

MINUTES OF THE SPECIAL MEETING

MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND REVIEW BOARD

Via Webex (for attendees):

<https://morriscountynj.webex.com/morriscountynj/onstage/g.php?MTID=ebafa39fc0122b3136e75a0a69b6b5818>

Event Number/Access Code: 173 828 2198. Event Password: 0519. Audio only: +1-408-418-9388

May 19, 2021

The meeting was called to order at 7:03 PM by Chairman Fast.

Members present:

Amy Curry, Region II
Gary DeBiasse, Preservation Architecture
Edward Engelbart, At-Large
Lawrence Fast, At-Large
Jill Gotthelf, Region III
Ann Granbery, Historic Landscape Specialist
Edward Hanington, Region I
Martin Kane, Morris County Heritage Commission
Bethany Russo, Architectural History
John Solu, Building Restoration
Martha Wells, Region IV

Also attending:

Stephen Shaw, Commissioner Director
William Johnson, Esq. County Special Counsel
Joe Barilla, Morris County Planning Director
Barbara Murray, Open Space Program Coordinator
Ray Chang, Historic Preservation Program Coordinator
Tim Jones, Harding Township Mayor
Rita Chipperson, Harding Township Committee Person
Robert Falzarano, Harding Township Administrator
Dev Modi, Harding Township
Frank Pinto, Greener by Design
Ben Spinelli, Greener by Design

OPEN PUBLIC MEETINGS STATEMENT

Chairman Fast stated that 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.

VIRTUAL MEETING STATEMENT

Mr. Chang read the virtual meeting statement.

PUBLIC COMMENTS

There were no comments from the public.

TERMINATION OF HP EASEMENT

Glen Alpin, Harding (2005 ~ 2007 Grants)

The Board heard a presentation from Mr. Ben Spinelli representing Harding Township regarding its request to terminate the HP easement on Glen Alpin.

Mr. Spinelli laid out Harding Township's plan for terminating the 30-year County historic preservation easement on the Glen Alpin property. Glen Alpin is a country estate constructed for Henry S. Hoyt circa 1840. The Gothic Revival house is one of the best examples of the style in New Jersey. It is a contributing resource in the Tempe Wick Road Historic District.

The home and the surrounding property was purchased with assistance from a \$500,000 County Open Space grant in 2004. Four grants from the County's Historic Preservation Trust Fund totaling \$651,100 between 2005 and 2007 assisted with a complete roof replacement, a replacement of the HVAC systems, and professional services related to interior and exterior restoration.

Mr. Spinelli stated that the Township was unable to properly steward Glen Alpin, and despite many attempts, had been unable to find a productive use for the building. Therefore, the property continued to deteriorate, and is not safe for public visitation. In addition to providing the matching funds required for the grants received, the Township currently devotes approximately \$90,000 a year into this property.

The Township's proposal is to split the 9.6-acre property into two parcels, consisting of the home (about 3 acres) and the remaining open space (about 6.5 acres). The home parcel will be sold to a private owner and will be subject to a permanent replacement historic easement as drafted by the New Jersey Historic Preservation Office (HPO) with an expanded list of protected features. This easement would be stewarded by the New Jersey Historic Trust. The open space parcel will continue as public open space.

The Township believes this transaction fulfills a compelling public need, provides significant public benefit, and meets the goals of the County's historic preservation program. The HPO has determined that the project for the subdivision and sale of the Glen Alpin home does not constitute an encroachment under the New Jersey Register of Historic Places Act. The property will continue to be reasonably accessible to the public without the payment of a fee. The Township anticipates that the property will be owned by a party with the financial capacity to restore the structure, and will be put to a productive use.

Mr. Spinelli ended the presentation and invited questions from the Board.

Member Engelbart asked how much the Township budgets for the house each year? The Township stated that the Township allocates \$100,000 per year plus bond payment of \$68,000 annually. Member Engelbart asked the Township if it prefers to not provide any financial compensation to the County in exchange for the release of the Historic Preservation easement? The Township claimed that it believes the historic resources have been protected through the perpetual easement, so there will be no financial compensation in exchange for the release of the Historic Preservation Easement.

Member Curry asked if a full list can be obtained of the interior and exterior features that are supposed to be preserved, with pictures? The Township stated that the list is available through the perpetual easement. Chairman Fast asked if future preservation would adhere to the preservation approach and planning as laid out in the Preservation Plan and other planning documents that had been prepared for Glen Alpin? The Township confirmed that the New Jersey Historic Preservation Office (HPO) was provided with the Preservation Plan, and Glenn Ceponis at the New Jersey Historic Trust (NJHT) had updated the restrictions and added to the historic features to be preserved.

Member DeBiasse asked the Township to explain the unsafe conditions at Glen Alpin? The Township stated that the front stairs are a hazard. The front entrance way is severely deteriorated, and the hardscape on the property is falling into disrepair. Building egress and ingress are putting people at risk.

Member Engelbart asked if the property is sold to a private interest, what is to prevent that private interest from abandoning the property down the road, and who would be responsible for the property then? The Township claimed that the State has specific enforcement remedies. Chairman Fast noted that if a private owner defaults on a bank loan, and the bank forecloses with the property in disrepair, a deed restriction would prevent the property from being torn down. Mr. Johnson noted that the perpetual easement would run with the property. If the property was foreclosed on, the bank would still own it subject to the easement, which is enforced by the State.

Member Engelbart noted that if a private owner does not continue to pay taxes, the property could go into default and the Township could wind up with the property. Chairman Fast asked if things were not going well and building just happens to burn down, is there any provision for restoration? Member Engelbart noted these issues should be examined by the Township's attorney.

Chairman Fast asked Mr. Johnson if he was comfortable with the protection as provided in the perpetual easement? Mr. Johnson indicated that he considered the protection in the perpetual easement to be more extensive than the County easement. Member Kane asked if Mr. Johnson was comfortable with having the state enforce the terms of the easement? Mr. Johnson noted that the perpetual easement would give the State sufficient authority to enforce the historic protection.

Member Solu asked if there were any precedents with regard to this kind of a transaction at the State level, where the state has taken over long-term responsibility for a property, and if they have the enforcement budget and/or the agency staff to oversee this activity? The Township responded that the NJHT is responsible as the holder of the perpetual easement, and that the State is looking at this as a precedent and solution in such cases moving forward. Mr. Pinto added that the NJHT maintains a number of easements on privately owned property.

Member Engelbart complimented the Township for having maintained the property but it appears the Township no longer intends to take care of the property anymore. The Township noted that it's not that the Township did not want to do it, but it's that there was no end doing it. It is throwing literally millions of dollars into the restoration and renovation of this property but has still not reached its preservation goals. The public access would require putting staff there.

The Township concluded that it had tried to keep in mind the original intent of the purchase. It presented a proposal that is consistent with the County's visions, enhancing the restrictions that the County already have. The Township's proposed perpetual easement would mitigate the risks the Board has mentioned, and considers the Board's missions. The Township thanks the Board for its time and efforts in considering this proposal.

Chairman Fast thanked the Township for its presentation.

At this point, member Granbury left the meeting.

CLOSED SESSION

WHEREAS, pursuant to P.L. 1975 Ch. 231, the Open Public Meetings Act, the Historic Preservation Trust Fund Review Board may exclude the public to discuss matters as are provided under the Act; and

WHEREAS, said Act provided that this Board may exclude the public from the discussion of such matters,

NOW, THEREFORE, BE IT RESOLVED, that the Historic Preservation Trust Fund Review Board hereby excludes the public in order to discuss such matters. The general nature of the subject to be

discussed is as follows: Purchase, lease or acquisition of real property. On a motion by member Engelbart, seconded by member Solu, the Board closed the open portion of the meeting and voted to conduct a closed session at 8:29 PM.

RETURN TO MEETING

The meeting reopened to the public at 9:23 PM.

ACTION AS A RESULT OF CLOSED SESSION

Chairman Fast noted that the Board had deliberated in Closed Session, and will take a vote on its recommendation. Mr. Johnson was asked to articulate the two recommendations that the Board discussed in Closed Session.

Mr. Johnson expressed that it was his understanding that the Board wanted to recommend to the Board of County Commissioners to accept Harding's application to terminate the historic preservation easement on the Glen Alpin property, and that Harding, at the time of the sale of that property, which is contemplated in Harding's application, reimburse the County Historic Preservation Trust Fund the full amount of all the grants that Harding received.

On motion by member Kane, seconded by member Solu, the Board voted to recommend to the Board of County Commissioners to accept Harding's application to terminate the historic preservation easement on the Glen Alpin property, and that Harding, at the time of the sale of that property, reimburse the County Historic Preservation Trust Fund the full amount of all the historic preservation grants that Harding received.

Aye: Curry, DeBiasse, Engelbart, Fast, Gotthelf, Hanington, Kane, Russo, Solu, Wells

Nay: None Abstain: None

Mr. Johnson stated that the Board will formulate a resolution setting forth the decision and recommendation of this Board, and the reasoning behind that recommendation to be forwarded to the Board of County Commissioners.

QUESTIONS AND COMMENTS:

There were no questions and comments from the public.

NEXT MEETING

The next regular meeting is the Final Presentations scheduled for Monday, June 7, 2021, 6:15 PM, via Webex: <https://morriscountynj.webex.com/join/rchang>
Join by phone 1-408-418-9388 Access code: 714 291 650

ADJOURNMENT

There being no further business, on a motion by member Kane, seconded by DeBiasse, the Board voted to adjourn the meeting at 9:34 PM with all in favor.

Respectfully submitted,

Ray Chang, P.P.
Historic Preservation Program Coordinator