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# HISTORIC Preservation BULLETIN

New Jersey Department of Environmental Protection • Natural & Historic Resources  
Historic Preservation Office

## NJ REHABILITATION SUB-CODE UPDATE:

Since its adoption in 1998, the New Jersey Rehabilitation Subcode, or “rehab code”, has exceeded all expectations. The rehab code is a comprehensive set of technical requirements that enables the restoration of buildings to be safer, cheaper, and easier. It is also the vehicle for the revitalization of New Jersey’s urban areas and for the preservation of existing buildings. During the first year of the rehab code’s implementation, the total amount of money dedicated to renovation increased in New Jersey’s 16 largest cities from \$363.3 million in 1997 to \$510.8 million in 1998, a 40.6 percent increase. How has the rehab code done in its second year? Renovation work continues to be a strong part of New Jersey’s construction economy, accounting for about 43 cents of every dollar of construction authorized by building permits. In 1999, renovation work

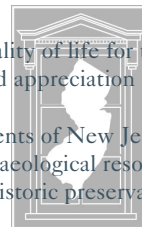
in New Jersey’s 16 largest cities reached \$590.4 million, 62.5 percent more than the amount in 1997. These statistics prove that, since its enactment in 1998, the rehab code has made urban renewal and economic development possible, and has earned the Department of Community Affairs wide acclaim and recognition.

The praise and recognition it has received over the past two years illustrate the rehab code’s merits. In 1999, it was named the Eastern Region winner of the Council of State Governments, Innovations Awards Program, and one of ten winners of the Ford Foundation’s Innovations in American Government Award, which is recognized as one of the most prestigious public service awards programs in the country. In 2000, the rehab code received a Special Achievement Award from

### THE HISTORIC PRESERVATION OFFICE...

is committed to enhancing the quality of life for the residents of New Jersey through the preservation and appreciation of our collective past.

Our mission is to assist the residents of New Jersey in identifying, preserving, protecting and sustaining our historic and archaeological resources through the implementation of the state’s historic preservation program.



the International Downtown Association, and a Certificate of Appreciation from the Public Service Excellence Awards Program. In addition, inquiries about the rehab code have been received from 14 state governments, 147 municipal governments, and 4 Canadian provinces, which is proof that New Jersey's rehab code is at the helm of innovative government. As a result of this widespread interest in the rehab code, officials from New Jersey have been asked to speak at various forums around the country. Mr. William M. Connolly, Director, Division of Codes and Standards, will be speaking at the National Trust for Historic Preservation Conference 2000 in Los Angeles. The rehab code has been adopted by the City of Wilmington, Delaware. Legislation to adopt a rehab code has been enacted in Maryland and Rhode Island, and is pending in Massachusetts.



*The application of the Rehabilitation Subcode allowed substantially more of the historic fabric and spaces of the Brearley House in Lawrenceville to be preserved than would have been possible under previous codes. Under the Rehabilitation Subcode, the open central stair was allowed to remain – the enclosure of the stair which was required by prior codes was not required. The existing plaster on lath walls were also accepted as a sufficient fire barrier to separate the caretakers quarters and the museum, thus allowing preservation of the existing walls and finishes.*

# Save the Date!



May 5, 2001  
 Monmouth University  
 West Long Branch  
 Monmouth County

*Featuring Keynote Speaker:*

**RICK DARKE**

*Landscape and garden consultant and author of*

**IN HARMONY WITH NATURE  
 LESSONS LEARNED FROM THE  
 ARTS & CRAFTS GARDEN  
 SESSIONS TO EXPLORE:**

- ◆ Planned and designed landscapes
- ◆ Enhancing buildings through historically appropriate landscape
- ◆ Management of historic landscapes
- ◆ Integrating historic landscapes into open space preservation goals
- ◆ Protecting landscapes on the local level
- ◆ Tools and techniques for landscape preservation
- ◆ Using archaeology to restore the landscape



*...Historic Places*

*The conference location is one of New Jersey's premier designed landscapes and former estate of Hubert Parson, President of F.W. Woolworth Co. who described Shadowlawn as the Versailles of America.*

*The 2001 Historic Preservation Office Conference*

*Stay tuned for further announcements.*

*For more information, contact Genny Guzman at (609) 984-0543*

# REVISIONS TO THE NEW JERSEY HISTORIC PRESERVATION PLAN

**T**he current New Jersey Historic Preservation Plan has been in place since 1996. It has served to guide the New Jersey State Development/Redevelopment Plan, numerous county & municipal historic preservation plans and, of course, the Historic Preservation Office (HPO). It provided the backdrop for many historic preservation success stories - the passage of state and some county and municipal stable funding initiatives for open space that also embraced historic preservation activities; the restoration of many public buildings in the state, including the State House Dome and the Trenton War Memorial; getting authorization to bring the Battleship New Jersey to the East Coast; hosting historic preservation conferences and awards ceremonies; listing properties on the New Jersey & National Registers of Historic Places; enacting a building sub-code that allows flexibility when rehabilitating historic properties; and reviewing publicly funded projects to avoid or minimize effects on listed or eligible historic properties.

By 2002, the HPO is charged with revising the plan. In cooperation with Preservation New Jersey (PNJ), the state-wide historic preservation advocacy, we wish to solicit your help in preparing these revisions. Early this summer we began the process to collect information from a broad cross-section of New Jersey citizens. Through questionnaires (see enclosure), public meetings, targeted stakeholders forums, focus groups, and soon to be on-line electronic means, HPO is collecting input that will enable us to map out a revised strategy to guide and direct New Jersey's historic preservation future.

Gathering and distilling this information is expected to take a good part of the upcoming fiscal year. Once the information has been assessed, the revised NJHPP will be prepared into a publication for general and broad distribution.

## QUESTIONNAIRE

This questionnaire is being broadly distributed through this issue of the Historic Preservation Bulletin, at scheduled HPO activities and other related events. We also wish to maximize involvement through organizational list serves, and the internet.

## PUBLIC MEETINGS

Information collected from the Questionnaire will form the basis for discussions at subsequent public meetings to be held in the spring of 2001.

Specific dates and locations will be announced later for meetings to be held in northwest, northeast, central and southern New Jersey.

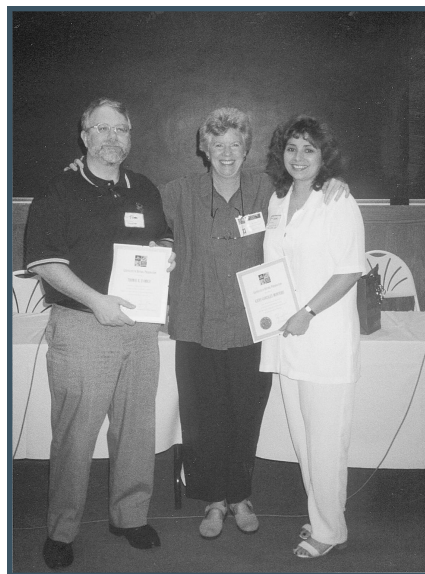
## NJHPP (REVISIONS)

Each state historic preservation office is responsible for developing a historic preservation plan, which is approved by the National Park Service in the Department of the Interior. Revisions to the New Jersey Historic Preservation Plan will build upon the earlier plan and map new directions and strategies to accomplish a broad vision for historic preservation in the state.

The draft report is expected to be complete by October 2001 and the final plan should be ready in the following year. For further information regarding New Jersey's Historic Preservation Plan or a copy of the current Plan, please contact Terry Karschner (609) 984-0545 or e-mail at njhpo@dep.state.nj.us.

**THE HISTORIC PRESERVATION  
OFFICE & PRESERVATION NEW  
JERSEY WOULD GREATLY  
APPRECIATE YOUR  
PARTICIPATION IN COMPLETING  
THE QUESTIONNAIRE INSERT.**

## DREW UNIVERSITY'S CERTIFICATE PROGRAM



*Drew University launched a certificate program in historic preservation in 1999. Thus far, nineteen individuals have received their certificates. Pictured here, Pat Peek, (center) the coordinator for Drew's Corporate and Community Programs is standing with Tom D'Amico (left) and Kathy Monteiro (right), who received their certificates on June 11.*

*For more information on course offerings, contact Pat Peek, (973) 408-3400.*

# NEW JERSEY'S PARTNERSHIP APPROACH FOR PROTECTING HISTORIC ROADS



*Since colonial times, New Jersey has been the link between New York and Philadelphia. This photo shows early 20th - century road conditions. Photo courtesy of the New Jersey Department of Transportation.*

*Andrea Tingey  
&  
Miriam Crum*

**ROADS** are an integral part of our daily lives; they have been for centuries. It's how we get from here to there. In fact, roads are so enmeshed with our lives that often we take them for granted. We shouldn't. Roads can greatly enhance our understanding of our collective past. The rumble of bricks or cobblestones under your tires immediately sends the imagination wandering to bygone days. A twisting, winding road with lots of dips similarly conveys a different pace of life, a different means of conveyance. Clearly some roads hold a special place in our past. But what makes them historic?

For some roads it is their pavement: brick, cobblestone, early concrete, and wooden roads still exist in some places today. Other roads are important because they are the location of a significant event in our history: a civil rights march or wartime troop movements. Yet other roads are important works of design and engineering: lushly landscaped parkways or efficient elevated expressways. And then still other roads combine all, or some, of these characteristics.

New Jersey has a long and distinguished road-building history. Since colonial times, New Jersey has been a key link between the metropolitan areas of Philadelphia and New York. Characterized by Benjamin Franklin as a "barrel tapped at both ends," New Jersey met the challenge of being an important overland transportation route between these major centers of economic development since the 1700s. Today, as the most densely paved state in the country, New Jersey daily copes with 18 million vehicle trips on its roadways.

New Jersey transportation officials and historic preservationists have taken a creative approach to protecting the state's historic roads. When the traditional Section 106 review process involving a historic road became bogged down in debate over historic significance and eligibility, the New Jersey Department of Transportation (NJDOT), the New Jersey Historic Preservation Office (HPO) and the Federal Highway Administration (FHWA) decided to work together as partners to find a better solution.

## BACKGROUND

In the early 1990s, NJDOT and FHWA needed to replace several bridges. As federally funded projects they were subject to reviews for potential effects on historic properties pursuant to Section 106 of the National Historic Preservation Act. This review process raised several questions about the state's historic roads, such as how to identify and establish their eligibility and how to assess the

effects of transportation projects on historic resources. Reaching consensus was complicated by the lack of a contextual understanding of the state's transportation history. Were all roads historic? Was it possible to judge the significance of a road or its integrity without understanding the history of roadway development in the state?

## A PARTNERSHIP APPROACH

Not surprisingly, the three agencies involved in the Section 106 review process had different goals, and reaching agreement on how best to deal with the question of historic roads in New Jersey was not an easy process. The HPO was primarily interested in recognizing that roads could be historic and that eligible roads need to be preserved to the greatest extent possible. The NJDOT was primarily interested in advancing its capital program for the maintenance and improvement of its roadway network and concerned that identification of a roadway as eligible would hinder the agency's ability to accomplish its mission to deliver a safe and reliable transportation system. While FHWA was interested in ensuring that NJDOT effectively utilized its federal funds for roadway improvements, it also was responsible for ensuring compliance with federal regulations protecting cultural resources.

With all of these interests at the table, it was no wonder that a simple solution was not readily evident. Initial attempts to work within the confines of the traditional Section 106 consultation process met with little success.

Complicating the consultation process in New Jersey was the lack of guidance available on identification of historic roadways. Frustrated by the lack of progress and driven by a need to find a solution that all involved agencies could live with,

the NJDOT proposed that the three parties carry out a historic roadway study that would meet the goals of each agency. The purpose of the study would be to identify roadways of statewide significance; to establish thresholds of integrity for significant roads; to develop design treatment guidelines for eligible roadways; and to establish programmatic agreements on how these roadways will be maintained and improved in the future.

At the heart of the study was a desire to break the circular communication process and step outside the "process track" inherent in the traditional Section 106 consultation process. Rather than one agency offering an opinion that the other must comment on, this study would be carried out by staff from the FHWA, the NJDOT, and the HPO offices. The agencies would evaluate the results of the study and reach agreement on the identification of significant resources.

The goals of the study, furthermore, would be structured such that each agency would have a vested interest in seeing the study advance since the study would address concerns or issues of importance to that agency.

Finally, each agency agreed to put the identification of historic roadways in New Jersey on "hold" and not to raise the issue on a project-by-project basis until the statewide study was complete. This would allow all three agencies the opportunity to advance the roadway study without the pressure to address the issue for projects advancing through the project development process.

This "partnering" approach required each agency to accept the goals and mission of others at the table, even when those goals or

missions were conflicting. It required willingness to compromise in order to reach the mutual goals established by the group and a commitment to work through issues and disagreements.

## THE FOUR PHASE APPROACH

The New Jersey Historic Roadway Study was designed to address four basic questions. What roadways are significant? What other resources would you expect to find associated with a particular significant roadway? What type of design guidelines should you follow for transportation projects on roadways eligible for the National Register? What types of projects will have no or little effect on these eligible roadways so that they can be advanced in an expedient manner by mutual agreement among all three agencies? The study was broken down into four phases:



*Undeveloped roadways such as the Palisades Interstate Parkway made travelling by car an enjoyable experience. Photo courtesy of the New Jersey Department of Transportation*



*A number of transportation firsts took place in New Jersey, such as the first cloverleaf, located in Woodbridge. Photo courtesy of the New Jersey Department of Transportation.*

- **PHASE I** is intended to identify and establish the significance of historic roadways in New Jersey and their associated resources and establish the factors of integrity needed for the roadway and its associated resources to be considered eligible for the National Register of Historic Places.
- In **PHASE II**, design recommendations and guidelines for roadway projects will be developed, consistent with the roadway's significance, designed features, or historic theme so as to avoid, minimize, or mitigate adverse effects to the historic resource.
- In **PHASE III**, a field review of a select number of significant roadways will be conducted to determine their eligibility so as to verify that the study approach has been successful, the criteria developed realistic and resulting recommendations valid.
- Finally, in **PHASE IV**, based on the historic significance of the roadway, the scope of the roadway project being proposed and taking into consideration the design guidelines developed as part of this study, programmatic agreements will be developed that define what constitutes findings of "No Affect," "No Adverse Affect" (with or without recommended treatments), and "Adverse Effect."

As of May 2000, Phase I of the study is approximately 60 percent complete. A list of roadways with statewide significance has been developed and statements of significance for each is in progress. Completion of the entire study is anticipated by the spring of 2001.

## LESSONS LEARNED

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Our efforts to protect historic roads in New Jersey have taught us several valuable lessons. What should preservationists in other states do to identify and protect their historic roadways?

The first step is to identify why historic roadways are an issue for your community or state. Perhaps you are responding to a specific threat, such as development or a road widening project, or you are trying to protect the character of your neighborhood. You may want to work with the road owner/manager to proactively address maintenance and management issues. Or, you may represent either a transportation or historic preservation agency and need to address this issue from a regulatory standpoint. Regardless of why you are dealing with this issue, the more clearly you define your goals and the better you define milestones, the more realistically you can anticipate success.

Once you've defined your goals, establish the connection between the road and your goals. If your goal is the protection of your neighborhood from the degradation caused by sprawl, then preserving Main Street as a two-lane road may help. However, adjusting local zoning on adjacent properties for lower densities that correspond with current uses may be more effective and appropriate.

## CHOOSING PARTNERS

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Now that you've established the history of your road, your goals, and the link between the two, it's time to come up with a list of partners who can put their heads together with yours to develop a plan of action. Think about who can help. Who are the people and organizations with expertise, money, and jurisdiction? Local government agencies at the municipal and/or county level can help with public awareness, sponsor funding applications, and may have some jurisdictional control. The state department of transportation may have jurisdictional control, funding programs, and other programs to help you. Scenic Byways programs, nonprofit preservation advocacy groups at the state and/or local levels, the FHWA, and the National Park Service are other possible partners. Scout troops and civic groups may be able to provide volunteers for clean up or sign posting projects that garner positive press coverage and build community awareness for

the significance of your road.

In approaching and working with partners, it is important to understand the tools they have available to help you, as well as potential limitations placed on how they can use those tools. For example, your DOT may have millions of dollars to spend each year, but it is probably divided among specific programs in advance. Many of these programs have eligibility criteria and specific funding cycles, both of which need to be factored in as part of any action plan. Initiatives undertaken with FHWA funding may require adherence to certain engineering standards, which may be more or less stringent than standards followed at the state or local level.

If you are approaching a transportation agency as a potential partner, ask for information on their design process. Projects don't just happen. They often take years of planning and can cost hundreds of thousands - even millions - of dollars to design. That's a lot of money, and agencies are understandably reluctant to consider additional alternatives or redesign aspects of a project when this level of investment has already been made.

If you want to discuss different design concepts or changes in the project scope, the agency will be more likely to embrace your ideas if they are voiced at the appropriate time in the project development process rather than just before, or during, construction. Be cognizant of the implications, in time and money, when you backtrack the design process.

Keep in mind that your partners may have conflicting goals. Transportation agency representatives will be primarily concerned with the creation and management of a safe and efficient transportation system. State historic preservation office representatives seek to preserve significant aspects of the built environment. When evaluating the

significance of transportation resources like roads and bridges, or when evaluating the effects of transportation projects on historic resources, these goals often collide head-on.

## **PARTNERING**

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A partnership approach establishes a process for conflict resolution that provides each team member with a "win - win" approach to problem solving. It relies heavily on open communication and team building and establishing a positive working relationship built on mutual trust and integrity. At the outset, the mission of each team member and his or her organization must be acknowledged and recognized as valid, even when those missions conflict with each other.

Equally important is the development of a common language within the group. When preservationists and engineers gather to focus on issues relating to historic roads, the same word may have completely different meanings to each group. By developing a common language within the group, you may avoid future misunderstandings and conflicts that can be time consuming and will break down forward momentum toward your goals.

Finally, it is important that you each invest time in setting up a relationship with your partners and separating the person from the issues. Learning to distinguish between John as a person and John as a project manager is part of recognizing the mission of the agency and the role that John must play as a representative from that agency.

Achieving solutions and reaching goals through the partnering process takes time ... this isn't a quick fix.

## **CONCLUSION**

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Since there are so many different types of roads and so many different potential partnering arrangements, what works for one group or for one road might not work in every case. Solutions must be customized to deal with the wide range of roadway types and the goals of the partners involved in the study.

In New Jersey, a statewide study was a solution. In other instances, a management plan for a particular resource may be the best method to reach a goal. Look to other management plans, partnerships, and studies for examples that may best suit your needs or goals. Expect your goals and solutions to evolve with the passage of time.

And finally, be patient enough to work in incremental steps. Trying to deal with everything at one time may be too overwhelming for some partners based on their available tools and prescribed limits.

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*This article reprinted from Forum Journal Summer 2000, v. 14 no. 4. The summer issue was entirely dedicated to transportation issues. Copies may be obtained by sending \$6 with written request to:*

**PRESERVATION BOOKS  
NATIONAL TRUST FOR HISTORIC PRESERVATION  
1785 MASSACHUSETTS AVE. NW  
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# TOWERING ISSUES IN HISTORIC PRESERVATION

Kate Marcopul  
&  
Meghan MacWilliams

**W**ith the advancements in recent technology, the popularity of wireless communication is on the rise. Today not only can you make a telephone call while you are on the run, you can also access the internet or check your e-mail. Although this technology may sound like a dream come true for some, it does not come without a price. Wireless communication service depends upon the placement of antennae at various locations to transmit radio frequencies. Most of these antennae are located on top of either lattice towers or monopoles. The average towers are approximately 180 feet in height with the possibility of being 250 feet or taller, depending on the topography of the area and line of sight. With tens of thousands of people subscribing to this technology each day, there is an increasing need for more and more of these towers.

In 1996, the Telecommunications Act was signed into law. The Telecommunications Act of 1996 effectively de-regulated the telecommunications industry by establishing competition between multiple wireless communication service providers. This Act also required these wireless service providers to afford seamless coverage over their respective coverage areas. These provisions caused a rapid

increase in the construction of wireless communications facilities throughout the country, including New Jersey. Along with this increase comes concern for the effects of these facilities on historic properties and their view sheds. In areas with a large number of historic and cultural resources, this has been the cause of much anxiety.

In response to this concern, the Pinelands Commission and, most recently, the Delaware & Raritan Canal Commission have developed separate regulations pertaining to the construction of wireless communication facilities within the Pinelands and the view shed of the Delaware & Raritan Canal State Park respectively. These regulations will assist both groups in managing the placement of any proposed wireless communication facilities in their respective areas.

*Example of a stealth tower designed to look like a tree. This type of tower can be ineffective due to the height of the tower in relation to the surrounding tree line.*



The Historic Preservation Office (HPO) reviews projects involving the construction and/or co-location of wireless communications facilities under two different statutes. Section 106 of the National Historic Preservation Act of 1966, as amended, is a federal review process that applies to all types of federally licensed wireless communication facilities. In contrast, the New Jersey Register of Historic Places Act, Laws 1970, Chapter 268 is a state review process that applies to wireless communication facilities located on property owned by the State, county, or municipality (or an instrumentality thereof) which also have the potential to affect historic properties listed in the New Jersey Register of Historic Places.

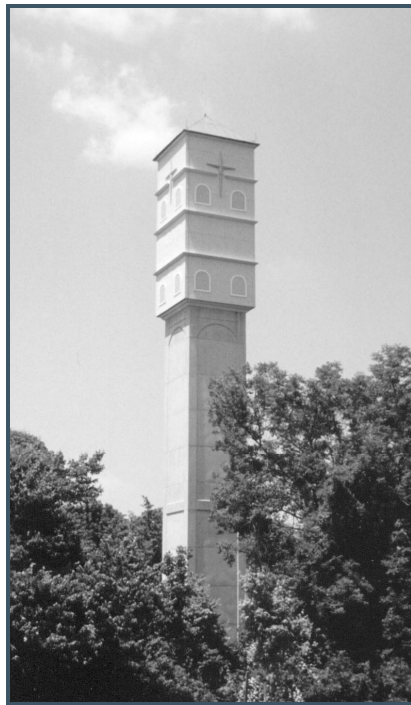
The Section 106 review is a Federal review process designed to ensure that historic properties are considered during federal project planning and implementation. This review applies to any project involving federal funding, permitting, or licensing. Since each wireless communication service provider receives a license from the Federal Communications Commission, a Section 106 review for each facility is required. Section 106 is a consultative process that seeks to accommodate historic preservation concerns with the needs of federal



undertakings. This section requires the head of any Federal agency to take into account the effect of the undertaking on properties that are listed or eligible for listing on the National Register of Historic Places within the project's Area of Potential Effects (APE). In the case of wireless communication towers, there are two APEs, an archaeological APE and a visual APE. The archaeological APE is the area of project involving ground-disturbing activities. The size of the visual APE varies in size depending upon the height of the tower. Generally, the APE is a one-mile radius for facilities 150 feet in height or lower. The APE increases in diameter as the tower increases in height.

Historic properties, for the purposes of Section 106, refer to buildings, structures, objects, sites, districts, and archaeological resources. Section 106 requires consideration of historic properties that may possess National Register significance, but have not yet been listed, formally determined eligible for listing, or even identified. Therefore it is highly recommended to have a historic preservation consultant assess the APE for potentially eligible historic properties which may not yet have been identified.

Much of the information needed by the FCC, or their delegates, to identify historic properties can be found in the HPO reference collection. This reference collection may be used after attending a one-hour introductory training session provided free of charge by the Historic Preservation Office. This training session is usually held on the first Wednesday morning (10:00AM) of



*Stealth Tower designed to look like a bell tower on the campus of St. John the Baptist Convent in Mendham, NJ*

every month. To reserve a place in the introductory training session, please call Kate Marcopul at (609) 984-5816.

Once the Federal agency identifies historic properties within the APE, the Agency must assess the effects of the proposed wireless communication facility on identified historic properties. If it seems that a proposed facility will have an adverse affect on a historic property, the HPO typically requests that a visual impact analysis be performed. This typically involves one of two types of tests, a balloon test or a crane test. A balloon test involves going to the proposed site, inflating a large (usually red) balloon, and raising it to the height of the proposed wireless communications facility. The idea behind this test is that one will be able to accurately assess how visible a wireless communications facility will be from a historic property. There are two drawbacks to this type of visual impact test. First, these tests have to be performed early in the morning when the air is calm to avoid the

balloon being blown around by the wind. Second, even when the balloon test is performed early in the morning, the wind can still cause the balloon to move, interfering with one's ability to make an accurate visual impact assessment. It is for these reasons that crane tests are the preferred means of visual impact analysis. During a crane test, a crane is brought out to the proposed site and raised to the height of the proposed tower. Many times a red flag will be attached to the top of the crane to allow the crane to be spotted more easily. Proposed project sites located in heavily wooded areas preclude the use of a balloon test or a crane test since the balloon often becomes entangled in the branches of the trees, and the crane cannot reach the exact location of the proposed monopole. In these situations, a crane is raised in a nearby location that is similar in elevation to the actual site location. In other states where this situation arises, or in cases where the height of the tower precludes the use of a crane test or a balloon test, wireless communications companies hire helicopters to hover above the site location at the height of the proposed tower to facilitate visual impact analysis.

Under 36CFR(800.2(d), the Federal regulations for the Section 106 review, it is the Federal agencies responsibility to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private

individuals and businesses, and the relationship of the federal involvement to the undertaking." Public opinion regarding a wireless communication facility should be forwarded to the FCC so that they may incorporate these opinions into their Section 106 review.

If a proposed facility is determined to adversely affect historic properties, the Federal agency should do an exhaustive alternative analysis of locations which will meet the needs of the technology. If no alternative location is available, a Memorandum of Agreement (MOA) with the FCC, service provider and the State Historic Preservation Officer in which measures taken to mitigate the effect of the facility on historic properties are specified and agreed to. In the case of wireless communications facilities, mitigation measures usually involve changes to the design of the facility. Many wireless antennae have been located within church steeples and attached to billboards, water tanks, fire towers, and smokestacks. Wireless facilities have also been designed to look like bell towers, flagpoles, silos, chimneys and trees. These stealth options may lessen the impact of the facility on historic properties by making the design of the tower more sympathetic to the surrounding historic area. In any case, the stealth options being considered should be appropriate to the surrounding area.

If the proposed wireless communication facility may potentially encroach upon a New Jersey Register listed historic property and is located on state, county or municipal (or an instrumentality thereof) land, it may also be review-



*Example of a monopole with five co-located carriers*

able under the New Jersey Register of Historic Places Act, Laws 1970, Chapter 268. The New Jersey Register Review was developed to ensure that properties listed in the New Jersey Register of Historic Places are protected from harmful public actions. Under this review, any undertaking of State, county or municipal government agencies which may "encroach upon, damage or destroy" a New Register listed property must have prior authorization from the Commissioner of the Department of Environmental Protection.

Despite the Federal and State-level reviews applicable to wireless communications facilities, the local government has the most control in specifying the locations and heights for wireless communication facilities. The Telecommunications Act of 1996 preserved local authority to manage the use of public space for wireless communications facilities and their associated equipment. Perhaps the most powerful tool that can be used at the local level to govern the placement of wireless communication facilities with respect to historic properties is through a local ordinance. An article in the April-July 1997 Issue of the Historic

Preservation Planning Bulletin explains this process:

*"As a component of the municipal Master Plan, local governments can identify historic resources or districts deemed worthy of preservation. To further protect these resources, local governments can adopt a preservation ordinance in accordance with the Municipal Land Use Law. A Historic Preservation Commission can be established, with powers to designate and protect the viewsheds of historic resources. The Commission should be invited to review all antenna applications which may impact historic resources, not just applications within historic districts...To further extend protection to the view sheds of historic resources, municipalities can establish buffer zones with specific design and height requirements."*

The ordinance must specify where wireless communication equipment is appropriate. Co-location of equipment should be the first consideration. If co-location on existing structures is not possible, and the construction of a new wireless communication facility is permitted, the wireless communication facility should be constructed to allow additional service providers to co-locate their equipment. It is important to specify in the ordinance that the owner of any wireless communication facility must charge fair market value to any other wireless communication providers attempting co-location. Several communities in New Jersey have also placed conditions on tower approvals that authorize the municipality to be the final arbiter when disputes arise on fair market value where co-location is required. It is also important to note that not all carriers use the same technology; therefore they do not all need wire-

less communication facilities in the same locations. Because of this, more than one wireless communication facility in a municipality may be inevitable.

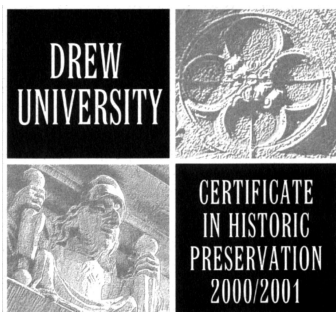
With the increased popularity of these technological advances along with the desire to save historic sites and their view sheds, it is vital to have a plan to manage the oversight of wireless communication towers in your municipality. The first step is to educate the local government and the public of the potential adverse effects that wireless communication towers can have on the view sheds of historic district, sites,

and landscapes as well as the destruction of archeological sites. Knowledge about the Section 106 review, the New Jersey State Register Review and the Telecommunications Act is also critical to understanding how to regulate the placement of wireless communication equipment. A local ordinance can be enacted which specifies locations for wireless communication equipment. This ordinance should be open to creative solutions which could protect the integrity of historic resources. A historic preservation commission can be established to ensure that historic properties are considered

before wireless communication equipment is approved at a local planning board. A radio frequency engineer, who is sensitive to the municipality's concerns for historic properties and view sheds, can also provide for expert advice in an alternatives analysis report. These services can be hired through escrow accounts established as part of the local approval process. Lastly, historic districts, sites, and landscapes and the view sheds that surround them, as well as archeological sites, should be listed on the National Register of Historic Places, to ensure their consideration in project planning.

**KATE MARCOPUL** is a historic preservation specialist (archaeology) in the Technical Information & Regulatory Services Section at the Historic Preservation Office.

**MEGHAN MACWILLIAMS** is a senior historic preservation specialist (architectural history) in the Technical Information & Regulatory Services Section at the Historic Preservation Office.



## APPLYING PRESERVATION ON THE LOCAL LEVEL

A Training Workshop at Drew University  
Madison, New Jersey  
Saturday, March 31, 2001  
9:00 a.m. - 4:00 p.m.  
\$75.00 (includes coffee and lunch)

To register, and for more information, call Drew's Office of Continuing Education at (973) 408-3185 or e-mail owl@drew.edu



Co-sponsored by the New Jersey Historic Preservation Office & Drew University, this course will be taught by professionals practicing historic preservation in New Jersey



For historic preservation commission members, planning & zoning officials, elected officials, engineers, consultants, and planners.

This course is designed to assist local historic preservation commission members to become more effective in identifying and protecting historic resources. The course will cover the master plan elements, municipal land use law, authority and requirements for forming a local commission, the commission's relationship to the governing body and to planning & zoning officials. Training will include conducting a formal meeting, precedent setting, conflict of interest, and keeping records of decisions. Using case studies, participants will receive hands-on training in how to use the Secretary of the Interior's Standards in reviewing application, and tips on how to deal with difficult people and situations. Ample time will be allotted for group discussion and one on one problem solving.

Topics will be most relevant to the beginner and intermediate.

The New Jersey State Historic Preservation Office will provide tuition fees for the first 10 CLG members who sign up. Contact George Chidley at (609) 984-6017 to verify eligibility before registering with Drew.

## WE'RE UPDATING OUR MAILING LIST!

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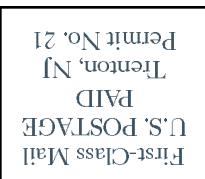
**HISTORIC PRESERVATION OFFICE**

**Natural & Historic Resources**  
Department of Environmental Protection  
P.O. Box 404  
Trenton, New Jersey 08625  
(609) 292-2023, 292-2028, 984-0140  
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