanicals.

"Underlying zone district" means a zoning district which forms a constituent part of an overlay zone district. Underlying zone districts control bulk and use requirements.

#### **2.114.040 Application of provisions.**

The following regulations shall apply to all improvements located in a historic district and to all historic properties which are designated in accordance with the procedures outlined in Section 2.114.060 herein.

A. Permitted Uses. All uses permitted for any improvements located in a historic district or for a historic property or shall be those designated by the official zoning map and zoning ordinance.

B. Area and Height Regulations. The maximum building height, minimum lot size, maximum coverage, etc., shall be as provided in the zoning ordinance for the respective zones, except that the planning board or zoning board may grant variances and waivers from such regulations where necessary to preserve historic characteristics.

#### **2.114.050 Historic preservation advisory commission.**

A. The historic preservation advisory commission shall consist of nine members and two alternates who shall serve without compensation, except that the commission members shall be reimbursed for reasonable and necessary expenses incurred in the performance of official business, including attendance at annual training sessions and/or programs that relate to historic preservation, within the guidelines of the budget established by the borough council for the commission.

B. The commission positions shall be filled by people who are interested in and qualified to contribute to the preservation of historic buildings, structures, sites, objects and districts. The commission shall represent the following categories:

Class A - Persons who are knowledgeable in building design and construction or in architectural history.

Class B - Persons who are knowledgeable or have a demonstrated interest in local history.

Class C - Persons who are residents of the borough and who hold no other municipal office, position, or employment except for membership on the planning board or zoning board.

There shall be at least one member from each class A and class B; these members may reside outside the municipality. Alternate members shall meet the qualifications of class C members. In making appointments to the commission, recognition should be given to the desirability of having participation from owners of property in the district.

A member of the Freehold Borough Council shall be designated as liaison between the historic preservation advisory commission and the council.

C. Commission members shall be appointed by the mayor and shall serve for three-year terms, except that of the first members appointed, two members shall serve for one year, two

members shall serve for two years, and three other members shall serve for three years. The alternate members shall initially serve two-year terms. The mayor shall designate at the time of appointment the regular members by class and the alternate members as Alternate No. 1 and Alternate No. 2. All members may, at the expiration of their terms, be eligible for appointment to three-year terms. If a commission member is also a planning board or zoning board member, the term of office as a commission member is the same length as the other board position.

Vacancies shall be filled in the same manner in which the previous incumbent was appointed and such vacancy appointment shall be only for the balance of the unexpired term.

D. The commission shall adopt internal rules and procedures for the transaction of its business, subject to the following:

1. The commission shall annually elect from its members a chair and vice-chairperson.
2. A quorum for the transaction of all business shall be four members.
3. All commission minutes and records are public records and all commission meetings shall comply with the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq.
4. The commission may employ, designate or elect a secretary who need not be a member of the commission. The secretary shall keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be made public record.
5. Commission meetings shall be scheduled at least once every month or as often as required to fulfill its obligations to advise the planning board, zoning board or borough council.
6. No commission member shall be permitted to act on any matter in which he or she has either directly or indirectly any personal or financial interest.
7. A member of the commission may, after public hearing if he or she requests it, be removed by the borough council for cause.

E. The commission's responsibilities include:

1. To review the Freehold Borough historic sites inventory and, as needed, to update said material to incorporate any newly acquired documentation and to reflect changes to the integrity or condition of a historic resource;
2. To recommend to the planning board and the borough council any additional sites to be designated as historic properties in accordance with the procedures established in Section 2.114.060 herein;

3. To recommend to the planning board and the borough council any additional areas to be designated as historic districts in accordance with the procedures established herein;

4. To conduct research on and, as needed, to nominate any significant historic resources to the state and national register of historic places;

5. To recommend to the planning board criteria to be used to identify historic properties and to assist in the review of projects affecting the exterior of any improvement in a historic district or a historic property. The planning board may recommend modifications to the criteria and shall make the final decision as to their adoption;

6. To advise the planning board and zoning board on how development and zoning applications affect historic properties or a historic district in accordance with the procedure established herein;

7. To review all major actions, including those involving building permit applications, which affect the exterior architectural appearance of any improvements in a historic district or a historic property; to advise the planning board on the determination of said requests in accordance with the procedure established herein;

8. To review all major actions and applications for actions affecting the exterior architectural appearance of any improvement in a historic district or a historic property and to make recommendations to the planning board, zoning board, building department and code officer in accordance with the criteria outlined herein;

9. To collect and disseminate material on the importance of historic preservation and techniques for achieving same; to advise all municipal agencies regarding the goals and techniques of historic preservation;

10. To assist other public bodies in aiding the public in understanding the significance of historic resources and methods of historic preservation;

11. To advise the borough council on the relative merits of proposals involving public lands to restore, preserve and protect historic buildings, places and structures, including the preparation of a long range plan; therefore securing state, federal and other grants in aid to assist therein and monitoring such projects once underway;

12. To secure the voluntary assistance of the public, and within the limits of the budget established by the borough council for the historic preservation advisory commission's operation, to retain consultants and experts and incur expenses to assist the historic preservation advisory commission in its work;

13. To cooperate with local, county, state or national historic societies, governmental bodies and organizations to maximize their contributions to the intent and purposes of this chapter;

14. To request the borough council to seek, on its own motion or otherwise, injunctive relief for violations of this chapter or other actions contrary to the intent and purposes of this chapter;

15. To advise and assist the planning board during the preparation and/or update of the historic preservation element of the master plan;

16. To prepare and distribute design guidelines to be utilized for application reviews and to foster appropriate rehabilitation of any improvements in a historic district and historic properties;

17. To advise and assist property owners and other persons and groups, including neighborhood organizations which are interested in historic preservation;

18. To undertake educational programs, including the preparation of publications aimed at stimulating interest in historic preservation and fostering sensitivity towards historic resources, and the placing of historic markers on places of historic interest;

19. To report at least annually to the borough council on the state of historic preservation in the borough, and recommend measures to improve same;

20. To adopt and promulgate such regulations and procedures, consistent with this chapter as are necessary and proper for the effective and efficient performance of the duties herein assigned;

21. To perform any other lawful activities which shall be deemed necessary to further the purposes of this chapter;

22. To provide the above responsibilities, in an advisory capacity, for historic resources listed in the historic sites inventory, which are located outside of the historic district and are not officially designated as historic properties.

23. To sponsor, promote, coordinate, participate in community events that highlight or promote the historic resources, historic preservation and techniques and the historic significance of the structures and buildings in Freehold Borough. In furtherance of this purpose, the commission may raise funds and charge fees for such events to offset the costs thereof, and to raise funds to achieve the goals of the commission. All fees charged and funds raised by the commission shall be paid to the borough, which shall be earmarked for the use of the commission in furtherance of its goals and purposes. The fee structure for each event must be reviewed and approved by the governing body by resolution.

24. To provide grants for the preservation of historic structures, sites, buildings within the historic district or of significant historical significance, whether within or without the historic district. The commission shall, by resolution, adopt procedures, criteria and guidelines for the issuance of such grants, which procedures, criteria and guidelines must be approved by the governing body by resolution. The procedures, criteria and guidelines shall be kept on file in the borough clerk's office.

25. To review and render determinations regarding applications for Certificates of Appropriateness as set forth in this article.

**2.114.060 Designation of historic properties, historic districts.**

A. There is established the Freehold Center Historic District as set forth on the map attached hereto and made a part hereof, a copy of which shall be on file in the borough clerk's office. This chapter affects all nonresidential property, all residential rental property and all improvements and buildings located in the district. Non-income-producing residential property shall not be subject to the provisions of the chapter. The Freehold Center Historical District is significant for the reasons set forth in the introduction to the ordinance codified in this chapter.

B. In addition to the improvements, buildings, structures, objects and sites identified as within the Freehold Center historic district, the commission shall recommend additional districts and at the request of the owner, consider for historic property designation, any individual improvements, buildings, structures, objects, and sites within the borough which merit historic property designation and protection, possessing integrity of location, design, setting, materials, workmanship of association and being:

1. Of particular historic significance to the borough of Freehold by exemplifying the broad cultural, political, economic, or social history of the nation, state, or community; or

2. Associated with historic personages important in national, state, or local history; or

3. The site of a historic event which had a significant effect on the development of the nation, state, or community; or

4. An embodiment of the distinctive characteristics of a type, period, architectural style, method of construction or engineering; or

5. Representative of the work or works of a locally, regionally or nationally important or recognized builder, designer, artist or architect; or

6. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

7. Able or likely to yield information important in prehistory or history.

C. Based on its review or upon the recommendation of other municipal bodies or of concerned citizens, the commission may make a list of additional historic resources recommended for historic property designation. For each historic property, there shall be a brief description of the historic property, of the historic property's significance pursuant to criteria in subsection B of this section, a description of the historic property's location and boundaries, and a map siting. The commission shall, by certified mail:

1. Notify each owner that his or her property is being considered for historic property designation and the reasons therefor;

2. Advise each owner of the significance and consequences of such designation, and advise him or her of his or her opportunities and rights to challenge or contest such a designation;

3. Notify each owner of the public meeting to be held in accordance with this chapter.

D. The list of potential additional historic properties as well as the descriptions, significance, location, boundaries, and map siting of each shall be subject to a review at a commission public hearing. At least ten (10) days before such a hearing, a preliminary list and map showing proposed additional historic properties shall be published, together with notice of the hearing, in an official newspaper of the municipality. At the hearing, interested persons shall be entitled to present their opinions, suggestions and objections on the proposed recommendations for historic property designation. The commission shall then prepare a concise report, including a map and a list of its recommendations for sites to be designated as historic properties. Copies of the report shall be delivered to the borough business administrator, the borough council, the planning board and the borough clerk and a notice of the action published by the commission secretary in an official newspaper of the borough. The published notice shall state the commission's recommendations and also that final designation shall be made by the borough council at a public meeting specified on a date not less than fifteen (15) nor more than forty-five (45) days from the date of publication. The borough council shall then consider the designation list and map, and may approve, reject or modify same by ordinance. Once adopted, the designation list and map may be amended in the same manner it was adopted. Upon adoption, the designation list and map shall also be incorporated by reference into the municipal master plan and zoning or ordinance as required by state enabling legislation.

E. Copies of the designation list and official map as adopted shall be made public and distributed to all municipal agencies reviewing development applications and building permits. A certificate of designation shall be served by certified and regular mail upon each owner included on the list.

#### **2.114.070 Certificate of Appropriateness.**

A. When Required.

A Certificate of Appropriateness (or "CA") issued by the Commission shall be required before any work is commenced on any historic landmark or within any historic district, whether or not a construction permit is required for such work, including but not limited to the following activities listed below. Work associated with a development application requiring ultimate approval by the Planning Board is not exempt from this requirement for those historic aspects of the work not addressed as part of the application for development.

1. Changing the exterior appearance of any building, structure, site, object or improvement by addition, reconstruction, alteration or replacement, including, but not limited to, the addition or alteration of windows, doors, roofing, fences, signs, awnings,

porches, railings, steps, materials, finishes, exterior lighting, solar panels, communication devices, sidewalks, paving, or streetscape work except for the activities described in subsection B below.

2. Demolition of any building, structure, site, object or improvement.
3. Relocation of a principal or accessory building, structure, site, object or improvement.
4. Any addition to or new construction of a principal or accessory building, structure, site, object or improvement.

**B. When Not Required.**

1. A Certificate of Appropriateness shall not be required before a permit is issued by the administrative officer for changes to the interior of a structure.

2. A Certificate of Appropriateness shall not be required for exterior repainting or interior painting of existing structures. If an exterior material, finish or surface is to be painted which was not previously painted, a Certificate of Appropriateness will be required.

3. A Certificate of Appropriateness shall not be required if, in the opinion of the appropriate Commission subcommittee, the work contemplated constitutes “ordinary maintenance and repair” as defined by this article. In such cases, and if a permit is required for the proposed work, the Commission shall promptly notify the administrative officer that a Certificate of Appropriateness is not required as a prerequisite to the issuance of the permit.

4. A Certificate of Appropriateness shall not be required for structural repairs which do not alter the exterior appearance.

5. A Certificate of Appropriateness shall not be required for any changes, additions or alterations not visible from a public right-of-way other than relocation or demolition.

6. When a historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark and/or health and safety of its occupants or others. Emergency repairs shall be performed only in accordance with the following procedure:

- a. When, a historic landmark or key or contributing historic district resource requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with the applicable construction codes immediately upon approval of the Construction Official, who shall certify that a bona fide emergency of the type described herein exists, without first obtaining a Certificate of Appropriateness from the Commission. Under such circumstances, the repairs performed shall be

only such as are necessary to preserve the continued habitability of the building or structure and/or health and safety of its occupants or others. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or structure.

b. Simultaneously with the commencement of the emergency work, the property owner shall make a request for a Certificate of Appropriateness from the Commission memorializing the approval of said emergency work. This request shall be made pursuant to the procedures set forth in this article.

c. It should be noted that the procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Construction Official, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Construction Official and the Commission.

#### **2.114.080 Procedure for commission's review.**

##### **A. Generally**

1. Except for the circumstances described in subsection 2.114.070(B), no work shall be performed on any historic landmark or on any building, structure, site, object or improvement located within an historic district until either a Certificate of Appropriateness has been issued by the Commission for such work or until a determination has been made by the Commission, that no Certificate of Appropriateness is necessary pursuant to subsection 2.114.070 above.

2. Applications shall be made on forms available in the office of the Construction Official in Borough Hall. Completed applications shall be delivered or mailed to the administrative officer. All such applications shall include payment of a filing fee and an escrow fee in the amounts established, and amended from time to time, by ordinance. There shall be no fee for conceptual reviews under Section 2.114.080(B). The fee for an application to the Historic Preservation Commission shall be \$100.

3. Upon receipt of an application for a Certificate of Appropriateness, the administrative officer will review and notify the applicant in writing that the application is deemed complete and may proceed with legal and noticing requirements. If complete, the Commission shall schedule a hearing within a forty-five-day period for the purpose of reviewing said complete application and shall advise the applicant(s), in writing, of the time, date and place of said hearing. If incomplete, the Commission shall return the application with a written description of the requirements not met pursuant to this ordinance and the HPC Checklist.

##### **B. Conceptual Review and Informational Meetings.**

1. Persons proposing or considering an action that requires a Certificate of Appropriateness may present a proposal for informal concept review and comment by the Commission Staff and shall first hold an informal informational meeting with the Commission Staff to review any design proposals or related issues.

2. Persons proposing to make application to the Commission in connection with any action that requires a Certificate of Appropriateness are encouraged to first hold an informal informational meeting with the Commission Staff to review any design proposals or related issues before making application.

3. The Commission Staff shall hold meetings pursuant to this subsection within 20 days of such request. Neither the applicant nor the Commission shall be bound by any such review. Informal concept or informational review shall not relieve the necessity for Commission review for a Certificate of Appropriateness pursuant to this ordinance.

C. Minor Work Application Review.

Minor Work applications, as defined in this ordinance, may be reviewed and approved by the Minor Work Review Committee (MWRC) without holding a public hearing. A minor work application shall require submittal of information consisting of the standard application cover pages and, where applicable, a drawing in sufficient detail to accurately depict the work proposed and adequate to provide the information required for issuance of a permit by the Administrative officer. If the Minor Work Review Committee finds the application appropriate, the Committee may act in place of the full Commission without the necessity of a public hearing and is authorized to issue a Certificate of Appropriateness to the Administrative officer for said minor work. The Administrative officer shall then authorize the applicant to proceed and issue any required permit associated therewith. If the Minor Work Review Committee does not find the application appropriate, the application shall be scheduled for a public hearing before the full Commission upon filing of a full application meeting the submittal requirements of the HPC Checklist.

D. Procedure for the Commission's Review of Building Permits and Alterations

1. The Commission shall hold a public hearing on all applications for Certificates of Appropriateness following the referral of a complete application to the Commission by the Administrative officer. The applicant shall have the burden of proof and obligation to establish entitlement to a Certificate of Appropriateness by satisfaction of the applicable standards and criteria in accordance with this ordinance, upon the failure of which, the Commission shall be entitled to deny the application. The Commission shall issue a Certificate of Appropriateness within a forty-five-day period that begins when applications are deemed complete by designated Commission staff and distributed to Commissioners in the monthly packet. No public hearing shall be required in order for the MWRC to render a Minor Application determination of exemption pursuant to Section 2.114.080(C).

2. Prior to holding a public hearing on a complete application for a Certificate of Appropriateness, the Administrative officer shall, in addition to complying with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., notify the applicant in writing at least 10 days prior to the hearing setting forth the time, date and place of the hearing. Applicant shall provide written notice to those entitled to notice in accordance with N.J.S.A. 40:55D-12.

3. At the hearing, the Commission shall allow all persons the opportunity to be heard concerning the issuance of a Certificate of Appropriateness for the proposed work.

4. After conducting the public hearing, the Commission shall return to the Administrative officer within 30 days, its written determination on the application, which may be stated in resolution form. The Commission shall grant or deny a Certificate of Appropriateness to the applicant based on the standards and criteria set forth in Section 2.114.085 of this Article. The Commission may issue a Certificate of Appropriateness subject to certain condition(s), which shall be set forth in detail in the Commission's written decision. The Commission's denial of a Certificate of Appropriateness shall be deemed to prohibit the applicant from undertaking the work applied for, and shall preclude the issuance of any required permit for the said work by the administrative officer. Upon receipt of the Commission's written determination, the Administrative officer shall notify the applicant of said determination in writing within five business days thereof. The granting or denial of an historic preservation permit may be appealed to the Planning Board in the same manner as an appeal is taken pursuant to N.J.S.A. 40:55D-70(a). Nothing herein shall be deemed to limit the right of judicial review of the Planning Board action after an appeal is concluded.

5. Failure of the Commission to render its written determination to the administrative officer within the forty-five-day period shall be deemed to constitute a determination in favor of the issuance of a Certificate of Appropriateness for the proposed work and without conditions.

6. Nothing herein shall prohibit an extension of time by mutual agreement of the applicant and the Commission. The request for an extension of time by the applicant must be made in writing prior to a regularly scheduled public hearing or verbally requested during a public meeting and recorded in the minutes. In circumstances where the Commission determines that the applicant has failed or declined to provide the Commission with information reasonably required by it in order to make an informed decision, the Commission shall have the right to adjourn the proceedings until such time as the requested information is supplied to it. If the requested information is not received by the Commission within 60 days, it shall have the right to dismiss the application without prejudice for lack of prosecution.

7. When a Certificate of Appropriateness has been issued, the Administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

8. A Certificate of Appropriateness shall be valid for a period of one (1) year from date of issue unless reasonable extensions are requested by the applicant or the Commission.

9. Appeals from determinations of the Administrative officer pursuant to the Historic Preservation Commission's decisions may be made by the applicant to the Planning Board, according to N.J.S.A. 40:55D-70a.

10. The performance of unauthorized activities and/or the performance of any work not in accordance with a previously issued Certificate of Appropriateness, shall be deemed to be a violation of this Article and may subject the responsible parties to sanctions imposed hereunder. The Administrative officer or Municipal Prosecutor, as applicable, shall prosecute any such violation in the Municipal Court and the Commission shall also have the right to file an action in the Superior Court of New Jersey for appropriate legal and/or equitable relief, subject to the prior approval of the Borough Governing Body.

E. Procedure for the Commission's Review of Development and Zoning Applications.

1. Pursuant to N.J.S.A. 40:55D-110, the Planning Board shall refer to the Commission every application for development submitted to the board for development involving historic landmarks or properties located within the historic districts. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. The development application will not be deemed complete unless included within is the historic project review application as promulgated by the Commission. Failure to refer an application as required shall not invalidate any hearing or proceeding. The Commission may provide its advice on said application, through oral testimony at the hearing, and/or through written report(s) that the Commission may have provided to the board concerning the proposed application.

2. On all matters referred to the Commission which require approval by the Planning Board, the decision of the Commission shall be advisory only. In reviewing applications for development, the Commission may comment and make recommendations on any of the zoning and land use considerations which are relevant to the application. The Planning Board shall consider the testimony and/or written report(s) presented and may disapprove or change any of the recommendations made by the Commission by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations.

3. Yard Variances. Due to the fact that structures in historic districts may have been built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by approving variances to normal yard requirements. Where it is deemed that such variance will not adversely affect neighboring properties, the Planning Board may grant such variance to standard requirements if so recommended by the Historic Preservation Commission.

4. An approval by the Planning Board does not relieve the applicant of the requirement of obtaining a Certificate of Appropriateness from the Commission (see section 2.114.070) for those historic aspects of the work not addressed as part of the application for development.

F. Obtaining certificates of appropriateness for government actions.

1. The Borough of Freehold, when it plans to undertake any work on any municipally owned historic landmark or on any municipally owned property in an historic district, shall submit such plans to the Commission and shall receive an advisory report with recommendations on the appropriateness of those plans before undertaking the work.

2. In those circumstances where the Borough cannot require compliance, as in certain cases involving the County, State and Federal governments, the Borough strongly urges the voluntary cooperation of such agencies in seeking a Certificate of Appropriateness and hereby authorizes the Commission to consider such requests and applications. This does not relieve the property owner from complying with applicable State and Federal regulations regarding historic preservation.

**2.114.085 Standards and criteria.**

A. The purpose of this section is to provide uniform standards and criteria for the regulation of historic landmarks and historic districts for use by the Commission. All projects requiring a Certificate of Appropriateness and all applications for development on historic landmarks or in historic districts shall, in interpreting and applying the standards and criteria set forth herein, be guided by the principles contained in the most current versions of the Secretary of the Interior's Standards for Rehabilitation (as contained within the Secretary of the Interior's Standards for the Treatment of Historic Properties), by the Secretary of the Interior's Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings, as the same may be applicable and appropriate, and as amended and revised from time to time. In utilizing the Secretary of Interior's Standards, the Commission shall be guided by the provisions thereof including, but not limited to, the following:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

These standards are adopted as the Commission's design criteria and guidelines pursuant to N.J.S.A. 40:55D-65.1.

B. In reviewing applications for Certificates of Appropriateness, the Commission shall consider the siting, arrangement, exterior design, design quality, bulk, arrangement, density, texture, details, style, scale, setbacks, stepbacks, shape, height, massing, lot coverage, rhythm, directional emphasis, proportions, building elements, materials, finishes and relationships to the streetscape and/or landscape views of the proposed work and the relationship of those characteristics to the historical significance of the historic landmark or historic district.

C. In reviewing applications for Certificates of Appropriateness and notwithstanding any other provisions of this ordinance, the Commission shall not consider use, zoning requirements for setbacks, density, height limitations or lot coverage as these matters fall within the purview of the Planning Board.

D. In recognition of the lesser importance of applications for a Certificate of Appropriateness related to non-contributing structures/sites, only the criteria set forth in Section 2.114.085(D)(4) shall be applied by the Commission.

Criteria for Review. In its review of historic landmarks or properties located with historic districts, the Commission shall give consideration to certain criteria, including but not limited to the following:

1. The historical value of the landscape or streetscape.
2. The historical value of a building, structure, site, object, improvement or district and its relationship to property of the surrounding area.
3. The general compatibility of the proposed use to the historical value of the surrounding historic district. In regard to an application for new construction, alterations, additions or replacements affecting a historic site or an improvement within a historic district, and in addition to the criteria set forth in Section 2.114.085(B), the following factors shall be considered in relation to its setting and context, including:
  - a. Height.
  - b. Massing.
  - c. Proportion of the width and height of the building's facades.
  - d. Proportion of openings within the building.
  - e. Rhythm of spacing of buildings on streets.
  - f. Rhythm of solids to voids on facades fronting on public places.
  - g. Relationship of materials and texture.
  - h. Construction in a range of design and style options which are consistent with neighboring buildings in the historic district.
4. The general compatibility of the exterior design, arrangement, texture and materials proposed to be used with the historical value of the surrounding area. In carrying out its design review under these guidelines, the following criteria shall be utilized:
  - a. All exterior elevations, including the roof, must be maintained and new construction must be compatible with existing structures, districts and surrounding areas.

- b. In-kind or similarly compatible building materials must be utilized.

**2.114.086 Demolitions and relocations.**

A. Criteria. In regard to an application to demolish or relocate an historic landmark or an historic district resource, the following matters shall be considered:

1. Its current and potential use for those purposes currently permitted by the Zoning Ordinance or for the use proposed.
2. The probable impact of its removal upon the ambiance of the historic landmark or historic district.
3. The structural soundness and integrity of the building, structure, site, object or improvement and the economic feasibility of restoring or rehabilitating same so as to comply with the requirements of the applicable construction codes.
4. The compelling reasons for not retaining the building, structure, site, object or improvement at its present location, the proximity of the proposed new location and its accessibility to residents of the municipality, and the probability of significant damage to the building, structure, site, object or improvement as a result of the relocation.
5. The compatibility, nature and character of the current and the proposed surrounding areas as they relate to the intent and purposes of this Article and whether the proposed new location is visually compatible in accordance with the standards set forth herein.

B. Assignment. No assignment of the rights granted by a Certificate of Appropriateness to demolish shall be permitted.

C. Expiration of Approval. In cases where demolition is permitted, the Certificate of Appropriateness shall be valid for one year from the date of Commission approval of the application. The one-year period shall not be extended.

**2.114.090 Historic preservation advisory commission procedures.**

A. Office. The office of the commission shall be located in the borough of Freehold municipal building, 51 West Main St. Freehold, NJ 07728-2195. The office shall be open for the transaction of business from eight-thirty a.m. to four-thirty p.m. each weekday, except Saturdays, Sundays and public holidays.

B. Meetings and Hearings.

1. All meetings and hearings of the commission shall be open to the public, except where otherwise provided by law. All public meetings and hearings shall be held at times and places specified by the chair, agreed to by the commission, and in accordance with law.

2. Public notices shall be given of the schedule of regular meetings at the beginning of each calendar year and shall state the regular dates, times, and places of such meetings. Public notice of any special meeting, or of any rescheduled regular meeting, or any reconvened meeting shall be given at least twenty-four (24) hours before each meeting, unless reconvened within twenty-four (24) hours; provided, however, no additional public notice of reconvened meetings need be made where announcement of the time and place of the reconvened meeting is made at the original meeting, and where there is no change in the agenda.

3. Public notice of meetings and hearings shall be given by posting a copy of the notice at the office of the borough clerk, and the commission shall supply copies of the notice of its regular meetings and of any special, rescheduled, or reconvened meeting to such local newspapers of general circulation or local radio or television stations that file an annual request for such notice.

4. In the event a change is made in a regular meeting date, notice of such change shall be given, according to law, by publication in a newspaper of general circulation in the Freehold area, and notice of such change shall also be posted at the office of the borough clerk.

C. Records. The commission shall keep minutes of all its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. All records of the commission shall be kept by the secretary at the office of the commission. Public records shall be made available for inspection, but in no instance shall any record be removed from the office unless so directed by court order and accompanied by a representative of the secretary. Photostatic copies of public records may be obtained pursuant to the Open Public Records Act.

#### D. Public Meetings.

1. Representation of Parties. Any owner or owners and all persons having a legal and equitable interest in any improvement in a historic district or any property which has been proposed for designation, or is designated, as a historic property, or for which a development application or application for a building permit, has been made to the municipality, may appear in person or be represented by an authorized agent or attorney at any public hearing scheduled by the borough of Freehold historic preservation advisory commission.

2. Order of Procedure. The order of procedure at all public hearings of the borough of Freehold historic preservation advisory commission shall be as follows:

a. Opening of the hearing by the chair;

b. Incorporation in the record of the notice of hearing, in accordance with the Open Public Meeting Act of the state of New Jersey;

c. Statement by the chair summarizing the items on the agenda for the meeting;

d. Approval of minutes of previous meetings;

e. Review and approval of resolutions memorializing decisions reached on application at previous meetings;

f. Applications that were heard by the commission and carried to the next hearing date shall be heard under "old business";

g. Applications not previously heard by the commission shall be heard under "new business":

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

ii. An opening statement will be made by the chair of the commission regarding the application; specifically, what documents and evidence have been submitted to the commission prior to the hearing date,

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

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

v. The opportunity to cross-examine such witnesses as may appear in support of the application shall be offered first to members of the commission, and then to members of the public attending the hearing,

vi. The presentation of evidence in support of the application, and the cross-examination of any witnesses, statements, if any, of other interested persons, either for or against the proposed activities, will be heard by the commission. Such statements shall be limited to such length of time as the commission shall designate,

vii. Following the submission of statements by other parties, relating to the proposed activities, the applicant, authorized agent or attorney for the applicant, shall deliver an oral summation to the commission,

viii. Following the presentation of the oral summation, the commission shall enter into deliberations regarding the testimony offered, evidence submitted, and any issues raised by the public or the commission

members relating to the activities proposed to be undertaken by the applicant. Based upon these deliberations, the commission shall render a decision either approving or denying the application. In the case of approval, conditions for that approval can be made as a part of the record. In either case, the commission shall, at the following meeting, pass a resolution memorializing its decision and setting forth the testimony offered, evidence entered in the record, findings of fact, and the conclusions reached on the application;

h. Following the conclusion of all new business to come before the commission, the commission shall take up such other business as may require its attention, including but not limited to: new grant applications, existing grant application projects, seminars, consideration of ordinance changes, consideration of additional historic districts or properties for designation as historic properties, etc.;

i. Following the discussion of such additional business as noted above, the commission shall open the meeting to receive any comments or questions from the general public as may be in attendance at the meeting;

j. Following the presentation to the commission by any members of the public, the chair shall declare, upon a motion duly made and seconded, that the meeting be adjourned.

The historic preservation advisory commission may, in its discretion, impose reasonable time limits upon the presentation of evidence and statements. The chair of the commission, at his or her discretion, may alter the order of procedure as circumstances may require and warrant.

3. Witnesses. All testimony offered by witnesses shall be given under oath of affirmation and said testimony may be given by question and answer method or, at the chair's discretion, in statement form. Persons wishing merely to state a position for or against a proposed application need not be placed under oath or affirmation, except as may be directed by the commission chair.

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

5. Evidence. Hearings shall be conducted in such a manner as shall result in a just and lawful determination of the issues as promptly as circumstances shall permit. The commission shall make determinations as the relevance and materiality of evidence. The

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

6. Continuances of Hearing. Continuances of hearing shall be granted upon application made in conformity with the provisions and with the period of time set forth in the historic preservation ordinance. Application for continuation of a hearing shall be made by the applicant, authorized agent or attorney representing the applicant, based upon the need to have additional time to sufficiently present evidence offered by witnesses and exhibits submitted to the commission. Additionally, an application for a continuation of hearing shall be considered by the commission if the commission is found to need additional time in which to conduct the deliberations regarding the evidence offered and exhibits submitted by the applicant. Applications for continuation of hearing shall be granted solely at the discretion of the commission hearing the case.

7. Transcript of Hearing. Any party may arrange for the attendance at a hearing of a duly qualified court reporter who shall be in his or her place, prepared to record the proceedings, when the hearing is called to order. Copies of the transcripts of the commission's tape recordings of the proceedings may also be secured from the commission upon payment of the costs and reasonable handling charges, as established by the municipality.

8. Briefs and Oral Arguments. The commission may request the filing of briefs or oral argument, or both, at the conclusion of the hearing or thereafter, on matters of law or fact. Copies thereof, and replies thereto, if requested, shall be served upon all parties. A signed original and ten (10) conformed copies shall be filed with the commission.

#### **2.114.100 Violations: penalties and injunctive relief.**

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a Certificate of Appropriateness, and, if it should be, to inform the administrative officer, the applicant, and the Commission of the same.

##### **A. Violations.**

1. If any person shall undertake any construction activity on an historic landmark or property located within an historic district without first having obtained a Certificate of Appropriateness as provided in this Article, or where such construction activity is not in compliance with a Certificate of Appropriateness previously issued, such person shall be deemed to be in violation of this Article. Notwithstanding the foregoing, it shall not be a violation of this ordinance in circumstances where the Administrative officer has issued a construction permit, but has not advised the recipient of the construction permit to have first made application to the Commission.

2. After learning of the violation, the Administrative officer shall personally serve a notice describing the violation in detail upon the owner of the lot whereon the violation is occurring.

3. If the owner cannot be personally served within the municipality with said notice, a copy thereof shall be posted on the site in question and a copy shall be sent by certified mail, return receipt requested, to the owner at his or her last known address as it appears on the municipal tax rolls.

4. Within 10 days of receipt of the notice of violation, the violator shall be required to file an application for a Certificate of Appropriateness in the same manner as prescribed pursuant to section 2.114.080 of this Article, and the notice shall advise the violator of such.

5. Upon receipt of the violator's application, the Commission shall conduct a review of the said application and hold a public hearing in the same manner as prescribed for regular applications pursuant to this Article.

6. Upon the violator's filing of an application for a Certificate of Appropriateness, the imposition of all enforcement action on behalf of the Borough shall be stayed until such time as:

a. The Commission has rendered a decision on the violator's application and the administrative officer has served notice thereof upon the applicant; and

b. The violation is still deemed to be in existence; and

c. No further appeal of the decision of the Commission and administrative officer relating to the said application is pending before the Planning Board or any court; and

d. All appeal periods relating to the said application have expired.

7. If the Commission grants a Certificate of Appropriateness to the violator for the unauthorized work, then the violator shall no longer be deemed to be in violation of this Article. If the Commission grants a Certificate of Appropriateness to the violator subject to certain conditions, then the violator shall be deemed to have cured the violation only upon its timely satisfaction of the said conditions in accordance with the requirements of the Commission. If the Commission denies a Certificate of Appropriateness to the violator for the unauthorized work, then the violation shall still exist and the violator shall be subject to appropriate enforcement action as prescribed by this Article.

8. In the event that the violator fails to file a timely application for a Certificate of Appropriateness after having been served with a notice of violation as set forth above, or in the event that there is no longer any stay of enforcement activity in effect as set forth above and the violation is still deemed to be in existence, then the Administrative officer shall cause to be issued a summons and complaint, returnable in the Freehold Borough Municipal Court, charging violation of this Article. Each separate day that the violation exists shall be deemed to be a new and separate violation of this Article.

9. If a violation involves ongoing unauthorized construction or demolition work, the administrative officer shall immediately issue a stop construction order in accordance with the Uniform Construction Code, N.J.S.A. 52:27D-119 et seq.

B. Penalties. Any person who commits a violation of this Article shall, in the discretion of the Municipal Court Judge, be subject to penalties as follows:

1. For each day up to 10 days: a fine of up to \$1,000;
2. For each day between 11 and 25 days: a fine of up to \$1,200 per violation or in the maximum amount then in effect pursuant to State Statute; and
3. For each day beyond 25 days: imprisonment for a period not to exceed 90 days, a fine pursuant to this section, or both, and/or be required to immediately correct, abate and/or restore the premises or property to its previous condition.

C. Injunctive relief. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the administrative officer shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or site or to prevent any illegal act, conduct, business or use in or about such premises as follows:

1. If any person shall undertake any activity requiring a permit, report or Certificate of Appropriateness of the Commission without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval and be required to immediately correct, abate and/or restore the premises or property to its previous condition pending such approval. If the work is denied, he or she shall immediately restore the building, structure, object or site to its condition prior to any such activity. The administrative officer is hereby authorized to seek injunctive relief regarding a stop action or restoration in the Superior Court not less than 10 days after the delivery of notice pursuant to paragraph b hereof.
2. In the event of the threat of imminent action or demolition for which the necessary approvals have not been granted and which action would permanently and adversely change a landmark or any building, structure, object or site located within a landmark district, the administrative officer is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

#### **2.114.110 Preventive maintenance; notice of violations.**

A. Priority. Recognizing the need for preventive maintenance to ensure the continued useful life of historic buildings, structures, objects and sites, the Governing Body hereby declares that code enforcement for such designated properties is a high municipal priority.

B. Notice of Violation. In the event that any historic landmark or any building, structure, object or site located within a historic district deteriorates to the point that, in the best estimate of the administrative officer, the cost of correcting the outstanding code violations equals more than 25% of the cost of replacing the entire building, structure, object or site on which the

violation occurs, the administrative officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement and the replacement cost of the improvements and stating that, if the owner does not take all necessary remedial action within 60 days or such extensions as the administrative officer shall grant for good cause, the Borough of Freehold's designated official may, at the expiration of said 60 days, enter upon the property and abate such violations and cause the cost thereof to become a lien on the property.

C. Hearing. Upon receipt of such notice, the owner may, within 20 days after such receipt, notify the administrative officer of his or her intentions to have a hearing as to the allegations and estimates set forth in the notice. Such hearing shall be conducted by the Commission and shall, so far as possible, be a formal adversary proceeding in which the administrative officer shall establish the matters alleged in the notice by a preponderance of the evidence. If a hearing is requested, the administrative officer will, within 10 days following the hearing, serve on the owner an opinion, in writing, setting forth his or her conclusions and the reasons therefor.

D. Action Without a Hearing. If the owner does not request a hearing, the findings of the administrative officer set forth in the notice issued herein shall be binding, and the administrative officer may take such necessary action as granted by the provisions of this Article.

E. Right of Abatement. If the owner does not comply with the findings of the administrative officer, the administrative officer may enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations.

F. Costs. The administrative officer shall then certify to the Borough Council the cost of such work performed, plus all administrative, clerical, architectural, engineering and legal costs and overhead attributable thereto, and shall present the same to the Borough Council.

G. Lien. The Borough Council may by resolution vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes and, if not then paid, bearing interest at the same rate as delinquent taxes, and/or become subject to tax foreclosure in accordance with the State Statutes governing the same.

2.114.120 Check list.