



Historic Commission Application # _____

Borough of Medford Lakes Application for Demolition

Name of Owner: _____ Date: ____/____/____

Owner Address: _____

Email Address: _____ Phone Number: _____

Property Address: _____ Medford Lakes, NJ

Borough Assessment Map: Block: _____ Lot(s): _____

Approximate Age of Building to be Demolished: _____

Description of Existing Property: _____

The following information MUST be included with this application:

- ☐ Statement of need with supporting photographs
- ☐ Copies of maps, surveys, photographs, reports of experts retained by applicant
- ☐ Proof of costs prepared by applicable licensed professional or contractor
 - Applications alleging mold/foundation/structural/fire/etc.
- ☐ Any other supporting documents

I certify that I have read the Historic Preservation Ordinance, Chapter 138 and Chapter 145-158 of the Medford Lakes Borough Code (attached)

Signature of Property Owner: _____

Sent:

☐ Construction Official

Date: _____

Deemed Complete:

☐ Construction Official

Date: _____

Sent:

☐ Historic Commission

Date: _____



Historic Commission Application # _____

Historic Commission Action on Application:

- ☐ Approved as submitted by applicant
- ☐ Denied
- ☐ Waiver Requested

Historic Commission Comments/Recommendations: _____

Historic Commission Chairman: _____ Date: ____/____/____
Signature



Planning Board Action on Application:

- ☐ Approved per review of Historic Commission action
- ☐ Approved per appeal by the applicant
- ☐ Denied per appeal by the applicant
- ☐ Waiver granted

Planning Board Comments: _____

Planning Board Chairman: _____ Date: ____/____/____
Signature



Historic Commission Application # _____

Borough of Medford Lakes

DEMOLITION CHECKLIST

Demo Application

- ☐ Owner name, address, phone, email address
- ☐ Address of property to be demolished
- ☐ Signature of authorized applicant
- ☐ Statement of need with supporting photographs
- ☐ Approximate age of building to be demolished
- ☐ Review by Construction Official finding application complete with signature

Materials Required for Demo Hearing

- ☐ Notice of Hearing (200ft)
- ☐ Copies of maps, surveys, photographs, reports of experts retained by applicant
- ☐ Proof of costs prepared by applicable licensed professional or licensed contractor
 - Applications alleging mold/foundation/structural/fire
- ☐ Any other documents requested by Historic Preservation Commission
 - Should the Commission choose to retain an expert
 - All expert expenses will be the responsibility of the applicant
 - All materials must be submitted ten (10) days prior to hearing
 - Property shall be made available for Commission inspection

Signature of Applicant: _____ Date: _____

Medford Lakes Historic Ordinance

Chapter 138 Historic Preservation

The purposes of this chapter are:

- A.** To safeguard the heritage of the Borough of Medford Lakes by preserving that part of the Borough which reflects elements of its cultural, social, economic, and architectural history, and to protect the unique architectural character of the community by ensuring that development is performed in accordance with design standards for the preservation of historic features.
- B.** To maintain and develop an appropriate and harmonious setting for the architecturally and historically significant landmarks, buildings, structures, and areas within the Borough of Medford Lakes.
- C.** To stabilize and improve property values.
- D.** To foster civic beauty.
- E.** To protect and enhance the Borough's attraction to residents and visitors.
- F.** To promote the use of the historic district for the education, pleasure, and welfare of the citizens of the Borough and its visitors.
- G.** To protect the architectural character of Medford Lakes by ensuring that any renovation of or additions to existing structures are performed in accordance with clearly established design standards for the preservation of historic features. The Lakes Historic District is an overlay zone; that is, it does not supersede any existing zoning district but rather it encompasses portions of all six of the zoning districts described above. All permitted land uses and bulk regulations within these zones remain in effect; however, construction within the Lakes Historic District must be performed in accordance with historic preservation standards set forth in Chapter 145, Land Development.

§ 138-2 District established.

There is hereby established in the Borough of Medford Lakes a district to be known as the "Medford Lakes Historic District" which is defined for the purposes of this chapter as follows: The Medford Lakes Historic District includes those portions of the Borough located along the shores of Upper and Lower Actna Lakes, the area north of Tabernacle Road between Oak Trail and Neeta School, the area between Minnelonka Trail and Mohawk Trail on the eastern shore of Ballinger Lake, the area west of Ballinger Lake bounded by Algonquin, Quogue and Natchez Trails, and an area in the southeastern portion of the Borough east of Lakes Mishe Mokwa and Wanwanskashe and north of Lake Mikonok. The boundaries of the district are clearly illustrated on the Medford Lakes Historic District Map, incorporated herein.^[1] [1] *Editor's Note: The Historic District Map is on file in the Clerk's office.*

§ 138-3 Definitions.

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

ADDITION: A combination of materials to form a building, structure, or improvement to an existing structure which changes the exterior appearance of the structure.

ALTERATION: Any work done which changes the exterior appearance of a structure.

CHINKING: The mortar-like material used in between logs.

COMMISSION: The Medford Lakes Historic Preservation Commission.

DEMOLITION: The razing of any structure.

FULL LOG: Construction consisting of exposed cylindrical wooden timbers.

GABLED ROOF: A simple roof composed of two flat surfaces meeting to form a straight ridge and creating a triangle at either end of the building.

HALF LOG: Construction consisting of exposed half cylindrical wooden timbers which appear to be complete logs on the exterior of the building.

HIPPED ROOF: A roof that slopes back equally from each end of the building so that there are no gables.

HISTORIC DISTRICT: An area described in § 138-2 of this chapter, which has a unique character resulting from architectural style and which can be readily viewed as an area or neighborhood representing a distinct or significant period in the architecture and/or history of the Borough of Medford Lakes.

MUNTINS: Bars for holding the edges of windowpanes within the sash, which bars may be either intrinsic or "snap-ins."

RAILINGS: Fence-like barriers composed of one or more horizontal rails supported by widely spaced uprights.

REPAIR: Any work done which is not an alteration, addition, or the construction of a new building or structure.

SHED ROOF: A pitched roof used for a porch or an addition to a main building.

SIMULATED LOG STRUCTURE: Horizontal milled log siding.

STRUCTURE: A combination of materials to form a construction for occupancy, use, or ornamentation, above or below the surface of land.

§ 138-4 Historic Preservation Commission.

A. There is hereby created an independent commission known as the "Historic Preservation Commission" for the purpose of reviewing construction applications within the Medford Lakes Historic District.

B. Commission membership qualifications. The Historic Preservation Commission shall include, in designating the category of appointment, at least one member of each of the following classes:

(1) Class A: a person who is knowledgeable in building design and construction or architectural history and who may reside outside the municipality.

(2) Class B: a person who is knowledgeable in, or with a demonstrated interest in, local history and who may reside outside the municipality.

(3) Class C: Those regular members who are not designated as Class A or Class B shall be designated as Class C. Class C members shall be citizens of the municipality who shall hold no other municipal office, position or employment, except for membership on the Planning Board.

C. Commission membership. The Historic Preservation Commission shall consist of five regular members and may have not more than two alternate members. Of the regular members, a total of at least one less than a majority shall be of Classes A and B. Alternate members shall meet the qualifications of Class C members. A quorum shall be a majority of the regular membership of the Commission.

D. Appointments to Commission. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and the alternate members as "Alternate No. 1" and "Alternate No. 2."

E. Terms of office. The term of the members first appointed under this chapter shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of

no regular member shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years and the term of an alternate member shall be two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. Notwithstanding any other provision herein, the term of any member common to the Historic Preservation Commission and the Planning Board shall be for the term of membership on the Planning Board.

F. Commission officers. The Historic Preservation Commission shall elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Historic Preservation Commission or a municipal employee.

G. Alternate members. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

H. Conflict of interest. No member of the Historic Preservation Commission shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest.

I. Removal from office. A member of the Historic Preservation Commission may, after public hearing if he requests it, be removed by the Borough Council for cause.

§ 138-5 Budget provisions and expenditures.

The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission. The Historic Preservation Commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney at the rate of compensation determined by the governing body. Expenditures pursuant to this section shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use.

§ 138-6 Commission responsibilities.

The Historic Preservation Commission shall have the responsibility to:

A. Prepare a survey of historic sites of the municipality pursuant to criteria identified in the survey report;

B. Make recommendations to the Planning Board on the Historic Preservation Element of the Master Plan and on the implications for preservation of historic sites on any other Master Plan elements;

C. Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program;

D. Advise the Planning Board on applications for development pursuant to § 138-7 of this chapter;

E. Provide written reports pursuant to § 138-10 of this chapter on the application of Chapter 145, Land Development, Part 1, Zoning, concerning historic preservation;

F. Carry out such other advisory, educational, and informational functions as will promote historic preservation in the municipality;

G. Compile, maintain, and periodically update a list of source materials, types of building materials available, and other appropriate information for the benefit of and assistance to persons required to comply with the provisions of this chapter;

H. Recommend to the Borough Council the designation of specific landmarks or properties outside the Medford Lakes Historic District to be included within the requirements of this chapter;

I. Have the power to recommend the granting of waivers of the requirements of this chapter where it is deemed appropriate by reason of the character of the development or location of the property;

J. Prepare guidelines for design standards and recommendations for administrative review.

§ 138-7 Referral by Planning Board.

The Planning Board shall make available to the Historic Preservation Commission an informational copy of every application submitted for development in the Lakes Historic District or on historic sites designated on the Zoning or Official Map or in any component element of the Master Plan. Failure to make the informational copy available shall not invalidate any hearing or proceeding. The Historic Preservation Commission may provide its advice which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

§ 138-8 Construction in Historic District.

The lawful use of land, buildings, or other structures existing at the time of adoption of this chapter may be continued despite nonconformity with this chapter. However, no new construction, reconstruction, alteration, restoration, improvement, relocation, modification, demolition, change, conversion, or altered structure or use shall be permitted within the Lakes Historic District after the effective date of this chapter except in conformity with the provisions of this chapter.

§ 138-9 Approval required.

[Amended 4-13-1989 by Ord. No. 260]

A. Application to the Historic Preservation Commission for a certificate of appropriateness and issuance of a certificate of appropriateness by the Planning Board in accordance with this chapter shall be required before the issuance of a building, demolition, or sign permit and before the commencement of work at any location within the Lakes Historic District, where the permit or work involves any of the following activities:

(1) Demolition or relocation.

(2) An addition or alteration which changes the appearance of a structure.

(3) New construction within the Historic District including any construction in the existing vacant lot.

[Amended 8-10-1989 by Ord. No. 263]

(4) Erection, alteration, location, relocation, construction, reconstruction, maintenance, or change to any sign located within the Lakes Historic District.

(5) Rebuilding of any structure which has been demolished or destroyed by 50% or more.

B. Routine maintenance of existing conditions does not require application to the Historic Preservation Commission as further specified in § 138-11 of this chapter. [1]

[1] *Editor's Note: Original Section 18, Permitted Uses and Bulk Requirements, which immediately followed this section, was deleted at time of adoption of code (see Ch. 1, General Provisions, Art. I).*

§ 138-10 Historic District design standards.

[Amended 5-14-1987 by Ord. No. 231; 8-10-1989 by Ord. No. 263]

Within the Medford Lakes Historic District, the Historic Preservation Commission and the Planning Board shall consider the Secretary of the Interior's standards for Historic Preservation projects. The following specific standards shall apply to renovations and additions to log structures and new construction in the Medford Lakes Historic District (Notwithstanding anything appearing to the contrary, existing nonlog

homes in the Medford Lakes Historic District shall be subject only to the standard respecting colors as established in Subsection H of this section):

A. Surface treatment.

(1) Existing full log structures.

- (a)** Additions must be full log or half log with chinking.
- (b)** Existing logs must be replaced with either full logs or half logs.
- (c)** Resurfacing for the purpose of installing insulation must have an exterior finish of half logs.
- (d)** Repairs must be full log or half log and must be consistent with existing surface treatment.

(2) Existing half log structures.

- (a)** Additions must be half log with chinking.
- (b)** Existing logs must be replaced with half logs.
- (c)** Resurfacing for the purpose of installing insulation must have an exterior finish of half logs.
- (d)** Repairs must be half log and must be consistent with existing surface treatment.

(3) Existing full log/half log combination structures.

- (a)** For those portions of the existing structure having full log construction, the standards in Subsection **A(1)** above apply.
- (b)** For those portions of the existing structure having half log construction, the standards in Subsection **A(2)** above apply.
- (4)** Existing log/nonlog combination structures and hidden log structures.

(a) Facade replacement must be done with full or half logs.

(b) Repairs must match existing materials.

(c) Additions must be full log or half log; however, a waiver may be applied for if log construction is judged to be inconsistent with existing surface materials.

(5) Simulated log structures.

(a) The prevailing directional orientation of existing surface materials must be maintained.

(b) The color of the structure must be consistent in all its parts.

(6) New construction.

(a) New construction shall be defined to include dwellings, garages, sheds, accessory structures, and any additions to existing structures.

[Amended 8-10-1989 by Ord. No. 263]

(b) Full log or half log construction must be used, with or without chinking.

(c) A waiver may be requested to permit construction which is not of the full log or half log type described in Subsection **A(6)(b)** above.

B. Steps and visible foundations. In the case of additions, repairs, or replacements:

(1) Materials used must be consistent in type and appearance with materials used in the existing structure.

(2) No unfinished materials may be used. No exposed cinder blocks or concrete blocks may be visible on the exterior of the structure.

C. Roofs and eaves.

(1) Gabled, hipped or shed roofs must be used. Roof profiles must be consistent with these traditional styles occurring within the Lakes Historic District.

(2) In the case of additions, repairs or replacements, the roof overhang must match the existing overhang on other portions of the structure.

(3) Roofing materials must be unobtrusive in color and surface pattern. Cedar shake roofs and asphalt, fiberglass and/or slate shingle roofs are acceptable if their colors are muted. Rolled roofs are acceptable if they are necessary and are installed in accordance with all applicable Building Code standards.^[1]

[1] *Editor's Note: See Ch. 95, Construction Codes, Uniform.*

(4) A waiver may be requested to permit the construction of flat roofs or metal roofs.

D. Windows and shutters.

(1) Windows must be visually divided with muntins, either intrinsic or snap-in, except as noted.

(2) Thermal windows are permitted.

(3) Windows on a new addition shall be similar in proportion and grouping to those on the existing structure.

(4) Replacement windows shall retain the dimensions and pane divisions of the units they replace.

(5) Changes in proportion and grouping of windows are permissible by waiver as herein provided.

(6) Stained and leaded glass are permitted.

(7) Skylights are permitted.

(8) Greenhouses are permitted.

(9) Exceptions for lakefront window treatment and for porch enclosures shall be considered upon request for a waiver regarding same.

(10) The style of storm windows shall be consistent with traditional styles occurring within the Lakes Historic District. Aluminum storm windows are acceptable only if white or brown colors are used.

(11) Shutters may be wood or vinyl.

E. Doors.

(1) New door construction and door replacement shall be similar to the original door in proportion and material.

(2) The style of storm doors must be consistent with traditional styles occurring within the Lakes Historic District. Wooden storm doors are acceptable.

F. Downspouts and gutters. Downspouts and gutters shall be dark brown, white or painted to match trim.

G. Railings.

(1) Railings shall have a natural wood finish or be painted to match the color of the main structure or trim.

(2) Existing log railings shall be replaced with log railings only.

H. Color.

(1) Log structures. Logs must be painted in accordance with the standards set forth in Subsection **H(2)(a)** and **(b)** below, or they must be stained the natural color of the log. Logs shall be natural with bark or, if peeled, shall be stained with a wood-tone color. Existing peeled logs, if painted, shall be brown. Log ends and trim shall be exceptions and must conform with the standards set forth in Subsection **H(2)(a)** and **(b)**.

(2) Nonlog structures.

(a) Facade colors must be muted and compatible with traditional colors occurring within the Lakes Historic District; these colors shall be used on doors, windows, fascia, shutters, other facade structure and fences.

(b) Colors other than those described in Subsection H(2)(a) above shall be allowed by waiver only.

I. Fences. Perimeter fences may be constructed of any material except chain link or similar material and cinder block or concrete block.

J. Signs. Signs shall be permitted only pursuant to the requirements of § 145-60 of Chapter 145, Land Development.

K. Demolition. Demolition of any structure employing log construction in whole or in part, either hidden or visible, shall be permitted only if the Construction Code Official determines that the structure poses an immediate danger to public health or safety or if, in the best estimate of said public official, the cost of repairing the structure exceeds 75% of the cost of replacing it in kind.

L. Relocation. Relocation of any structure employing log construction in whole or in part, either hidden or visible, shall be permitted only if it is the sole feasible means which will allow continued preservation of the structure.

[Added 5-14-1987 by Ord. No. 231]

§ 138-11Nonapplicability.

[Amended 8-10-1989 by Ord. No. 263]

The provisions of this chapter shall apply only to exterior features of a structure which are visible to public view for any public way or area, including lakeview, and shall not apply to any interior construction or arrangements. The provisions of this chapter shall not apply to the repainting, repair or replacement of any structure or construction within the Medford Lakes Historic District which is an exact duplication of existing conditions using the same or substantially similar materials, subject to the requirements of § 138-9A(5) of this chapter. The provisions of this chapter shall not apply to existing nonlog structures except as to color, including roof color as regulated under § 138-10H(2) of this chapter.

§ 138-12Application procedure.

[Amended 5-14-1987 by Ord. No. 231; 4-13-1989 by Ord. No. 260]

A. Application to the Historic Preservation Commission for a certificate of appropriateness shall be submitted to the designated administrative officer on a properly completed application form along with all appropriate fees. The application forms shall be approved by the Historic Preservation Commission and shall provide for the following information at a minimum:

(1) Detailed plans depicting the exact work to be performed, including detailed renderings of the exterior of any proposed new structure or any exterior alterations to existing structures. A delineation of the relationship of the renderings of the proposal in relation to adjacent structures or surrounding lands may be requested.

(2) A statement of the relationship of the proposed work to the design standards detailed in § 138-10 of this chapter.

(3) A statement of the relationship of the proposed work to the standards of § 145-51D of Chapter 145, Land Development, as amended.[Added 4-13-1989 by Ord. No. 260]

B. The Historic Preservation Commission shall issue a written report on the application of the Historic District Ordinance provisions concerning historic preservation to the development or construction proposed. The Commission shall report on any of those aspects of the change or construction proposed which have not already been approved by another municipal agency under the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). The Historic Preservation Commission shall submit its report to the Planning Board which shall in turn report to the Construction Code Official.

C. On the following types of applications, the Historic Preservation Commission may submit its report directly to the Construction Code Official and Planning Board approval shall not be required:

(1) Roof replacement or repair.

(2) Painting and paint color selection including staining.

D. The Planning Board, or the Historic Preservation Commission on those applications for which Planning Board review is not required, shall report to the Construction Code Official within 45 days of the referral of the application to the Historic Preservation Commission. If within the forty-five-day period, the Planning Board, or the Historic Preservation Commission, as the case may be, recommends to the Construction Code Official against the issuance of a permit or recommends conditions to the permit to be issued, the Construction Code Official shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the forty-five-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

§ 138-13Fee. [Amended 4-14-2010 by Ord. No. 576]

All applications submitted to the Historic Preservation Commission in accordance with the provisions of this chapter shall be accompanied by a filing fee in accordance with the Borough's Fees Schedule.^[1]

[1] *Editor's Note: See Ch. 112, Art. II, Fees Schedule.*

§ 138-14Pinelands Commission review.

[Added 5-14-1987 by Ord. No. 231; 4-13-1989 by Ord. No. 260]

Within the Lakes Historic District, applications for certificates of appropriateness shall be subject to the notification and review procedures of §§ 145-24 through 145-30 of Chapter 145, Land Development, unless the application is otherwise exempted from Pinelands Commission review pursuant to § 145-23B of Chapter 145, Land Development.

§ 138-15Time extensions; memorializing resolution.

The time periods provided within this chapter for action by the Historic Preservation Commission or the Planning Board may be extended by mutual agreement between the appropriate municipal agency and the applicant. Any action taken by the Historic Preservation Commission or the Planning Board shall be memorialized by written report or resolution setting forth the decision and the findings and conclusions of the agency taking the action.

§ 138-16Emergency repairs.

When emergency repairs are made or required to be made, the Construction Code Official shall notify the Chairperson of the Commission, or the Chairperson's designee, and a recommendation concerning the emergency repairs shall be made within 48 hours. The Construction Code Official may allow temporary repairs within the Medford Lakes Historic District prior to the Commission's review when these repairs are necessary for the building's occupancy or for public safety. Such emergency repairs shall be made to conform to the provisions of this chapter within 90 days.

§ 138-17Judicial review.

Nothing contained within this chapter shall be deemed to limit the right of judicial review of the action taken by any municipal agency under this chapter.

§ 138-18Violations and penalties.

Any person who undertakes an activity regulated by this chapter without first having obtained a building permit under the procedures set forth herein shall be in violation of this chapter. Prior to prosecution for such a violation, the Construction Code Official shall serve upon the owner notice of the violation describing in detail its nature and the action which the owner must take to abate the violation. If the owner cannot be personally served with the notice, a copy shall be posted on the property, and a copy shall be sent certified mail, return receipt requested, to the owner at his last known address as it appears on the Borough tax rolls. In the event that the violation described within the notice is not abated within the time provided within such notice, the owner shall be deemed in violation of this chapter and shall be subject to prosecution before the Municipal Court of the Borough of Medford Lakes. Any person who violates the provisions of this chapter shall be subject to a fine as set forth in the Uniform Construction Code fine schedule and to be imposed by the Municipal Court of the Borough of Medford Lakes or other appropriate court or agency having jurisdiction. Each day that a violation of this chapter occurs or continues after the time period for the abatement has run shall be a separate violation under this chapter. In addition, the Borough of Medford Lakes may apply to the Superior Court of New Jersey for injunctive relief to prohibit a violation of this chapter.

145-147 Historic district design standards.

Within the Medford Lakes Historic District, the Historic Preservation Commission and the Planning Board shall consider the Secretary of the Interior's standards for Historic Preservation projects and shall apply the following specific standards to all reconstruction, renovations and additions to existing log structures in Medford Lakes.

§ 145-148 Surface treatment.

A. Existing full-log structures.

- (1)** Additions must be full log or half log.
- (2)** Existing logs must be replaced with either full logs or half logs.
- (3)** Resurfacing for the purpose of installing insulation must have an exterior finish of half logs.
- (4)** Repairs must be full log or half log and must be consistent with existing surface treatment.

B. Existing half-log structures.

- (1)** Additions must be half log with chinking.
- (2)** Existing logs must be replaced with half logs.
- (3)** Resurfacing for the purpose of installing insulation must have an exterior finish of half logs.
- (4)** Repairs must be half log and must be consistent with existing surface treatment.

C. Existing full-log/half-log combination structures.

- (1)** For those portions of the existing structure having full-log construction, the standards in Subsection **A** above apply.
 - (2)** For those portions of the existing structure having half-log construction, the standards in Subsection **B** above apply.
- D.** Existing log/nonlog combination structures and hidden log structures.

- (1)** Facade replacement must be done with full or half logs.
- (2)** Repairs must match existing materials.
- (3)** Additions must be full log or half log; however, a waiver may be applied for if log construction is judged to be inconsistent with existing surface materials.

E. New construction.

- (1)** New construction shall be defined to include dwellings, garages, sheds, accessory structures and any additions to existing structures.
- (2)** Full-log or half-log construction must be used, with or without chinking.
- (3)** A waiver may be requested to permit construction which is not of the full-log or half-log type described in Subsection **E(2)** above.

§ 145-149 Steps and visible foundations.

In the case of additions, repairs or replacements:

- A.** Materials used must be consistent in type and appearance with materials used in the existing structure.
- B.** No unfinished materials may be used. No exposed cinder blocks or concrete blocks may be visible on the exterior of the structure.

§ 145-150 Roofs and eaves.

A. Gabled, hipped or shed roofs must be used. Roof profiles must be consistent with these traditional styles occurring within the Lakes Historic District.

- B.** In the case of additions, repairs or replacements, the roof overhang must match the existing overhang on other portions of the structure.
- C.** Roofing materials must be unobtrusive in color and surface pattern. Cedar shake roofs and asphalt, fiberglass, and/or slate shingle roofs are acceptable if they are necessary and are installed in accordance with all applicable Building Code standards.^[1]

[1] Editor's Note: See Ch. 95, *Construction Codes, Uniform*.

D.

A waiver may be requested to permit the construction of flat roofs or metal roofs.

§ 145-151 Windows and shutters.

- A.** Windows must be visually divided with muntins, either intrinsic or snap-in, except as noted.
- B.** Thermal windows are permitted.
- C.** Windows on a new addition shall be similar in proportion and grouping to those on the existing structure.
- D.** Replacement windows shall retain the dimensions and pane divisions of the units they replace.
- E.** Changes in proportion and grouping of windows are permissible by waiver as herein provided.
- F.** Stained and leaded glass are permitted.
- G.** Skylights are permitted.
- H.** Greenhouses are permitted.

I. Exceptions for lakefront window treatment and for porch enclosures shall be considered upon request for a waiver regarding same.

J. The style of storm windows shall be consistent with traditional styles occurring within the Lakes Historic District. Aluminum storm windows are acceptable only if white or brown colors are used.

K. Shutters may be wood or vinyl.

§ 145-152 Doors.

A. New door construction and door replacement shall be similar to the original door in proportion and material.

B. The style of storm doors must be consistent with traditional styles occurring within the Lakes Historic District. Wooden storm doors are acceptable.

§ 145-153 Downspouts and gutters.

Downspouts and gutters shall be dark brown, white or painted to match trim.

§ 145-154 Railings.

A. Railings shall have a natural wood finish or be painted to match the color of the main structure or trim.

B. Existing log railings shall be replaced with log railings only.

§ 145-155 Color.

A. Log structures. Logs must be painted in accordance with the standards set forth in Subsection **B(1)** and **(2)** below or they must be stained the natural color of the log. Logs shall be natural with bark, or if peeled, shall be stained with a wood tone color. Existing peeled logs, if painted, shall be brown. Log ends and trim shall be exceptions and must conform with the standards set forth in Subsection **B(1)** and **(2)**.

B. Nonlog structures.

(1) Facade colors must be muted and compatible with traditional colors occurring within the Lakes Historic District; these colors shall be used on doors, windows, fascia, shutters, other facade structure and fences.

(2) Colors other than those described in Subsection **B(1)** above shall be allowed by waiver only.

§ 145-156 Fences.

Perimeter fences may be constructed of any material except chain link or similar material and cinder block or concrete block.

§ 145-157 Signs.

Signs shall be permitted only pursuant to the requirements of § **145-60** of this chapter.

§ 145-158 Demolition.

[Amended 12-13-2023 by Ord. No. 700]

No person shall demolish, in whole or in part, any log structure located within the Borough without first submitting an application to the Construction Code Official and obtaining a recommendation for approval from the Historic Preservation Commission and approval from the Planning Board. This restriction shall not extend to any non-log additions on log structures.

A. Application.

(1) The applicant seeking to demolish or partially demolish a log structure shall first submit an application for demolition approval to the Construction Code Official on forms prepared or otherwise prescribed by the Construction Code Official and shall include:

(a) The applicant shall provide the name, address, telephone number of the person or entity who owns the building to be demolished, as well as a signature to verify the applicant has authority to make such application.

(b) Statement of the need for the demolition along with supporting photographs.

(c) The approximate age of the building to be demolished.

(d) Any and all applications fees as required by the Medford Lakes Land Development Ordinance, in accordance with the Borough's Fees Schedule.

(2) All application for demolition or partial demolition under this section shall be reviewed by the Borough's Construction Code Official. If the Construction Code Official finds that the application is complete, the Construction Code Official shall provide the application to the Historic Preservation Commission for a hearing. In the event the Construction Code Official finds that the application is deficient, the Construction Code Official or his or her designee shall provide written or verbal notice of deficiency to the applicant, along with the list of deficiencies.

(3) The Historic Preservation Commission shall schedule a hearing for no later than 45 days from receipt by the Commission of the complete application. Notice of the hearing shall be sent by regular mail or personal delivery to the applicant and a copy of the notice shall be provided to the Construction Code Official.

B. Demolition hearing procedure.

(1) An applicant scheduled for a demolition hearing pursuant to an application for demolition under this section shall, at least 10 days' prior to the hearing, submit to the Commission the following:

(a) Notice of Hearing via Certified Mail mailed to all property owners within 200 feet of the subject property.

(b) Copies of any maps or survey, photographs or reports of experts retained by the applicant.

(c) For applications alleging mold, foundation, structural and/or fire, the application must provide proof of costs prepared by an applicable licensed professional or licensed contractor.

(d) Such other documents or information as may be requested by the Historic Preservation Commission.

(2) Prior to the scheduled date for the demolition hearing before the Commission, the applicant shall make the subject property available for members of the Historic Preservation Commission for their review and inspection at a time and date arranged between the Commission and the applicant.

(3) The Commission may retain an expert(s) for the purpose of independently reviewing such reports, treaties or other documents submitted by the applicant or any expert retained by the applicant relative to the demolition application. Any expert retained by the Commission shall have access to all reports relative to the application and shall further have access to the subject property as such times as may be arranged between the Commission and the applicant. At the direction of the Commission, any such expert retained may be required to submit a written report and/or provide such expert testimony as may be requested during the hearing. The cost of such expert shall be the responsibility of the applicant.

C. Demolition hearing.

On the date specified in the notice, the Commission shall conduct a demolition hearing, at a regular or special meeting of the Commission at their determination, in order to determine whether to recommend the grant of the application for demolition and authorize the issuance of a demolition permit by the Construction Code Official. All persons testifying at the hearing shall be placed under oath. The hearing shall be conducted as follows:

(1) The Commission shall introduce the application.

(2) The applicant shall be given the opportunity to present their application under oath to the Commission. The applicant may be represented by counsel. The applicant may present testimony to the Commission including personal testimony, lay and/or expert testimony. The Commission and public will be given an opportunity to ask questions of the applicant and any of the applicant's witnesses. The applicant may present evidence to support their application.

(3) The Commission, in its discretion, may present any expert witnesses. The Commission, the applicant and the public will be given an opportunity to ask questions of the Commission expert.

(4) Any objectors, if any, shall be permitted to present evidence, including testimony of lay and/or expert witnesses. The Commission, the applicant and the public will be given an opportunity to ask questions of the objector's witnesses.

(5) The public shall be permitted to make comments for or against the application. Any statement made by a member of the public shall be done so under oath.

(6) The applicant and objector, if any, shall be given the opportunity to provide closing statements.

(7) The Commission may, in its discretion, conduct a site visit, but shall notice the site visit as a meeting and notify the applicant of same.

(8) The Commission shall set the date for initial findings to be prepared by the Commission.

D. Recommending approval or denial of application for demolition.

(1) Burden of proof. The applicant shall bear the burden of proof in demolition applications under this section. Such burden shall include the presentation testimony, lay or expert, introduction of exhibits, reports, photographs scientific testing, maps, surveys or any other exhibits. Failure of the applicant to present such evidence necessary shall be grounds for denial of the demolition application.

(2) The Commission shall recommend to the Planning Board that the application be either granted or denied within 30 days of the demolition hearing. The Commission recommendation to either grant or deny the application shall be based on the following criteria:

(a) The historical, architectural, cultural, and aesthetic significance.

(b) The importance of the structure to the Borough of Medford Lakes to the extent that such demolition would result in the loss of architecturally and/or historically significant structure to the detriment of the public interest.

(c) The impact of the demolition or partial demolition on the surrounding neighborhood compared with the existing condition of the property.

(d) The structural integrity of the log structure and the economic feasibility of restoring, repairing, or rehabilitating the structure.

(e) Whether the structure is a traditional full log structure (See Appendix A),^[1] a newer or partial log structure or a simulated log structure.

^[1]Editor's Note: Appendix A is ***included as an attachment to this chapter.***

(f) Whether the structure poses a threat to the public health and safety pursuant to the Uniform Construction Code.

(g) Whether the cost of repairing the structure exceeds 100% of the traditional full log cabin structures' equalized improvement assessed value employing fully chinked log construction in whole or in part.

(h) Whether the rest of repairing the structure exceeds 75% of the newer or partial log structure or a simulated log structure equalized improvement assessed value employing reconstruction in whole or in part.

(i) A fully chinked traditional full log cabin structure that is demolished is to be replaced with a fully chinked full log cabin structure.

(3) The Commission shall provide the applicant with the written findings of fact setting forth the reasons for recommending either granting or denying the application for demolition. The Commission shall pass a Resolution Adopting Findings of Fact memorializing their recommendation. Upon passage of the Resolution, the Commission shall provide a copy of the Resolution Adopting Findings of Fact to the Construction Code Official, the applicant and the Planning Board within 10 days of formal adoption.

(4) If the recommendation is that the application be granted, upon the receipt of the Resolution Adopting Findings of Fact, the Planning Board shall have 45 days to review the recommendation and make a final determination on the application. The applicant shall receive notice of the public hearing date and time that their application will be determined by the Board. If approved, the approval shall be transmitted to the Construction Code Official within 10 days of the Resolution memorializing the determination, and the Construction Official shall thereafter review and issue a demolition permit in the normal course, subject to all UCC requirements. A demolition permit under this section shall be valid for a period of two years from the date of the adoption of the Board's Resolution.

E. Appeals. The recommendation of a denial of a demolition application by the Historic Preservation Commission under this section shall be transmitted to the Planning Board, and the Board shall have 45 days to review the recommendation and make a final determination on the application. The applicant shall receive notice of the public hearing date and time that their application will be determined by the Board. If the recommendation is to deny the application, the applicant shall ensure that the following is submitted to the Board at least 10 days' prior to its hearing:

(1) Any forms required as part of the initial demolition application.

(2) All exhibits and reports introduced into evidence as part of the demolition hearing before the Commission.

(3) The Resolution Adopting Findings of Fact.

(4) Any other documents or forms as may be required by the Planning Board.

If the Planning Board finds in the applicant's favor, the Planning Board shall issue a demolition permit. If the Planning Board affirms Historic Preservation Commission's denial of the demolition application, the applicant shall not be issued a demolition permit.

F. Penalty. Any property owner or entity that carries out a demolition in violation of this chapter shall: (1) be subject to a zoning violation a stop-work order under the provisions of this Code and state law; and/or (2) be subject to the General Penalty provisions of this Code at § 1-15. Each day that a structure is demolished or remains demolished in violation of this chapter shall constitute a separate offense until the structure is satisfactorily remediated or a demolition approval is granted by the Commission, Board or Court.

§ 145-159 Relocation.

Relocation of any structure employing log construction in whole or in part, either hidden or visible, shall be permitted only if it is the sole feasible means which will allow continued preservation of the structure.