



## **Frequently Asked Questions – Historic District Designation**

### **1. What is a designated local historic district?**

Designated local historic districts recognize a group of buildings, properties, or sites as historically or architecturally significant. Buildings, structures, objects and sites within a local historic district are evaluated to determine whether they are contributing and non-contributing structures within the district. Districts vary in size: some have hundreds of structures, while others have just a few. Local historic districts are only locally recognized and regulated as opposed to those that are listed on the State and National Register.

A local historic district is designated by a local ordinance and falls under the jurisdiction of an appointed citizen-board called a Historic Preservation Commission. It provides communities with the means to make sure that growth, development, and change take place in ways that respect the important architectural, historical, and environmental characteristics within a district.

All information is available on-line at:

[https://www.montclairnjusa.org/government/departments/planning/historic\\_preservation](https://www.montclairnjusa.org/government/departments/planning/historic_preservation)

### **2. How is a district designated?**

A historic district is designated by ordinance by the Township Council after recommendations from the Historic Preservation Commission (HPC) and the Planning Board.

Prior to making such a recommendation, the HPC must prepare a report outlining the significance of the district, accompanied by a map with the boundaries of the district, and a listing of each property address included. Once the report has been prepared, the HPC must hold a public hearing and notify all property owners that are included in the potential district. Notice in the newspaper is also required. The HPC may hold information work sessions prior to the hearing to answer questions regarding the proposed designation.

After the public hearing is held by the HPC, their recommendation is submitted to the Township Council. The Council then refers the report to the Planning Board for their recommendation. The Planning Board then returns the report and recommendation to the Township Council, who may adopt, alter or reject the designation by ordinance after a public hearing as per Montclair Code § 347-135 (see: <https://ecode360.com/7190694>).

### **3. What is historically significant about our community?**

The historic significance of Montclair begins with the Lenni Lenape indigenous peoples who roamed the mountain ridge known as “Watchung,” the Native American word for “under the

gaze of the mountain". Farmland was fertile and Dutch and English settlers soon found the region to be agriculturally viable.

In the ensuing decades, Montclair's proximity to New York City brought the railroad which brought diverse groups of residents, from those who worked the factories and homes to those who lived with their families in Montclair but worked in New York in the banking, , manufacturing and other professional fields. It became a thriving center for immigrant groups working to create a better life for themselves and their families.

This diversity is reflected in the numerous neighborhoods ranging from currently designated commercial buildings to many different styles of residences.

**4. What is the legal basis for a local historic district?**

Local governments in New Jersey derive their authority to identify, evaluate, designate, and regulate historic resources from the state Municipal Land Use Law (MLUL), the enabling legislation for historic preservation zoning (N.J.S.A. 40:55D-1 through 136).

**5. Does district designation affect my property rights?**

Designation does not prevent owners from making changes to their properties, nor does it require them to restore or even fix-up their property (unless they are allowing it to deteriorate and collapse). Designation ensures that alterations, additions or demolitions are in keeping with historic character of the area. This happens through a process called design review, whereby the Historic Preservation Commission evaluates certain modifications (detailed under #14 of this FAQ) that are planned for any structure within the district and issues Certificates of Appropriateness (COAs). Local designation encourages sensitive development in the district and discourages unsympathetic changes from occurring.

**6. Why isn't zoning enough to protect historic properties?**

Zoning is a planning tool mostly associated with land use. Zoning promotes appropriate uses in the future and the historic district, which ties growth to the legacy of the past, will be a zoning overlay.

**7. What is a zoning overlay?**

Zoning overlays are used to further clarify and define existing permitted and anticipated future land uses. Historic districts are defined not by land use, per se, but by historical development and the existing building forms that project this development regardless of land use.

**8. What is the difference between a contributing and non-contributing property?**

A contributing resource is one that was constructed either before or during the period of significance established for the local historic district and retains a high degree of architectural integrity from that period. Defining the specifics of architectural integrity may vary from district to district depending on the architectural characteristics of the district but generally means a resource continues to convey the original design intent even it has seen changes.

A non-contributing resource is one that was built after the period of significance or was constructed during the period but has been so radically altered that it no longer conveys its original design intent and no longer works with the architecture of the overall district.

## **9. What are design guidelines? How are they applied?**

The Historic Design Guidelines of Montclair were adopted by the HPC in March 2016.

The Guidelines detail design standards for Montclair's historic properties and districts. The purpose of the guidelines is to provide clear and uniform recommendations that preserve the essential character of historic resources throughout Montclair.

The guidelines provide detailed information for property owners, tenants and developers to address common rehabilitation questions, recommendations for maintaining the site and setting of historic properties, and guidance for new construction.

You can read more at:

[https://www.montclairnjusa.org/government/departments/planning/historic\\_preservation/historic\\_design\\_guidelines](https://www.montclairnjusa.org/government/departments/planning/historic_preservation/historic_design_guidelines)

## **10. What does "historic integrity" mean?**

Historical integrity means a building or structure retains its design, materials, workmanship, feeling and association within the broader historic district.

## **11. How does designation affect property values?**

National and statewide economic studies show that historic district designation can first stabilize property values, and then slowly values begin to rise.

The New Jersey Historic Trust has provided more information on historic preservation and property values at the links below:

- Common Myths of Historic Preservation  
[https://www.njht.org/dca/njht/resources/Common%20Myths\\_Final.pdf](https://www.njht.org/dca/njht/resources/Common%20Myths_Final.pdf)
- The Economic Impacts of Historic Preservation, Executive Summary  
<https://www.nj.gov/dca/njht/publ/execsum.pdf>
- The Economic Impacts of Historic Preservation, Chapter Nine  
<https://www.state.nj.us/dca/njht/publ/chap9.pdf>
- Measuring Economic Impacts of Historic Preservation  
<https://www.achp.gov/sites/default/files/guidance/2018-06/Economic%20Impacts%20v5-FINAL.pdf>

## **12. What is the HPC?**

The Montclair Historic Preservation Commission (MHPC), established by ordinance in 1994, is responsible for protecting Montclair's architectural heritage and increasing public awareness of the unique historical and cultural dimensions of the Township's buildings, streetscapes and landscapes. In accordance with the State Municipal Land Use Law, the commission surveys buildings, structures, objects, sites and districts located within the Township and researches and evaluates them for their historic significance. The commission proposes to the Township Council those properties it has found to be worthy of landmark designation and therefore subject to the Township's Historic Preservation Commission Ordinance.

The Commission also advises the Planning Board and the Township Council on all matters which have potential impact on the historic buildings, structures, objects, sites or districts in the Township or on the physical character and ambience of any portion of the Township or region.

**13. Will designation prevent me from repairing, altering, renovating or adding on to my property?**

No, it will help to guide such changes to be compatible with your building and that of your neighbors.

**14. What projects need approval?**

Projects that require site plan approval from the Planning Board or variance relief from the Board of Adjustment, for properties in designated local historic districts, are referred to the HPC for advice prior to appearance at the respective approving Board. A report from the HPC is provided to the approving Board.

In all other circumstances, a Certificate of Appropriateness issued by the Historic Preservation Commission is required prior to any of the following changes, that are visible from public view only, to properties within a designated local historic district:

- Demolition - The partial or total razing, dismantling or destruction, whether entirely or in significant part, of any building, structure, object or site. "Demolition" includes the removal of a building, structure or object from its site or the removal or destruction of the facade or surface.
- Improvement - A building or other structure or any work constituting a man-made alteration of or addition to any site.
- Relocation of any building or structure
- Change in the exterior elevation or any improvement by addition, alteration or replacement
- Any new construction of a principal or accessory structure
- Any change in existing, or addition of new, signs or exterior lighting

A Certificate of Appropriateness is NOT required for any of the following modifications:

- Changes to interiors
- Changes not visible to the public (except relocation or demolition)
- Repair or exact replacement of any existing improvement, provided that the work does not alter the exterior appearance; the following activities are permitted as repairs:
  - Identical replacement of existing windows and doors.
  - Repairs of existing windows and doors and the installation of storm doors and windows that do not change their design, scale or appearance.
  - Maintenance and repair of existing roofing materials involving no change in the design, scale or appearance of the structure.
  - Structural repairs which do not alter the exterior appearance.
  - Replacement of existing clapboards, shingles or other siding with identical material.
  - Maintenance and repair of existing clapboards, shingles or other siding (including masonry) involving no change in the design, scale or appearance.
  - Exterior or interior painting.

Source: Montclair Code § 347-163 (see: <https://ecode360.com/7190718>)

**15. How does the certificate of approval process work?**

Applications for a Certificate of Appropriateness are filed to the Department of Planning & Community Development. Details on filing the application and the required submission materials are detailed on the Township website at the link below:

[https://www.montclairnjusa.org/government/departments/planning/historic\\_preservation/certificate\\_of\\_appropriateness](https://www.montclairnjusa.org/government/departments/planning/historic_preservation/certificate_of_appropriateness)

Following application filing, the application will be scheduled for a public hearing before the HPC with the applicant in attendance. The HPC will review the application to determine whether the proposal is consistent with the Design Guidelines and Standards for Review under Montclair Code § 347-137 (see: <https://ecode360.com/7190786>)

**16. How are HPC decisions enforced?**

The Department of Planning & Community Development reviews building permit applications and will confirm whether a Certificate of Appropriateness has been issued for all permit applications for properties in local historic districts. In addition, enforcement of other modifications not requiring a building permit will be subject to review by the Department and Township Code Enforcement.

**17. What if the HPC denies my application? How do I appeal?**

An applicant may appeal a decision of the HPC on an Application for a Certificate of Appropriateness to the Montclair Board of Adjustment. The Board will consider the application and the decision made by the HPC and may uphold or overturn the decision.

**18. Are there extra costs and fees associated with district designation?**

There are no additional costs or fees associated with a district designation, except for those accompanying an Application for a Certificate of Appropriateness. Details on filing the application and the associated fees are provided on the page below:

[https://www.montclairnjusa.org/government/departments/planning/historic\\_preservation/certificate\\_of\\_appropriateness](https://www.montclairnjusa.org/government/departments/planning/historic_preservation/certificate_of_appropriateness)

**19. Does district designation require me to fix up my house?**

No.

**20. Is there money available to help preserve old buildings?**

Not in New Jersey, yet. There are plans to provide historic tax credits, but these have not been adopted by the State legislature nor Governor to date.

**21. Will the HPC tell me what color to paint my house?**

No, however the Historic Design Guidelines provide recommendations on appropriate color selections.

**22. Can I make my building more energy efficient?**

Yes. If making the building more energy efficient means changing windows and doors, an Application for a Certificate of Appropriateness may be required.

**23. Will designation mean that new construction must be designed a certain way?**

New construction should be compatible with the architecture of the district in size, scale, massing, and architectural delineation such as fenestration, roof massing, materials and other features. However, this is not to say that the new building must match the others on the block and therefore there is a lot of latitude in the design.

**24. Will interiors be subject to review?**

No. Only interior changes that impact street-facing exterior walls would be subject to review and only the change to the exterior will be reviewed by the HPC.

**25. What about demolition?**

Although it is every HPCs desire to prevent demolition within a historic district, there are limitations, so demolition is not strictly prohibited. However, if demolition is permitted any new structure must be designed in such a manner as to be architectural compatible with the architecture of the district in size, scale, massing, architectural delineation such as fenestration, roof massing, materials and other features.

**26. Will the district be expanded to cover more properties?**

Oakcroft: probably not because it is a fairly set development established in the early 20<sup>th</sup> century.

Wheeler: possibly yes because the review of the district's history and development indicates that more properties along Maple Avenue may work well with the history and development of the broader Wheeler Residential area district.