

MINUTES OF THE BOARD WORKSHOP

MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND REVIEW BOARD

**30 Schuyler Place
October 1, 2014**

**Morristown
New Jersey**

The meeting was called to order at 7:44 PM by Art Palombo, Chairman.

Members present:

Edward Engelbart, At-Large
Janet Foster, Architectural History
Ann Granbery, Historic Landscape Specialist
Mary-Anna Holden, Region IV
Arturo Palombo, Preservation Architecture
George Shanoian, Region III
Lawrence Fast, Morris County Heritage Commission

Member with excused absence:

William Orlandi, Region I
John Solu, Building Restoration
Randy Tortorello, At-Large
George Wien, Region II

Also attending:

Deena Leary, Director, Morris County Dept. of Planning & Public Works
Christine Marion, Morris County Planning Director
John Napolitano, Esq., Special Counsel
Ray Chang, Historic Preservation Program Coordinator

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting in compliance with the Open Public Meetings Act has been provided and filed with the Town of Morristown, the Morris County Clerk, the Daily Record and the Star Ledger.

PUBLIC COMMENT

There is no comment from the public.

MODIFICATIONS TO REGISTER-LISTED SITES / HP EASEMENT

Mr. Chang stated that during the 2014 grant review period, the Board indicated interest to hold a workshop to discuss controls over modifications to register-listed sites. This topic resulted from a proposal by the Friends Meeting House in Randolph to construct an addition to the back of the Annex building which is sited next to the Meeting House. In this particular case, the Meeting House had received less than \$50,000 of Historic Preservation (HP) construction funding and thus a historic preservation easement (30-year easement per Morris County HP grant program) has not been placed on the property pursuant to the rules.

As advised by Mr. Napolitano, the Board considered Section 3(c)(iii) of the HP easement that reads:

“Grantor shall not, without prior written approval of Grantee, attach to or erect anything on or near the Protected Features which would prohibit them from being visible from ground level, or compromise the historic aesthetic or cultural significance of the Property except for temporary structures needed during any period of approved alteration or restoration.”

Mr. Napolitano indicated that it is up to the Board to define what is considered to be “near” the Protected Features. For the purposes of the easement, local zoning would not have any bearing on the Board’s determination. Member Fast suggested that certain portions of the Section 106 reviews could be adopted for HP easement purposes.

The Board considered lowering the threshold of construction funding from \$50,000 to \$25,000 that would trigger the easement requirement. Mr. Napolitano advised that the Board could do so as long as the Board is not arbitrary and capricious in determining the threshold. Member Holden added that NJ Historic Trust (NJHT) enforces its easement with an annual monitoring process. Ms. Marion pointed out the County Farmland Preservation program also has an annual monitoring requirement. The Board questioned how the easement could survive a change in ownership. Mr. Napolitano advised that the HP easement runs with the property and that the easement would turn up as part of the deed when a potential buyer performs a title search.

The Board discussed if the required 12 days per year for public access were too onerous. Mr. Napolitano informed the Board that it may not have the statutory authority to amend the easement language and he will look into this matter. The Board recognized that at the end of the 30 year easement, the loss of use is very real. Chairman Palombo pointed out that the Board scrutinizes the operational ability of applicants as part of the application review. The Board recognized that the entire setting of a historic site ultimately contributes to its historic significance.

Member Holden suggested that certain HP sites could possibly be turned over to private owners who, while extinguishing their easement with Morris County, could donate a perpetual preservation easement to the NJHT. The Board questioned if a list of qualified contractors could be provided for projects under the easement. Mr. Napolitano advised that creation of such a list would need to be approved by the NJ Dept. of Community Affairs. This discussion did not result in any action by the Board.

The Board suggested that activities permitted under the easement should be indicated in the Maintenance Plan, and that the easement could be amended to include language such as, “(activity)...in accordance with the Maintenance Plan or the Preservation Plan”. The Board indicated that although the easement uses the term “Protected Features” to refer to particular elements that received funding assistance, the Board’s intention is that the easement’s protection would encompass landscape elements as well as other elements of the structures.

RULES ON ACQUISITIONS

The Board reviewed the current HP rules on acquisition and noted it addresses the appraisal requirement only for closings prior to grant award, and it lacks specific appraisal requirements and qualifications of the appraiser. Mr. Napolitano advised that appraisals for HP acquisition should not be required to be prepared by an appraiser on the NJ Green Acres list of approved appraisers. The Board suggested that the rules should require that a Maintenance Plan be prepared as a part of any HP acquisition project. Draft rules on acquisition would be provided to the Board prior to the next scheduled meeting.

ENERGY AUDIT ITEM ON HP APPLICATION FORMS

The Board discussed how HP applicants could be made aware of the energy audit and other program assistance available from the NJ Clean Energy Program administered by the NJ Board of Public Utilities. The Board suggested several ways that the applicants could be informed: provide brochures at the HP application workshop in January; inform applicants and preservation professionals, especially during the preservation planning stage of the project; and provide information and links on the HP website.

OTHER

Ms. Leary reported on the status of discussions regarding the constitutionality of funding religious institutions. County Counsel had prepared an opinion memo stating his belief that the County would prevail in a challenge. The Freeholders have formed a sub-committee to study this matter. It was recognized that the historic preservation community needs to speak out more on this issue to provide a reasonable basis for funding religious institutions.

PROJECT UPDATE

Morris Canal Lock 2 East, Wharton, 2011 Grant

Mr. Chang updated the Board on the progress of the Wall and Gates project at the Morris Canal Lock 2 East in Wharton. The Board was shown a few photos taken from a site visit by the County Consultant and staff on Sept. 25, 2014. The Board was concerned with the quality of the mortar work, excessive mortar joint widths, uneven surface on top of buttresses that will allow water pooling, and cracked mortar joints that will allow pathways for moisture. The contractor will be advised to correct these conditions so that the mortar joint widths would match other parts of the wall. The excessive mortar covering the top ledge of the south wall could be addressed by adding a layer of stone on the ledge. The Board recognized a need to have a mechanism that the Board could be informed of the progress of such projects with periodic photos throughout the construction process.

Museum of Early Trades & Crafts, Madison, 2014 Grant

Mr. Chang advised the Board on a reallocation request by the Museum of Early Trades & Crafts in Madison. The Museum is requesting to reduce and modify the scope of work associated with the approved 2014 grant application to meet the available budget. The Museum claimed that for its matching fund it has “a grant of \$125,000 from open space, which must be spent by the end of December 2014 or they will lose the funds”. The Board is uncertain if the \$125,000 matching funds would expire by the end of the year. The Board directed that the program pays no more than 80% of the total project cost, as capped by the approved grant amount.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:27 PM with all in favor.

Respectfully submitted,

Ray Chang, P.P., Historic Preservation Program Coordinator