



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

NATURAL & HISTORIC RESOURCES

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January 2, 2018

Phil Greiner, Mayor
Borough of Flemington
38 Park Avenue
Flemington, NJ 08822

**RE: Hunterdon County, Flemington Borough
Borough of Flemington
Sale of 90-96 Main Street & Adjacent Parking Lots
(Block 22, Lots 7, 8, 9 and 10)
Application for Project Authorization
New Jersey Register of Historic Places Act Review
Flemington Historic District (SR 2/27/1980; NR 9/17/1980)**

Dear Mayor Greiner:

I am writing concerning your application for project authorization for the proposed sale of 90-96 Main Street (Block 22, Lot 7; referred to herein as the Bank Building), a contributing resource to the Flemington Historic District, and adjacent parking lots (Block 22, Lots 8, 9 and 10) located within the historic district boundaries. In accordance with the New Jersey Register of Historic Places Act, the Borough appeared before the New Jersey Historic Sites Council ("the Council") at a public meeting on August 16, 2017. Pursuant to N.J.A.C. 7:4-7.2(e)(7), the Council passed Resolution 2017-388 which recommended that the Commissioner of the Department of Environmental Protection (Department) temporarily deny the project based upon the need for the following additional information:

1. A condition assessment of the interior and exterior of the Bank Building (90-96 Main Street), including a structural analysis and options for the use of the building, to determine its potential for rehabilitation to meet the *Secretary of the Interior's Standards for Rehabilitation*.
2. A Phase I archaeological survey to identify archaeological resources that may be present. Should resources be identified, a Phase II survey shall be completed to evaluate the integrity and significance of those resources to determine whether the resources will be preserved in place or mitigation is required. All work shall be conducted in accordance with *The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 1983*. Reports of archaeological survey results shall conform to

the Requirements for Archaeological Survey Reports – Standards for Report Sufficiency, N.J.A.C. 7:4-8.5. The individual(s) conducting all phases of archaeological survey, and reporting shall meet the Secretary of the Interior's Professional Qualifications Standards for Archaeology. All artifacts from New Jersey and National Register eligible or listed archaeological sites will be analyzed, catalogued, and curated in accordance with the National Park Service Standards, codified as 36 CFR Part 79.

3. An evaluation of the appropriateness of scale of the proposed new development of 90-96 Main Street in the context of the surrounding Flemington Historic District, as well as an identification of archeological resources, if any exist, as part of the archaeological study on the adjacent lots.

Pursuant to N.J.S.A. 13:1B-15.131 and N.J.A.C. 7:4-7.2(b) the Council's recommendation was provided to the Commissioner of the Department who may authorize, consent to, deny, or temporarily deny the application. The Commissioner adopted the recommendation of the Council in a letter dated September 5, 2017 (HPO I 2017-046), and subsequently clarified item number 3 on November 1, 2017 (HPO K 2017-22) as follows:

3. An evaluation of the appropriateness of scale of the proposed new development of 90-96 Main Street and adjacent lots in relation to the character and nature of the 90-96 Main Street property and adjacent lots as listed on the NJ Register of Historic Places, as well as identification of archeological resources, if any exist, as part of the archaeological study on the adjacent lots.

In response, the Historic Preservation Office received supplemental information from the Borough on November 3, 2017. A subcommittee of the Council met to review the supplemental information and provide additional recommendations to the Department. The Borough provided clarification of the supplemental information on December 11 and 18, 2017.

I have carefully reviewed the entire record and have considered the documentation provided, in light of my obligation to consider: (1) the public benefit of the project; (2) whether there are feasible and prudent alternatives; and (3) whether sufficient measures could be taken to avoid, reduce, or mitigate the impacts on 90-96 Main Street and adjacent lots. In order for me to authorize this application, I must be satisfied that the criteria are met. Based on my review, and the reasons set forth below, I believe that these criteria have been met.

First, the applicant demonstrated the public benefit of this project. The sale of 90-96 Main Street will enable the larger redevelopment of downtown Flemington and will be the impetus for future investment in the Borough. Based on Mayor Greiner's (undated) letter and corresponding support information from the May 22, 2017 application, Flemington has seen a 20-year economic decline due to the real estate crash. Property values have gone down by 20% since real estate hit bottom in 2010 and have only gone back up in value 4 %, significantly less than neighboring municipalities. Since 2010 businesses have been in decline and the Borough's tax burden has been shifted to its residents. Flemington also has the lowest median income of Hunterdon County. In order to bring people to Flemington, a larger development with mixed uses, such as university, medical, retail, restaurant, residential and hotel use with ample parking is needed. In addition, as part of the redevelopment, the developer will pay for a new well to serve the Borough and upgrade the Borough's water and sewer lines, improving public safety.

The large-scale development will also create a “significant boost in revenue through negotiated tax payment far in excess than what the Borough currently receives for the affected properties.”

Second, the record shows that an alternatives analysis was conducted providing cost estimates for different actions ranging from the rehabilitation of 90-96 Main Street to its demolition and complete site redevelopment. The analysis demonstrates that if 90-96 Main Street were to be rehabilitated in accordance with the Standards, it would not be financially feasible to retain the façade of the Union Hotel. According to the developer’s financial analysis, a 4-story development would not result in the return on investment necessary to secure financing.

Third, the Borough and the developer have integrated retention of the exteriors of the Bank Building (90-96 Main Street) and the Union Hotel into the redevelopment plans. The applicant has demonstrated through a financial analysis received by the HPO on December 19, 2017 that without a seven-story development, the developer would not be able to make retention of the exteriors of the Bank Building and the Union Hotel and the cost of a new well and water and sewer line improvements financially feasible.

Based upon my review of this matter, your demonstration of the public benefit of the redevelopment, your assertion that the cost of rehabilitating 90-96 Main Street while retaining the façade of the Union Hotel is not a feasible financial alternative in meeting your project goals and that no feasible alternative can avoid or reduce the impacts on 90-96 Main Street and adjacent lots, I believe that Alternative IV, as provided in the application, is the more prudent and feasible alternative.

In accordance with N.J.S.A.13:1B-115.131 and its implementing regulations, specifically N.J.A.C. 7:4-7.2(e)(9)ii, I hereby authorize the sale of the Bank Building and adjacent parking lots (Block 22, Lots 7, 8, 9 and 10) in accordance with the following mitigating conditions:

Archaeological Survey

1. Prior to project implementation, areas of archaeological sensitivity identified in PS&S’s report *Phase IA Archaeological Reconnaissance, Block 22, Lots 7, 8, 9 and 10, Borough of Flemington, Hunterdon County, New Jersey* (dated October 20, 2017) shall be subject to Phase IB archaeological testing and documentary research within Block 22, Lots 7, 8, 9 and 10 to identify archaeological deposits present within the project site. Testing shall follow the methodology discussed in the Phase IA report and include at a minimum two (2) 25-foot long backhoe trenches in each of the parking areas. The Phase IB report shall also address the archaeological sensitivity at the one-story “police building” on Lot 7 and recommendations for any subsequent investigation(s) either pre- or post-demolition.
2. A draft technical report of the results of the Phase IB archaeological survey shall be submitted to the Historic Preservation Office for written review and approval prior to the start of any ground disturbing activities associated with the proposed project.
3. If the Historic Preservation Office identifies potentially significant archaeological deposits upon review of the Phase IB survey report, and these resources cannot be avoided by project activities, Phase II archaeological survey shall be conducted to evaluate the identified archaeological deposits for inclusion on the New Jersey and National Registers of Historic Places. A Phase II archaeological survey work plan or

plans shall be submitted to the Historic Preservation Office for review and approval prior to archaeological survey. No project ground disturbance may commence within areas of Phase II archaeological testing and the subsequent technical report review period.

4. Any potentially significant archaeological resources that the Historic Preservation Office agrees can be avoided by project activities shall be protected in place by an Historic Preservation Office approved avoidance and protection plan. The avoidance and protection plan shall include an archaeological preservation easement to be filed with the County. The Borough shall ensure that the avoidance and protection plan is implemented.
5. The results of Phase II archaeological survey shall be submitted to the Historic Preservation Office for written review and approval prior to any ground disturbing activities on the project site.
6. If the Historic Preservation Office identifies New Jersey and National Register eligible archaeological sites upon review of the draft Phase II survey report, and cannot be avoided, then plans for mitigating the impact of the project on significant archaeological deposits must be formulated in consultation with the Historic Preservation Office.
7. If archaeological data recovery is recommended, then a data recovery plan or plans shall be submitted to the Historic Preservation Office for review and approval prior to any archaeological mitigation work. The data recovery plan shall meet the Secretary of the Interior's *Standards for Archeology and Historic Preservation*, and establish a schedule for the submission of reports and artifact curation and incorporate a public outreach/public benefits component.
8. Once an acceptable data recovery plan has been developed by the Borough and approved by the Historic Preservation Office, data recovery of significant archaeological sites shall be conducted prior to any other project activities including ground disturbance within the data recovery area within Block 22, Lots 7, 8, 9 and 10. The data recovery plan shall include provisions for submitting results of the archaeological data recovery to the Historic Preservation Office for review and approval within six months of the completion of fieldwork or timeframe developed in consultation with the Historic Preservation Office. The Borough shall rectify any data recovery report deficiencies identified by the Historic Preservation Office.
9. The need for archaeological monitoring during construction will be developed in consultation between the Borough, archaeological consultant, and the Historic Preservation Office.
10. All artifacts from New Jersey and National Register eligible archaeological sites will be analyzed, catalogued, and curated in accordance with the National Park Service Standards, codified as 36 CFR Part 79.
11. The individual(s) conducting all phases of archaeological survey and reporting shall meet the Secretary of the Interior's *Professional Qualifications Standards for Archaeology*.
12. All archaeological work shall be conducted in accordance with the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*. Evaluations to determine the State Register eligibility of archaeological sites must be in keeping with the National Park Service's 2000 National Register Bulletin, *Guidelines for Evaluating and Registering Archeological Properties*. All archaeological reporting and survey should conform to the Requirements for Archaeological Survey Reports – Standards for Report Sufficiency at N.J.A.C. 7:4-8.5.

Architectural Documentation

1. Prior to project implementation, Flemington Borough, using the services of a consultant meeting the Secretary of the Interior's *Professional Qualifications Standards for Architectural History* shall document the interior and exterior of the Bank Building. Interior documentation shall include all remaining historic building fabric, as identified on the annotated "Proposed HCNB Elevations Alternative V" drawings dated October 25, 2017, and submitted to the Historic Preservation Office on December 11, 2017. Documentation shall be to Level III standards of the Historic American Buildings Survey (HABS). Flemington Borough shall ensure that all documentation is completed and accepted by the Historic Preservation Office prior to any demolition or alteration of the building. The Borough shall provide one original copy of the recordation documentation to the Historic Preservation Office within 90 days of signing this authorization letter and duplicate copies, with original photographs, shall be provided to appropriate repositories as identified in consultation with Historic Preservation Office staff.
2. In accordance with the "List of Mitigations to be Included in the Project" provided in the supplemental submission of November 3, 2017, Flemington Borough has offered and shall also complete photographic documentation of the Union Hotel prior to any construction activities on the building. The Borough shall use the services of a consultant meeting the Secretary of the Interior's *Professional Qualifications Standards for Architectural History* to document the interior and exterior of the Union Hotel. Documentation shall be to Level III standards of the Historic American Buildings Survey (HABS). Flemington Borough shall ensure that all documentation is completed and accepted by the Historic Preservation Office prior to any demolition or alteration of the building. The Borough shall provide one original copy of the recordation documentation to the Historic Preservation Office within 90 days of signing this authorization letter and duplicate copies, with original photographs, shall be provided to appropriate repositories as identified in consultation with Historic Preservation Office staff.
3. Prior to the removal, demolition, or alteration of any existing buildings within the Redevelopment Area (Block 22, Lots 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, and Block 24, Lots 1, 2, 3), Flemington Borough, using the services of a consultant meeting the Secretary of the Interior's Professional Qualifications Standards in History and/or Architectural History shall document the existing conditions of the Flemington Historic District within the Redevelopment Area. The documentation shall include streetscape views on Main Street, Bloomfield Avenue, Spring Street, and Chorister Place, as well as exterior photos of all contributing buildings slated for demolition as part of the larger redevelopment project. Flemington Borough shall ensure that all documentation is completed and accepted by the Historic Preservation Office prior to any demolition or alteration of existing buildings or commencement of new construction. The Borough shall provide one original copy of the recordation documentation to the Historic Preservation Office within 90 days of signing this authorization letter and duplicate copies, with original photographs, shall be provided to appropriate repositories as identified in consultation with Historic Preservation Office staff.

Retain the facades of the bank building and the Union Hotel

1. As noted in the application, offered as part of mitigation by the Borough, the developer shall retain all of the facades of the Bank Building and the front and side facades of the Union Hotel. As part of the contract of sale, the Borough shall require the developer to use a structural engineer with demonstrated experience in historic preservation to develop and utilize signed and sealed detailed demolition plans of the interior of the Bank Building and Union Hotel, as well signed and sealed stabilization and bracing plans for the retention of the exterior walls of the Bank Building and the Union Hotel. Signed and sealed demolition and stabilization and bracing plans shall be submitted to the HPO for review and approval prior to the start of any work to ensure that removal of the interiors of the building and stabilization and bracing of the walls is completed by a structural engineer with demonstrated experience in historic preservation.

Preservation of Bank Building Windows

1. The front and side facades of the Union Hotel and all of the facades of the Bank Building will be stabilized and braced in accordance with the signed and sealed plans prepared by a structural engineer with demonstrated experience in historic preservation. The existing facades will be rehabilitated in accordance with the Secretary of Interior's Standards for Rehabilitation. Existing windows in the Bank Building and Union Hotel shall be repaired rather than replaced. If these windows are deteriorated beyond repair, thorough documentation of the need for replacement must be submitted to the Historic Preservation Office before any replacement windows can be reviewed and approved. The visual impact of adding storm windows shall be kept to a minimum. The division of the storm windows, if any, shall align with the meeting rail of the historic window, the frames shall not be excessively bulky, and the color of the storm windows shall match that of the window sash or frame. If it is determined through consultation that replacement windows are necessary, the replacement windows shall match the appearance, size, design, proportions, and profiles of the existing windows and shall have clear glazing. In order to ensure the proposed replacement windows meet the *Secretary of the Interior's Standards for Rehabilitation*, detailed dimensioned drawings of both the existing and any proposed replacement windows, showing them in relationship to the wall assembly must be submitted for review and approval of the Historic Preservation Office prior to the replacement of any windows.
2. Any proposed new windows to be added to the secondary façades of the Bank Building shall follow the National Park Service's guidelines in Interpreting The Standards Number 14; "New Openings in Secondary Elevations or Introducing New Windows in Blank Walls." <https://www.nps.gov/tps/standards/applying-rehabilitation/its-bulletins/ITS14-Adding-NewOpenings.pdf>

Interpretation

1. In accordance with the "List of Mitigations to be Included in the Project" provided in the supplemental submission of November 3, 2017, Flemington Borough shall place interpretive signage adjacent to the Bank Building and the Union Hotel. The signs shall be illustrated with both historic photos and photos of the subject properties prior to the redevelopment effort and include text about the subject building's history. The interpretive signage, including graphics, text, and mounting, and the proposed sign locations shall be reviewed and approved by the Historic Preservation Office prior to project implementation.

Streetscape Improvements

1. In accordance with the "List of Mitigations to be Included in the Project" provided in the supplemental submission of November 3, 2017, Flemington Borough shall plant street trees and add street furniture throughout the Redevelopment Area. The proposed improvements shall be compatible to the existing streetscape of Flemington's downtown. Plans for streetscape improvements shall be submitted to the Historic Preservation Office for review and approval.

Preservation Grant Fund


1. As part of the agreement of sale, pending Hunterdon County Board of Chosen Freeholders acceptance, Flemington Borough shall require the developer to contribute twenty thousand dollars (\$20,000), prior to the start of work on the Bank Building, to a Hunterdon County grant program for historic preservation. The money shall be used for the rehabilitation of downtown commercial buildings that contribute to the Flemington Historic District. The rehabilitation work shall be done in accordance with the Secretary of the Interior's Standards for Rehabilitation. The County office responsible for allocating the \$20,000 in grant funds shall work with the Historic Preservation Office to establish the parameters of the grant. These grant funded projects shall be reviewed and approved by the appropriate County office, as well as the Flemington Historic Preservation Commission, to receive grant funding. All grant recipients shall also submit an application for project authorization to the Historic Preservation Office for review and administrative approval.

The Borough has stated that there is no other public undertaking that is part of this project, beyond the sale of a municipally owned New Jersey Register listed Bank Building and the vacant lots located within the historic district boundaries (Block 22, Lots 7,8,9 and 10). If that situation changes and there is additional public funding, permitting, licensing or ownership on any of the properties within the project area, additional review shall be completed by the Historic Preservation Office. The proposed redevelopment plan must comply with all applicable laws and regulations.

Please note that, in accordance with N.J.A.C. 7:4-7.2 (e) 9.ii, you must respond in writing to the conditions within 60 days of the date of this letter. If you agree to the conditions specified above, please sign the bottom of this letter in the space provided and return it to the Historic Preservation Office. Signature on the bottom of this letter will constitute formal acceptance of the conditions of project authorization. If you disagree or fail to respond to the requirements set forth within 60 days, I must, by regulation, deny your application.

Please do not hesitate to contact Kate Marcopul of my staff at (609) 984-0176 with any questions regarding this review. Thank you for your cooperation.

Sincerely,



Rich Boornazian
Assistant Commissioner for
Natural and Historic
Resources

By signing this letter, Flemington Borough accepts the conditions of authorization outlined above, in accordance with New Jersey Register of Historic Places Act, Chapter 4, Laws of 1970 and N.J.A.C. 7:4-7.2(e)9.ii(1).

For Flemington Borough

Date

cc: Flemington Historic Preservation Commission
Hunterdon County Historical Society
Friends of Historic Flemington, LLC
Carrie Fellows, Hunterdon County Cultural and Heritage Commission
Kevin Davis, Hunterdon County Administrator
Hunterdon County Board of Freeholders
Hunterdon Land Trust
Katherine Nolan, DEP Office of Permit Coordination
National Trust for Historic Preservation
New Jersey Historical Commission
Preservation New Jersey
Rural Awareness, Inc.
Peter Primavera, Peter Primavera Partners
Erin Simone, Maley & Associates
Ann Meredith, Flemington Community Partnership

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