

ORDINANCE NO. 2026-11

AN ORDINANCE AMENDING SECTION 1404 (ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION) OF CHAPTER 14 (PLANNING BOARD AND HISTORIC PRESERVATION COMMISSION) AND SECTION 1631 (HISTORIC DISTRICT REVIEW ORDINANCE) OF CHAPTER 16 (DESIGN AND PERFORMANCE STANDARDS) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO COMPLY WITH THE REQUIREMENTS OF THE CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM

WHEREAS, the Borough of Flemington recognizes the importance of preserving its historic resources as part of its heritage and character; and

WHEREAS, the New Jersey Historic Preservation Office has provided recommendations to align the Borough's Historic Preservation Ordinance with the standards of the Certified Local Government (CLG) Program; and

WHEREAS, the Borough seeks to maintain its CLG status to remain eligible for preservation grants, technical assistance, and participation in the statewide historic preservation network;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, that the Historic Preservation Ordinance of the Borough of Flemington is hereby amended and supplemented as follows:

SECTION I.

Section 1404(K) is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

K. Role of the HPC and Procedures for Review of Applications.

1. For applications for a Certificate of Appropriateness from the HPC that would otherwise not require Planning Board review, the ~~Zoning Officer~~ Administrative Officer and/or the Chair of the HPC shall review the application for completeness. Once deemed complete, the Administrative Officer and/or the Chair of the HPC shall refer the application to the HPC for a written report on the application for a Certificate of Appropriateness in accordance with Borough Code § 1631 and its compliance with the Borough's Historic District regulations. The HPC Chair shall prepare a Certificate of Appropriateness or a denial, which ~~This report shall be submitted to the Zoning Officer~~ Administrative Officer, who shall then issue the ~~a written approval~~ Certificate of Appropriateness or denial based on the HPC report, pursuant to N.J.S.A. 40:55D-111. The Certificate of Appropriateness or denial ~~report~~ of the HPC shall also be provided to the applicant, Zoning Officer, and the Planning Board. The report shall be sent to the applicant, Zoning Officer, and Planning Board within 45 days of the referral to the HPC. Failure of HPC to report within the forty-five-day period shall constitute a determination that the application is consistent with the Historic District regulations and that no condition on the issuance of the permit shall be imposed.

2. For applications that require Planning Board review based on provisions of the Borough Land Development Ordinance, **once deemed complete by the Planning Board administrative staff**, the application **for a Certificate of Appropriateness** shall be referred to the HPC for a written report on the application in accordance with Borough Code § 1631 and its compliance with the Borough's Historic District regulations. This report shall be submitted to the Planning Board, which shall issue a written approval or denial as required by the Municipal Land Use Law ("MLUL"), which may or may not incorporate the recommendations of the Historic Preservation Commission ("HPC") taking into account the HPC report and recommendations, pursuant to N.J.S.A. 40:55D. The report of the HPC shall be sent to the Planning Board, Zoning Officer, and applicant within 45 days of the referral to the HPC ~~or prior to the scheduled public hearing before the Board on the matter, whichever is sooner~~. Failure of the HPC to report shall constitute a determination that the application is consistent with the Historic District regulations and that no condition shall be imposed on the issuance of any approval.
3. An applicant may appeal any determination of the ~~Zoning Officer~~ **Historic Preservation Commission** to the Borough Planning Board. Said appeal shall occur within 45 days of the final determination by the ~~Zoning Officer~~ HPC.
4. **Applications for a Certificate of Appropriateness are available at Borough Hall or from the Borough's website.**

SECTION II.

Section 1631 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added; ellipses indicate omitted and unamended portions):

- A. Introduction. The requirements of this Historic District Review Ordinance shall apply to all development, including new construction, repair, renovation, alteration, reconstruction, demolition, relocation, and additions to existing buildings, structures, real property, natural objects or configurations or any portion or group of the foregoing which are located in the Flemington Borough Historic District, or specifically identified as historic sites within the Historic Preservation Plan of the Master Plan pursuant to N.J.S.A. 40:55D-28b(10). These requirements do not apply to normal maintenance (including in-kind repair of existing building features, repainting of existing color schemes, in-kind repair of an existing roof, etc.). **Minor work, such as repainting different colors that are appropriate for the period of the structure, etc., can receive administrative review and approval by the Chair of the HPC.** Prior to construction or alteration of buildings or structures in the Historic District, an Application for Review ~~and a Certificate of Appropriateness~~ by the ~~Flemington Historic Preservation Commission~~ **HPC** must be submitted to the ~~Flemington Historic Preservation Commission~~ **HPC**, and the project must be reviewed at one of the Commission's regularly scheduled meetings. See Chapter 14 **Section K** of the Flemington Borough Land Development Ordinance for additional information regarding project review.
1. Definitions. In addition to the definitions set forth in Borough Code § 1201, the following definitions apply as used in Borough Code §§ 1404, 1405 and 1631. Such definitions shall only apply in such Borough Code sections and shall not be applicable in any other section of the Borough Code:

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ADMINISTRATIVE OFFICER

For the purposes of this section, the Zoning Officer, secretary to the Zoning Officer, or some other Borough employee designated by Borough Council who shall issue Certificates of Appropriateness upon review and approval by the Flemington Historic Preservation Commission.

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APPLICATION

A request to the Commission made pursuant to this ordinance for the purposes of obtaining approval **for a Certificate of Appropriateness** or other action by the Commission hereunder specified.

...

CERTIFICATE OF APPROPRIATENESS

The official document issued by the Historic Preservation Commission approving the application for permission to renovate, rehabilitate, preserve, restore, construct, erect, demolish, relocate, reconstruct, or alter any structure designated by the authority of this regulation.

...

CONTEMPORARY

Any buildings, structures, sites, objects, or improvements in an historic district which date from a later period **than the Period of Significance** but possess some architectural importance and/or visually contribute to the cohesiveness of the district's streetscapes.

...

HISTORIC

Having historical, cultural, architectural, ~~archaeological~~, economic, social, or other significance as defined by the provisions of this ordinance.

...

HISTORIC DISTRICT RESOURCES

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

a. SIGNIFICANT

Any buildings, structures, sites, objects or improvements which, due to **their architectural or other historical** significance, would individually qualify for **individual historic designation** ~~landmark status~~;

b. CONTRIBUTING

Any buildings, structures, sites, objects or improvements on the site which are integral components, either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant:

c. NONCONTRIBUTING

Any building, structure, site, object or improvement on the site which do not have significant historical value because they neither date from a time period nor represent an architectural type, period or method which is historically significant.

...

HISTORIC SITE

Any building, structure, site, landscape, object or improvement determined to be of historical, ~~archeological~~, cultural, scenic or architectural significance in accordance with the provisions of this ordinance.

...

PERIOD OF SIGNIFICANCE

The span of time when a property was associated with important events, activities, people or particular architectural styles or significant works of architecture. It's used to evaluate the historic significance of a property and to determine its relative importance to changes over time. For Flemington, the Period of Significance is from the first European settlement in the early 18th century until 1934, which coincides with the Great Depression and the Lindbergh Kidnapping Trial at the Hunterdon County Courthouse.

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SITE

The location of a significant event, a prehistoric or historic occupation or activity, a building or structure, or a burial ground or cemetery, whether standing, ruined or vanished, where the location itself possesses historical, or cultural ~~or archeological~~ value regardless of the value of any existing structure.

B. The purposes of the Historic District Review Ordinance include:

1. Safeguarding the heritage of Flemington Borough by preserving its historical, cultural, social, economic and architectural resources;
2. Encouraging the continued use of historic buildings, structures and sites and to facilitate their appropriate re-use;
3. Maintaining and developing a harmonious setting for the historically significant buildings, structures, sites, objects and District;
4. ~~Preventing~~ **Avoiding wherever possible** the unnecessary demolition or relocation of historic resources;
5. ~~Preventing~~ **Avoiding wherever possible** new construction or development which is not in keeping with or that negatively impacts the ambience and character of the Historic District;
6. Encouraging the proper maintenance, per the Borough's existing Property Maintenance Code Chapter 9B, and preservation of buildings, structures and sites within the Historic District so as to promote Flemington Borough as an attractive area to live, work and visit;
7. Protecting and enhancing property values;

8. Promoting civic pride in and appreciation of Flemington Borough's historic resources for the education, pleasure and welfare of its citizens and visitors; and
9. Fostering beautification and private reinvestment.

C. General Guidelines. The following guidelines shall be utilized by the HPC in reviewing and making recommendations pursuant to and subject to the limitations of Borough Code § 1404K2.

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2. Procedures for review by the Flemington Historic Preservation Commission are contained within Chapter 14 **Section K** of the Flemington Borough Land Development Ordinance.

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~~21. Emergency reviews of applications to the Historic Preservation Commission may be requested for construction or repair work that is required to be undertaken before the next scheduled meeting of the Historic Preservation Commission. The applicant shall notify the Historic Preservation Commission and request an emergency review, and the Historic Preservation Commission shall determine if an emergency review is required and the format of the review. Any work done by the applicant prior to formal approval by the Historic Preservation Commission shall be at the sole risk of the applicant.~~ **Emergency Review Procedures**

- a. In the event an applicant requires an emergency review, the applicant shall pay all fees incurred by the ~~HPC Commission~~ to properly advertise an emergency meeting of the ~~HPC Commission~~. **When a structure or improvement requires immediate repair to preserve the continued habitability of the structure and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with any applicable building code without first obtaining a certificate of approval. Under such circumstances, the repairs performed shall be only those necessary to protect the immediate health and safety of the occupants of the structure or others and/or to maintain the habitability of the structure. Where feasible, temporary measures to prevent further damage should be used, provided these measures are reversible without damage to the structure.**
- b. **The property owner shall make a request for the HPC review simultaneously with the onset of emergency work. The request shall be made to the Administrative Officer and the Chair of the HPC, or in their absence, the Vice Chair. Such emergency work shall be permitted only if the Chair of the HPC, or in his absence, the Vice Chair, certifies the immediate necessity for such permit issuance. Upon notice to the full commission by telephone, personal contact or other appropriate means of communication, at least three members of the HPC shall convene as soon as possible, and such convening members shall proceed to review the certificate of approval application as provided for in this chapter. The HPC shall conduct the emergency meeting in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-9. Subsequent to such review, a certificate of approval may be issued upon a majority vote of the members convened.**
- c. **No work other than the emergency repairs shall be performed on the structure until an appropriate request for approval is made and approval is obtained from the HPC**

after referral of the request by the Chair of the HPC, or in his absence, the Vice Chair.

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E. Facade Treatment. The following guidelines shall be utilized by the HPC in reviewing and making recommendations pursuant to and subject to the limitations of Borough Code § 1404K2.

1. The Flemington Historic Preservation Commission is particularly concerned with elevations of buildings that are visible from public ways. Rear and side elevations **are not reviewed by the HPC unless visible from public ways** ~~will have greater flexibility in terms of design and materials.~~

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G. Demolition. The following guidelines shall be utilized by the HPC in reviewing and making recommendations pursuant to and subject to the limitations of Borough Code § 1404K2.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. Therefore, the review of applications for the demolition or partial demolition of any structure within the Flemington Historic District will be undertaken with the greatest care. The demolition or partial demolition of any structure deemed Contributing or Significant in the Historic District is ~~not permitted~~ **strongly discouraged**, except when public health or safety is at risk, as certified by a licensed structural engineer, or there are other reasons deemed to be crucial for the future development and prosperity of the Borough consistent with the Borough's Master Plan, adopted redevelopment plan, or other adopted economic planning and policy documents.

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H. Relocation within Flemington Borough.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. Therefore, the review of applications for the relocation of any structure currently located within the Flemington Historic District to a location outside of the District will be undertaken with the greatest care. The relocation of any structure deemed Contributing or Significant in the Historic District is generally not permitted, except when public health and safety is at risk ~~not permitted~~ **strongly discouraged, except when public health and safety is at risk.**

...

I. Relocation within Flemington Borough.

1. The integrity of historic districts depends on the preservation and retention in situ of the original historic structures. Therefore, the review of applications for the relocation of any structure currently within the Flemington Historic District to another location within the District will be undertaken with the greatest care. The relocation of any structure deemed Contributing or Significant in the Historic District is **strongly discouraged** ~~not permitted.~~

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SECTION III. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

SECTION IV. Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

SECTION V. This ordinance shall take effect upon adoption and publication in the manner prescribed by New Jersey general law.

I, Carla Conner, Borough Clerk, hereby certify that the Ordinance #2026-11 published herewith was introduced on first reading at a meeting of the Governing Body of the Borough of Flemington, County of Hunterdon, held April 13, 2026. The Ordinance will be further considered for final adoption after Public Hearing, at a meeting of the Governing Body to be held in the Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822, on April 27, 2026 at 7:00 p.m. Copies of this ordinance shall be made available in the Municipal Clerk's office to members of the general public who shall request same.

Carla Conner
Borough Clerk