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CHAPTER 4

PROCEDURES CONCERNING THE NEW JERSEY
REGISTER OF HISTORIC PLACES

Authority

N.J.S.A. 13:1B-15.108 et seq. and 13:1B-15.128 et seq.

Source and Effective Date

R.1997 d.373, effective August 14, 1997.
See: 29 N.J.R. 2503(a), 29 N.J.R. 4103(b).

Executive Order No. 66(1978) Expiration Date

Chapter 4, Procedures Concerning the New Jersey Register of Historic Places, expires on August 14, 2002.

Chapter Historical Note

Chapter 4, New Jersey Register of Historic Places, was adopted by R.1979 d.328, effective August 16, 1979. See: 11 N.J.R. 224(c). Section 2.2 was amended by R.1980 d.241, effective June 4, 1980. See: 12 N.J.R. 108(a), 12 N.J.R. 391(b). Pursuant to Executive Order No. 66(1978), Chapter 4, New Jersey Register of Historic Places, expired on August 16, 1992.

Chapter 4, Procedures Concerning the New Jersey Register of Historic Places, was adopted as R.1992 d.318, effective August 17, 1992. See: 23 N.J.R. 2103(b), 24 N.J.R. 2926(a).

Pursuant to Executive Order No. 66(1978), Chapter 4, was readopted by R.1997 d.373, effective August 14, 1997. See: Source and Effective Date. See, also, section annotations.

Cross References

Historic Preservation Grants, see N.J.A.C. 7:4D.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:4-1.1 Purpose
- 7:4-1.2 Severability
- 7:4-1.3 Definitions

SUBCHAPTER 2. REGISTRATION PROCEDURES AND
CRITERIA

- 7:4-2.1 Integration of New Jersey and National Register of Historic Places Programs
- 7:4-2.2 Procedure for the nomination of properties for inclusion in the New Jersey and National Registers
- 7:4-2.3 Criteria for evaluation of a property nominated for listing in the New Jersey Register
- 7:4-2.4 Notification of registration and National Park Service determinations of eligibility
- 7:4-2.5 Listed property file
- 7:4-2.6 Distribution of New Jersey Register and National Register
- 7:4-2.7 Disclosure of nomination or registration of a historic property

SUBCHAPTER 3. BOUNDARY REDELINEATION AND
RELOCATION OF PROPERTIES LISTED IN THE
NEW JERSEY REGISTER

- 7:4-3.1 Redelineation of the boundary of property listed in the New Jersey Register
- 7:4-3.2 Relocation of properties listed in the New Jersey Register

- 7:4-3.3 Properties relocated in accordance with the recommendations of the Advisory Council on Historic Preservation
- 7:4-3.4 Relocation by the State, a county or municipality of property listed in the New Jersey Register

SUBCHAPTER 4. REMOVAL OF PROPERTY FROM
THE NEW JERSEY REGISTER

- 7:4-4.1 Grounds for removal of property from the New Jersey Register

SUBCHAPTER 5. CERTIFICATION OF ELIGIBILITY
FOR LISTING IN THE NEW JERSEY REGISTER

- 7:4-5.1 Certification of eligibility for listing in the New Jersey Register
- 7:4-5.2 Criteria for issuance of a certification of eligibility
- 7:4-5.3 Application for certification of eligibility

SUBCHAPTER 6. STATE FUNDS

- 7:4-6.1 Expenditure of State funds for historic preservation

SUBCHAPTER 7. REVIEW PROCEDURES FOR
PROJECTS ENCROACHING UPON NEW JERSEY
REGISTER PROPERTIES

- 7:4-7.1 Application procedure for encroachment authorization
- 7:4-7.2 Review of an application for project authorization
- 7:4-7.3 Emergency undertakings
- 7:4-7.4 Criteria for determining whether an undertaking constitutes an encroachment or will damage or destroy the historic property

SUBCHAPTER 1. GENERAL PROVISIONS

7:4-1.1 Purpose

This chapter shall constitute the rules of the Department of Environmental Protection concerning the preservation of the State's historic, architectural, archaeological, engineering, and cultural heritage in accordance with the New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq.

Amended by R.1997 d.373, effective September 15, 1997.
See: 29 N.J.R. 2503(a), 29 N.J.R. 4103(b).

Law Review and Journal Commentaries

Remediating and redeveloping historic properties. 165 N.J.L.J. 102 (2001).

7:4-1.2 Severability

If any section, subsection, provision, clause or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

7:4-1.3 Definitions

The following words and phrases, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Acquisition” means the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights or remainder interest).

“Act” means the “New Jersey Register of Historic Places Act”, P.L. 1970, c.268, N.J.S.A. 13:1B-15.128 et seq., or subsequent amendments thereto.

“Area” means a district as defined in this section.

“Area of undertaking’s potential impact” means that geographical area within which direct and indirect effects generated by the undertaking as defined in this section, could reasonably be expected to occur.

“Building(s)” means a structure created to shelter any form of human activity. Examples include a single construction such as a house, barn, courthouse, city hall, social hall, commercial building, library, factory, mill, train depot, fort, residence, hotel, theater, school, store, or church, or a small group of buildings consisting of a main building and subsidiary buildings that are functionally and historically related such as a courthouse and jail, house and barn, mansion and carriage house, church and rectory, or farm house and related out buildings, created to shelter any form of human activity.

“Certified Local Government” means a local government certified by the Department and the National Park Service to participate in Federal and State historic preservation programs pursuant to the National Historic Preservation Act of 1966 as amended.

“Chief elected local official” means the mayor, county executive or other titled chief elected administrative official who is the elected head of the local political jurisdiction in which the property is located.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Contributing property” means a building, site, structure, or object that adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because:

1. It was present during the period of significance, and possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period; or
2. It independently meets the New Jersey Register criteria set forth in N.J.A.C. 7:4-2.3.

“Cyclic maintenance” means that type of maintenance that is performed less frequently than annually and involves replacement or major mending of the fabric of a historic property, an example of which would be a complete re-roofing of a building.

“Damage” means partial physical harm or demolition of a historic property.

“Department” means the Department of Environmental Protection, Division of Parks and Forestry, Historic Preservation Office.

“District” means a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district may also comprise individual elements that although linked by association or function were separated geographically during the period of significance, as a district of discontinuous archaeological sites or a canal system where man-made segments are interconnected by natural bodies of water. The concept of a discontinuous district applies only where visual continuity is not necessary to convey the historic interrelationship of a group of related resources. Examples include, but are not limited to, college campuses; central business districts; residential areas; commercial areas; industrial complexes; civic centers; rural villages; canal systems; collections of habitation and limited activity sites; irrigation systems; large estates, farms, ranches, or plantations; transportation networks; and large landscaped parks.

“Emergency” means a situation in which the condition of a property is so damaged by an event such as, but not limited to, a natural disaster, major fire, serious accident or structural collapse, that it constitutes an immediate, direct, demonstrable, and severe hazard to the public safety. The poor condition of a property caused by long term deterioration shall not be considered an emergency.

“Encroachment” means the adverse effect upon any district, site, building, structure or object included in the New Jersey Register resulting from the undertaking of a project by the State, a county, municipality or an agency or instrumentality thereof, as determined by application of the Criteria for Determining Whether an Undertaking Constitutes an Encroachment set forth in N.J.A.C. 7:4-5.4 and the Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 C.F.R. Part 68) and “Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings” (guidelines issued by the National Park Service, incorporated herein by reference and available from the Historic Preservation Office, PO Box 404, Trenton, New Jersey 08625-0404) or subsequent amendments thereto adopted by the Secretary of the United States Department of the Interior and the National Park Service.

“Historic Preservation Commission” means the commission created by an ordinance adopted by the local governing body pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-107 through 112.

“Historic Preservation Office” means that office of the Division of Parks and Forestry, Department of Environmental Protection, and any successors in right, with the responsi-

bility for maintaining the New Jersey Register of Historic Places and administering the State Historic Preservation Program.