
**MOUNT TABOR HISTORIC DISTRICT
NATIONAL REGISTER LISTING & MASTER PLAN GRANT Q&A**

Q: Will a listing on the State and National Register affect municipal projects in Mount Tabor, such as roads, water and sewer? Will the NJ DEP be involved and delay our road projects?

The State and National Registers provide a degree of review and protection from public encroachment. These reviews are designed to prevent destruction or damage of historic resources by public agencies.

Per National Register (NR) Federal Program Regulations Sec. 60.2 (a) – Section 106 Review, as it is commonly called– is only on the National level. If a project with Federal funding will encroach or damage a listed or eligible property on the NR, it must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. This has been in effect in Mount Tabor since 1984 when we were deemed eligible for the NR. No change will take effect upon listing on the NR. For instance a Section 106 Review was held when a cell tower was proposed to be installed across Rt. 53 near A-1 Marking.

On the State level, once we are listed on the State Register (SR) a “State Register Review” will come into effect. This means a project that uses state funding that will encroach or damage property listed on the SR will need prior written approval before a project goes through. This is called project authorization. If a project is properly planned and the State Register Review is involved in the early stages of planning then delays are not a routine result. Note: this is not “A BIG DEP” threat. It is a State Register Review- historic preservation law versus environmental protection law. 75% of the State Register Reviews (they review hundreds per year) are covered by a simple administrative approval and have a 30 day turnaround. Road re-surfacing doesn’t face any delay. Worst case scenario: if an interstate wanted to run through the middle of Mount Tabor it would take a max of 120 day turnaround. (Andrea Tingey, SHPO)

A comparison about the situation in Rainbow Lakes and the DEP involvement in their dam project has been brought up to the board. The concern regarding Rainbow Lakes is like comparing apples and asparagus. First, Rainbow Lakes is not listed on the SR/NR, and does not come under the State Register Review. The project in Rainbow Lakes involves lakes/water/dam etc. ...legitimate waterway ENVIRONMENTAL concerns which fall under the DEP. That situation is not applicable to Mount Tabor. Different review, different process, different department altogether.

On the flip side, a State Review would afford Mount Tabor significant benefits. They can recommend creative alternatives so that safety is not compromised, but road/sidewalk projects have minimal impact on the historic nature of the surroundings. For instance, alternate minimum sidewalk widths are available, as are adding tints to the concrete used so it is not stark white. There are alternate curbs, and alternate “cut curbs” and alternates to the inset red-squares with nubs. They can recommend tinting the curbing to match the color of the soil, or form concrete to look like bluestone. Their purpose is to ask: “Have you considered _____?” to make a road/sidewalk fit more into existing environment. Imagine, if you will, what impact a few minor tweaks could have meant for the roadwork near the post office? Just narrowing and tinting the sidewalk could have had a big impact alone. (Andrea Tingey, SHPO)

Q: Will the CMA have limitations on leasing, selling or renting properties which are within a historic district listed on the National Register such as the Library, Fire Department, or Post Office?

Per National Register Federal Program Regulations Sec. 60.2 : ...Listing of private property on the National Register does not prohibit under Federal law or regulation any action which may otherwise be taken by the property owner with respect to the property. Please note: neither the state or the feds care what you do with your own SR/NR property, or if you lease, rent or sell your property to any private person or entity. They only care when you lease, rent or sell to the state or feds, and then only if the state or feds will encroach or damage the property. Strictly private undertakings are not reviewable.

There is NO CHANGE for our post office lease. If a federal entity encroaches on a NR listed property, it is subject to a Section 106 Review. If the US Postal Service, as a federal entity, leases our property it does initiate a review if the post office wanted to make changes to the building, however this would not be a change under NR as it is currently subject to this Section 106 review. And the review is the responsibility of the federal entity, not the CMA. We have been eligible for Section 106 review since 1984.

If a State or municipal entity encroaches a State Register property, it is subject to a State Register Review. A lease with the Fire Department, as a 501c3, is not subject to a State Register Review. If the MT Country Club is a private organization, their lease is not subject to a State Register Review. The library, as a municipal library board, would be subject to a State Register Review if it enters/renews a lease with a NJ Register property. Leases are usually found to not be an encroachment when reviewed, and therefore most likely would fall under the “administrative approval” (as 75% of the applications are) and would have a 30 day turnaround. The responsibility of the State Register Review would be on the State or municipal entity (library board) and not the CMA. Also, a simple addition to the lease language can affect the viewing of “encroachment”: Per State rules (7:4-7.4 (a) 3): “it would not be considered encroachment IF the leases provided adequate restrictions or conditions to ensure preservation of the property’s significant historic features.” (Andrea Tingey, SHPO)

If you want to understand the “big picture” of these rules, think of it this way. If the State goes to the trouble to declare a property to be historically significant, it doesn’t want to be the one responsible for harming it through other state entities or state funding without due consideration.

Q- Where are the boundaries of the Mount Tabor Historic District?

The boundaries of the historic district will be determined by stringent integrity guidelines used by the NR and a building survey completed in the Master Plan. The boundaries will contain a solid area- there cannot be “pockets” excluded. An earlier boundary exists from the 1984 Morris County Cultural Survey which determined our eligibility for the NR. The Master Plan grant will examine the previous boundaries and determine if any changes will be made to modify the boundary lines, based on the stringent guidelines used by the NR. A map of the 1884 survey is available on our website.

Q- What is involved in the Mount Tabor Master Plan?

The \$22,000 Mount Tabor Master Plan grant was awarded to the Mount Tabor Historical Society by the Morris County Historic Preservation Trust. The Master Plan grant is a planning grant to study our 8 public buildings to give us an assessment of their current condition, expected repairs, recommended restoration and maintenance plan as well as cost estimates for planning large capital expenses. It will provide a means of prioritizing should any of our buildings require further study. It will offer the CMA a means for long-range planning for building maintenance, repair as well as long-range budgeting for large capital expenses. Currently, no long range planning exists.

The study will also complete a definitive history to establish Mount Tabor’s qualifications as a historical and cultural resource. It will define potential boundaries of a historic district. It will also develop guidelines for homeowners who wish to retain or maintain the historical character of their houses and the neighborhood. This is all at NO COST to the CMA. The MTHS has born the cost of the 20% matching funds required. The MCHPT Grant is \$17,600, the MTHS match is \$4,400.

At this time the MTHS is the only organization eligible to apply for this grant for the community, and the only organization with a willing volunteer to go through the arduous grant process to secure the grant funding. The MTHS offers this as part of our continuing efforts to serve our community by helping preserve our historic buildings, and to plan for our future in harmony with its past. This is a shared mission with the CMA, which is also charged with preserving the community’s historic buildings!

Q- Will the leaseholders of Mount Tabor be able to vote whether or not they want the historic district listed on the State and National Register?

Yes, homeowners within the boundaries of the historic district will be able to “vote” by submitting written comments- either for or against - to the State Historic Preservation Office. If a majority of homeowners object to the nomination, the district will not be listed on the National Register. There will also be a public information meeting in Mount Tabor, because we have more than 50 homeowners in the historic district.

The details: Per National Register Federal Program Regulations Sec. 60.6 (c) : There is a comment period 30 to 75 days prior to the State Review Board Meeting. Property owners will be notified by written notice or public notice and given the opportunity to submit written comments to concur or object to the NR nomination. (d): plus, because the historic district includes more than 50 homeowners there will be a public information meeting 30-75 days prior to the State Review Board Meeting. (g) if a majority of property owners object, the district will not be listed. (n): If a majority of owners for a district have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility. (which is not the same as a listing).

Q- In the NR process, does a third-party, or the state, have the final say if a property is listed or not?

I'll repeat from above: (g) if a majority of property owners object, the district will not be listed on the NR. (n): If a majority of owners for a district have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility (DOE). (not a listing). The SHPO does not decide whether or not to proceed, but just a DOE. That is not the same as a listing on the NR.

Technically, the State could list a property on the SR without owner consent, but they do not typically do so– the will of the majority of people carries considerable weight, so they won't typically override a majority objection. A property cannot be listed at all on the NR, if a majority objects, no exceptions.

Q- Will the MTHS proceed with a NR nomination?

The MTHS, having gone door to door and surveyed the community and being extremely confident of the public support for a National Register listing, entered into a grant agreement with the County Historic Preservation Trust for a preservation plan on the J. Smith Richardson History House. A condition/requirement of the grant is that the property be nominated to be on the National Register. So the MTHS must apply for a grant to assist our NR nomination in March of 2012. Because we are contractually required to, and because we are extremely confident the community supports this already. It cannot be emphasized enough: We would very much prefer to proceed with the CMA's support of these initiatives to benefit our community. We want our groups to work together to serve the community with our common mission in mind.

Q- Does a NR listing only benefit the MTHS?

NO! A National Register listing benefits the entire community. A NR listing is a very prestigious honor, bestowed only upon documented historically significant properties with stringent guidelines. It benefits our community's quality of life through a real sense of pride in our rich cultural heritage. Mount Tabor is a rare surviving Methodist Camp Meeting community, one of very few remaining in New Jersey. We are fortunate to continue to enjoy a dramatic sense of place with many of our original buildings still in use today.

National Register listing will make current and future 501c3 organizations eligible to apply for historic preservation grants. Currently, the MTHS is the only 501c3 organization whose mission is to preserve the historic character and buildings of Mount Tabor, and therefore, the only organization eligible to apply for these historic preservation grants on behalf of our community. We are thrilled to be able to bring this grant money into our community and serve our shared mission with the CMA to help preserve the historic structures in Mount Tabor.

National Register listing will allow rental owners to take a 20% income tax credit on the cost of rehabilitating such buildings for rental residential purposes.

National Register listing will give homeowners in the historic district certain building code easements, such as exterior porch railing height and the like.

The State and National Registers provide a degree of review and protection from public encroachment. Section 106 of the National Historic Preservation Act of 1966, as amended, provides for review of any federally licensed, financed or assisted undertaking for properties listed on, or eligible for listing on, the National Register. The New Jersey Register law requires review of any state, county or municipal undertaking involving properties listed on the New Jersey Register. These reviews are designed to prevent destruction or damage of historic resources by public agencies.

A Master Plan Grant (and any planning grants in future) benefit all leaseholders by helping CMA manage and maintain our historic structures and landscapes with expert consultants we frankly can't afford on our own. Our lot assessment fees will be put to best use with good planning. The stewardship of our public buildings and public spaces/landscapes is a concern for the CMA and all leaseholders throughout the community, not just the historic district, and certainly not just the MTHS.

Anything that benefits the MTHS, benefits the whole community. Its work directly and indirectly benefits the whole community. That is our sole purpose and mission. The MTHS and the CMA have a shared element in their mission statements. Both organizations are charged with the obligation to preserve the historic buildings of Mount Tabor. If the MTHS is successful in this common mission by securing a National Register listing or historic preservation grants, then it is directly helping the CMA also achieve its mission.

The J. Smith Richardson History House is a valuable resource as a public building- to educate the public and our residents about our community's rich history. It is not a private interest. Any grants we receive to benefit the history house will enable the MTHS to better use this resource for the benefit of the public, and provide a rich interpretive experience to the community.

Q- Can the CMA get grants now?

Not currently, because it is a 501c4 organization. The only way it could qualify for most preservation grants would be to create its own 501c3 organization should the CMA ever choose to do so. That would make the new 501c3 organization eligible to apply for its own grants, including construction grants, which the MTHS is not currently eligible to apply for.

Q- What is the difference between the National Register and a historic district?

The National Register of Historic Places is basically a list. The National Register is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of their community state, or the nation. The National Park Service administers the National Register of Historic Places.

Briefly: State and National Register of Historic Places means a property or defined area meets stringent requirement to qualify as historically significant and worthy of preservation. NO RESTRICTIONS on homeowner's property. It is merely an official list maintained by the National Park Service. A requirement to be eligible for preservation grants.

A Historic District is basically a defined area within a town. A Historic District is a portion of a town with buildings, properties or sites that have been designated as having significant cultural, historical or architectural significance to the town or area. Buildings in a District are usually categorized as "Contributing" or "Non-Contributing" to the period of significance as defined for the District. The sizes of the Districts may vary from a small number to a large number of structures. In addition to local districts, a historic district can be designated at the State and National Level on the State and National Registers of Historic Places.

A local zoning ordinance can define an area as a "historic district" and impose restrictions on homeowner's property. This requires zoning changes and the establishment of a local historical commission to regulate/review requests. This is done at the town council level and would require a HUGE ground swell of community demand to enact a zoning change. It is not in the Parsippany Master Plan for the future. The MTHS has sent a letter to the Mayor and the council members stating the MTHS is not in favor of a historic district zoning ordinance, nor is there any community support for it. We have been reassured by the Parsippany Historic Advisory Committee that there are NO plans to put restrictions on homeowners in Mount Tabor. A local zoning ordinance in Mount Tabor is extremely unlikely to occur.

RESPONSE by Michelle LaConto Munn on Behalf of the Mount Tabor Historical Society to a resident's Comments and Questions Read at the Sept. 17, 2011 Annual Meeting of the CMA

Note: bold typeface indicates resident's questions/statements, MTHS response follows in regular typeface.

1. Does the CMA qualify for grant monies? The answer is no, the CMA is a 501c4 corporation and does not qualify. So the community buildings do not currently qualify. In order for the community buildings to qualify they have to either be leased to a 501c3 organization like the Historical Society, or the Board will have to form an additional corporation that qualifies for a 501c3 status.

The CMA does not currently qualify to apply for grants from the Morris County Historic Preservation Trust (MCHPT) directly. However, the MTHS can get planning grants, and even construction documents ON BEHALF of the CMA/Mount Tabor, for its public buildings and property. Therefore, the CMA can still benefit from Morris County Historic Preservation Trust (MCHPT) grants, as the MTHS can apply for Planning Grants for buildings and property in Mount Tabor, with the owner's permission, because we have demonstrated a long term stake/mission in caring for Mount Tabor's historic structures and property. The MTHS cannot obtain *construction* grants on CMA property without a 20-year lease agreement. We have explored creative lease agreements which allow the ownership/maintenance/insurance/management to remain with the CMA, while the "lease" the MTHS would have is the responsibility to advise if the property's historic character/structure would be affected. This would have to be explored further, obviously. Another alternative, as you say, is to explore having the CMA form its own 501c3 organization for the purpose of preserving the historic properties, should the CMA choose to do so.

2. That historical grant funds from the county are not available for private homes. So the answer is no private homes do not qualify.

MCHPT grants, and nearly all historic preservation grants available on the county, state or federal level are only available to 501c3 organizations for public buildings. (Public money for public properties).

3. That essentially the only building that does qualify is the History House.

Absolutely not true! See response to #1. Resident is referring only to construction grants, but does not take into consideration the exceptional value the community would derive from *preservation planning grants* available to the MTHS for all the CMA public buildings and landscapes for which the MTHS is currently eligible.

4. That registration with the state invokes state review of all municipal, county, state and federal projects that affect the district.

This is one of the very few protections that the State/National Register provide.

On the National level, per National Register (NR) Federal Program Regulations Sec. 60.2 (a) – Section 106 Review, as it is commonly called– is only on the National level. If a project with Federal funding will encroach or damage a listed or eligible property on the NR, it must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. This has been in effect in Mount Tabor since 1984 when we were deemed eligible for the NR. No change will take effect upon listing on the NR. For instance a Section 106 Review was held when a cell tower was proposed to be installed across Rt. 53 near A-1 Marking.

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On the flip side, a State Review would afford Mount Tabor significant benefits. They can recommend creative alternatives so that safety is not compromised, but road/sidewalk projects have minimal impact on the historic nature of the surroundings. For instance, alternate minimum sidewalk widths are available, as are adding tints to the concrete used so it is not stark white. There are alternate curbs, and alternate "cut curbs" and alternates to the inset red-squares with nubs. They can recommend tinting the curbing to match the color of the soil, or form concrete to look like bluestone. Their purpose is to ask: "Have you considered _____?" to make a road/sidewalk fit more into the existing environment. Imagine, if you will, what impact a few minor tweaks could have meant for the roadwork near the post office? Just narrowing and tinting the sidewalk could have had a big impact alone. (Andrea Tingey, SHPO)

5. That in return for the receipt of grant money, the Historical Society, not the CMA must pursue the creation of a historical district, and the registration of said district on the state registry.

It is a condition of nearly all historic preservation grants that the properties be listed on the National Register of Historic Places. The listing on the NR ensures that public historic preservation grant money goes to qualified historically significant sites. This has been acknowledged from the very first meeting with the MCHPT and our first report to the CMA in February 2011, and at our public information meetings.

6. That 2 grant awards were made to the Historical Society.

True!! The MTHS is very proud to have been awarded both grants that were applied for with the MCHPT. One is for a master plan of the Mount Tabor Historic District, and the second is for a preservation plan for the J. Smith Richardson History House. Both are planning grants, the necessary first step required before applying for any other grants for further study, or eventually construction grants. The grants, including the matching funds provided by the MTHS were for a total of \$50,000 to benefit the community of Mount Tabor.

7. Will the residents get to vote on the creation of a historic district? Again the answer is no a public hearing will be conducted and certified mail statements considered.

There are two opportunities for homeowners within the proposed boundaries of the historic district to have their opinion “count” (either for or against the historic district being listed on the National Register). There is no “ballot vote” per se. The first opportunity is when the MTHS submits an application to the MCHPT for a grant to assist the MTHS in putting together the National Register nomination forms. As part of the grant application, we are required to provide signatures of homeowners in the district using the “owner assurance” form- giving their acknowledgement of the grant, and their approval with the signing of the form (same as the CMA did for the master plan grant). We need at least a majority of homeowners’ signatures for the grant to be seriously considered by the grant review board. Cited from Ray Chang at the MCHPT:

Having said we won't require the Owner Assurance in a potential nomination application for the MT Historic District, please note that owner consent is part of National Register rules. We do not want a two-stage process with County rules separate from the National Register. We want to encourage the applicants to do the public outreach to garner support from property owners broadly (which you have worked hard to achieve). But we cannot seriously expect that each and every person in a district will support the nomination. So, in a potential nomination grant application, the County will still ask that you provide Owner Assurance from all the property owners in the district. However, property owners who refuse to sign the consent will not jeopardize the submission of the County application. Thus, an application for nomination preparation for the MT Historic District would still be considered by the County for funding even if owner consent cannot be obtained from all the property owners in the district.

The second opportunity is during the public comment period 30-75 days prior to the State Review Board Meeting. Homeowners within the boundaries of the historic district will be able to “vote” by submitting written comments- either for or against - to the State Historic Preservation Office. If a majority of homeowners object to the nomination, the district will not be listed on the National Register. There will also be a public information meeting in Mount Tabor, because we have more than 50 homeowners in the historic district.

The details: Per National Register Federal Program Regulations Sec. 60.6 (c) : There is a comment period 30 to 75 days prior to the State Review Board Meeting. Property owners will be notified by written notice or public notice and given the opportunity to submit written comments to concur or object to the NR nomination. (d): plus, because the historic district includes more than 50 homeowners there will be a public information meeting 30-75 days prior to the State Review Board Meeting. (g) if a majority of property owners object, the district will not be listed. (n): If a majority of owners for a district have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility.

This from Ray Chang of the MCHPT, after his consulting with Bob Craig of the SHPO:
*Bob Craig at the HPO confirmed that the decision to list a historic district [on the State Register] rests with the State Historic Preservation Officer (SHPO). **Although SHPO has the authority to list even with a majority of property owners in objection, in reality SHPO almost never overrules the opinion of a majority of property owners.** Per state rules, owner objections shall be considered by the SHPO only with regard to submission of the nomination to the Keeper of the National Register of Historic Places, see N.J.A.C. 7:4-2.2 (c)12.*

To repeat, a property will not be listed on the National Register if a majority of homeowners object in writing.

8. That registration with the state creates a formal district with geographical boundaries, segregated as different from the surrounding areas.

The boundaries of the historic district will be determined by stringent integrity guidelines used by the NR and a building survey completed in the Master Plan. The boundaries will contain a solid area- there cannot be “pockets” excluded. An earlier boundary exists from the 1984 Morris County Cultural Survey which determined our eligibility for the NR. The Master Plan grant will examine the previous boundaries and determine if any changes will be made to modify the boundary lines, based on the stringent guidelines used by the NR. There will be no physical demarcation of boundaries.

9. That acceptance of grant funds for the community buildings would come with long-term restrictions including possible easements.

In fact, non-construction (planning) Grants do not require easements for our community buildings. Acceptance of *Construction* Grant Funds does come with some strings attached. I was very clear about this in the initial meeting with the CMA and at our public meetings. “Free money” comes with strings! That said, the conditions the grants impose are not onerous. If the CMA does not like specific potential easements or restrictions, then the CMA does not have to pursue construction grant loans with the MCHPT. Requirements and conditions of receiving grant funds are listed below.

Excerpted from the Morris County Historic Preservation Trust Grant Program Rules & Regulations:

5.15 Conditions for Receiving Grant Funds

All applicants selected for funding must complete and sign a grant agreement within 60 days of receipt of the grant agreement which details the scope of work and project schedule, as well as schedules for project reports and reimbursement requests. All grantees agree to abide by the Secretary of the Interior’s Standards in performing funded work. Grant recipients must also agree to meet other conditions of the grant program before money is disbursed. These include, but are not limited to:

1. Easements - The applicant (and all others with an ownership interest in the property) must execute an easement agreement with a 30-year term with the County of Morris. An easement is a deed restriction that is used to assure long-term preservation of a historic property through proper maintenance and by limiting changes in use or appearance and preventing demolition of the property. An easement is required for a) all acquisition projects and b) construction grants over \$50,000, applied cumulatively over any number of funding cycles. Easements are not required for non-construction projects resulting in plan development. In no way does this easement supersede any requirements pursuant to Section 106 of the National Historic Preservation Act of 1966 or New Jersey Register of Historic Places Act.
2. Public Access - Public access to all properties funded through this grant program is required. The County and the grantee will negotiate the days and hours that the property will be open to the public, based on the type of work funded by the grant. Public access requirements are stipulated in the easement agreement. No additional public access is necessary for properties open to the public on a regular basis, such as museums.
3. Required Historic Preservation Office Review - The County of Morris and the New Jersey Historic Preservation Office (HPO) have executed a Memorandum of Understanding which permits the County to retain qualified professional staff to review funded projects for compliance with the Secretary of the Interior’s Standards. If the project, for which funding is requested, has already been authorized by the HPO, the authorization letter must be submitted with the grant application. For more information, contact the New Jersey Historic Preservation Office, Technical Review Section at (609) 292-2023. No construction can begin on any project until an administrative approval letter is received from the County of Morris.
4. Project Timetable - All work on projects funded through this program must be completed within two years of appropriation of grant funds. If an applicant is unable to complete the work within the two years of appropriation of grant funds, the applicant must come before the Historic Preservation Trust Fund Review Board before the expiration of the two years to officially request an extension. The Review Board could recommend to the Board of Chosen Freeholders up to a one-year extension of the grant agreement which would also specify the work to be completed within the extended time period.
5. National and New Jersey Register of Historic Places - All applicants receiving funding must list their property on the National and New Jersey Registers of Historic Places. The Grant Agreement between the applicant and the County will outline a timetable for the submission of a nomination to the State Historic Preservation Office.
6. Accountability - All money dedicated for the preservation project must be kept separate from other agency or organization funds; funds may not be diverted from eligible to ineligible activities once a grant agreement has been approved. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement. Receipts and invoices submitted for activities deemed ineligible for funding under this program will not be reimbursed. Grantees must retain all financial records and other documents pertinent to their projects for three years after completion of the project.

10. That the creation of a historic district makes it easier for the Society or individuals within the community to obtain more restrictive property maintenance codes.

There are only two ways Mount Tabor would have more restrictive property maintenance codes. 1: if the CMA chose to enact restrictions on leaseholders. 2: If the town of Parsippany changed the zoning laws, enacted an historic district zoning ordinance, and created a Historic Commission Review Board to regulate and review the new ordinances. I can't speak to #1, but I think it unlikely. #2: It is not in the current Parsippany Master Plan to make any zoning changes. Parsippany also remembers the uproar from 20 years ago when such an ordinance was proposed and is not eager to repeat it. No zoning changes will be made unless an absolutely huge groundswell of the Mount Tabor community demands it. That is not likely to happen any time soon! The MTHS has sent a letter to Parsippany (the Mayor, each council member, and the clerk) and given a copy to the CMA about its intentions, and clearly stated that we are not seeking any zoning changes, and we suggest the council not seek any zoning changes because the community does not support it. Can we make our intentions any more clear?

11. That question 84 of the New Jersey State Real Estate Disclosure Form states: Are you aware if the property is subject to any deed restrictions or other limitations on how it may be used due to its being situated within a designated historic district, or a protected area like the New Jersey Pinelands, or its being subject to similar legal authorities other than typical local zoning ordinances?

Being listed on the State and National Registers does not impose any restrictions on private homeowners! The above question refers only to local historic district zoning ordinances. Mount Tabor is only subject to the typical local zoning codes, just like the rest of Parsippany.

12. That all properties within the proposed district are leased, that often no or inadequate parking is contained on the leasehold, that there are community dues, and in most cases the homes are undersized lots.

These facts have nothing to do with a State or National Register listing, nor potential grant applications. Being listed on the State and National Registers does not impose any restrictions on private homeowners!

What we don't know is:

1. Whether insurance costs for the community buildings or individual leaseholds will increase, due to replacement value or increased access.

Insurance coverage and costs on our public building is the responsibility of the CMA, and as good stewards, it should be reviewed to ensure that our buildings are covered sufficiently to replace the buildings to match the original structure, not just square footage. But that is simply being a good steward of our property. This is in no way required as a result of being on the State or National Register. Being listed on the State and National Registers does not impose any restrictions on private property! Same goes for individual homeowners. Amount or type of insurance coverage is entirely up to each homeowner. There are no restrictions imposed on private homeowners when listed on the National Register.

2. Whether the added designation will affect buyers' ability to obtain a mortgage or a leaseholder's ability to refinance.

Being listed on the State and National Registers does not impose any restrictions on private homeowners! The above question refers only to local historic district zoning ordinances.

3. What projects the Board has planned that requires these grants.

The Master Plan Grant is the first step in assessing our buildings and landscape grounds. This report will give the CMA insight as to areas or buildings that may require further study. It will give the CMA an assessment of the current state of our public buildings, a priority list of repairs in the long-term and short-term categories. This first, basic study will give the Board the direction it needs to decide if there are any other potential projects that could benefit from grant funding. That said, we can think of a few... for example, a preservation plan for the Tabernacle to start. This would help determine appropriate insurance requirements, and mechanical drawings should we ever need them for rebuilding. We could have a structural engineer evaluate the truss structure for safety, fire detection or retardant systems could be evaluated for this building. Historic landscape assessments could be completed for Trinity Park, East/Wess Pass, the golden stairs or the main park. Drainage issues/ access/ stone walls all could be studied.

4. What affect (sic: effect), if any, the acceptance of grant money will have on current tenants of the buildings and whether new restrictive covenants will jeopardize our relationship with these tenants, specifically, the Post Office, the Library and the Fire Hosue. These buildings currently bring in \$33,000 in hard cash and \$15,000 in in-kind contribution saving each resident approximately \$135.

Again, protection from damage from a state or municipal entity is one of the very few protections that the State/National Register provide. But note: per National Register Federal Program Regulations Sec. 60.2 : ...Listing of private property on the National Register does not prohibit under Federal law or regulation any action which may otherwise be taken by the property owner with respect to the property. Neither the state or the feds care what you do with your own SR/NR property, or if you lease, rent or sell your property to any private person or entity. They only care when you lease, rent or sell to the state or feds, and then only if the state or feds will encroach or damage the property. Strictly private undertakings are not reviewable.

There is NO CHANGE for our post office lease. If a federal entity encroaches on a NR listed property, it is subject to a Section 106 Review. If the US Postal Service, as a federal entity, leases our property it does initiate a review if the post office wanted to make changes to the building, however this would not be a change under NR as it is currently subject to this Section 106 review. And the review is the responsibility of the federal entity, not the CMA. We have been eligible for Section 106 review since 1984.

If a State or municipal entity encroaches a State Register property, it is subject to a State Register Review. A lease with the Fire Department, as a 501c3, is not subject to a State Register Review. If the MT Country Club is a private organization, their lease is not subject to a State Register Review. The library, as a municipal library board, would be subject to a State Register Review if it enters/renews a lease with a NJ Register property. Leases are usually found to not be an encroachment when reviewed, and therefore most likely would fall under the “administrative approval” (as 75% of the applications are) and would have a 30 day turnaround. The responsibility of the State Register Review would be on the State or municipal entity (library board) and not the CMA. Also, a simple addition to the lease language can affect the viewing of “encroachment”: Per State rules (7:4-7.4 (a) 3): “it would not be considered encroachment IF the leases provided adequate restrictions or conditions to ensure preservation of the property’s significant historic features.” (Andrea Tingey, SHPO)

If you want to understand the “big picture” of these rules, think of it this way. If the State goes to the trouble to declare a property to be historically significant, it doesn’t want to be the one responsible for harming it through other state entities or state funding, or at least not without due consideration.

5. What affect (sic: effect), this designation will have on municipal variance applications?

Being listed on the State and National Registers does not impose any restrictions on private homeowners! The above question refers only to local historic district zoning ordinances.

6. What affect(sic: effect), this will have on planned drainage and road improvement projects. What additional review time will be required and or construction concessions.

The benefit of protection from damage from a state or municipal entity is in effect here, as discussed previously.

Per National Register (NR) Federal Program Regulations Sec. 60.2 (a) – Section 106 Review, as it is commonly called– is only on the National level. If a project with Federal funding will encroach or damage a listed or eligible property on the NR, it must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment. This has been in effect in Mount Tabor since 1984 when we were deemed eligible for the NR. No change will take effect upon listing on the NR. For instance a Section 106 Review was held when a cell tower was proposed to be installed across Rt. 53 near A-1 Marking.

On the State level, once we are listed on the State Register (SR) a “State Register Review” will come into effect. This means a project that uses state funding that will encroach or damage property listed on the SR will need prior written approval before a project goes through. This is called project authorization. If a project is properly planned and the State Register Review is involved in the early stages of planning then delays are not a routine result. Note: this is not “A BIG DEP” threat. It is a State Register Review- historic preservation law versus environmental protection law. 75% of the State Register Reviews (they review hundreds per year) are covered by a simple administrative approval and have a 30 day turnaround. Road re-surfacing doesn’t face any delay. Worst case scenario: if an interstate wanted to run through the middle of Mount Tabor it would take a max of 120 day turnaround. (Andrea Tingey, SHPO)

On the flip side, a State Review would afford Mount Tabor significant benefits. They can recommend creative alternatives so that safety is not compromised, but road/sidewalk projects have minimal impact on the historic nature of the surroundings. For instance, alternate minimum sidewalk widths are available, as are adding tints to the concrete used so it is not stark white. There are alternate curbs, and alternate “cut curbs” and alternates to the inset red-squares with nubs. They can recommend tinting the curbing to match the color of the soil, or form concrete to look like bluestone. Their purpose is to ask: “Have you considered _____?” to make a road/sidewalk fit more into existing environment. Imagine, if you will, what impact a few minor tweaks could have meant for the roadwork near the post office? Just narrowing and tinting the sidewalk could have had a big impact alone. (Andrea Tingey, SHPO)

7. If a separate corporation is formulated what additional costs can be expected to oversee this corporation? What provision of the constitution or bylaws allows for the creation of a separate entity and how will this entity be funded?

This is not a question to be answered by the MTHS. If the CMA were to choose to look into creating a separate 501c3 entity it will be able to answer those questions.

8. When will step 2 be pursued? The Board has done an excellent job maintaining the buildings. They are in better shape now than at any other time during my nearly 60 years in the community. The buildings are not currently in need of added protection. It is the question of individual leaseholds that is of issue.

Is Step 2 implied to mean local historic district zoning ordinance enactment? There is no community support for a zoning change, and the MTHS is not pursuing one. The MTHS has gone to great lengths to explain its intentions. The MTHS has been public, transparent and open every step of the way. We have sought community input, went door to door throughout the proposed historic district, done massive amounts of research, made our findings available to the public and the CMA Board, and made public presentations. We will continue to perform public outreach to educate the community on the results of our planning documents from the first grants, and the status of our National Register nomination throughout the process.

The Board is well aware of potentially large capital expenses that will need to be addressed- even if they are vague and looming. The Master Plan will give the Board the ability and knowledge to plan for future expenses. To manage the repairs/restoration of our historic buildings, rather than react to emergencies. Planning for capital expenditures is always better than being forced to react to them. That's just responsible stewardship.

If grant funding is available to help us with planning, maintaining or repairing our historic buildings, would it not be fiscally irresponsible to not take advantage of the opportunity? The CMA is in a unique situation that not many homeowner associations can take advantage of. There is a potential outside source of revenue to aid us in the planning and preservation of our historic structures! Mount Tabor has historic buildings and property which are eligible for grant funding. We have an existing 501c3 organization which is eligible for grant funding right now, and has already put forth the enormous effort to secure historic preservation planning grant funds. What an opportunity!

The meaning of the last comment is unclear: "It is the question of individual leaseholds that is of issue." This will require further clarification.

9. What affect (sic: effect) this will have on the fabric of the community? The proposed creation of a separate district within the community creates a whole shopping list of issues.

I feel confident to say the majority of homeowners are in favor of Mount Tabor being listed on the National Register. Many homeowners thought we were already listed, and were surprised to learn we are not. Many homeowners who live in historic districts feel an immense pride of place. In fact, it can bring the community together, rather than separate it.

Mount Tabor has an exceptionally rich history that cannot be denied. Mount Tabor is one of very few surviving Methodist Camp Meeting Grounds in New Jersey. It will be fully researched and Mount Tabor's historic significance will be documented and recognized, and if we are accepted to be listed on the National Register, we can all be proud of our unique heritage- which we've known all along.

Any leaseholder can tell when one walks through town the difference between the "old section" and the "new section". There will be no physical gates or lines drawn on the roads after a National Register listing. The physical aspects of Mount Tabor won't change, there will be no demarcation of boundaries.

I can't think of any issues, much less a shopping list of them, in listing the historic area of Mount Tabor to the National Register of Historic Places. The primary issue is pride of place!

Studies have shown: Historic district designation leads to increased levels of home ownership and longer residence by both homeowners and renters. Designated historic districts tend to have higher rates of participation in neighborhood associations and improvement projects, which protects shared spaces from decline.

ANSWERS to CMA Questions Submitted by Letter
Answered by Michelle LaConto Munn on Behalf of the Mount Tabor Historical Society
Sept. 19, 2011

*Note: Bold typeface indicates CMA question, MTHS response with citations follows in regular typeface.
Italic typeface indicates answer from county and state sources*

1) Are there any known difficulties in obtaining a 501(c)3 for an Ad Hoc Committee with CMA being a 501(c)4?

UNKNOWN, but what if it wasn't "under or within" the 501c4? Why not a separate 501c3 organization with the board of directors members of the CMA board? If it has a separate mission, it won't matter if the CMA is 501c4, or if there are leaseholds. Keep finances completely separate, too. Simplify things. Just an opinion, as it really is a CMA matter, rather than MTHS.

2) Will the fact that our homes and buildings are on leased land have any impact on achieving 501(c)3 status?

See above.

3) It was stated in the last email from Michelle that the Library lease would be subject to a State Review before it could be reviewed. If the State or Library, not the CMA, is responsible for the State Register Review, is there a lengthy process in this paperwork? If so, and the Library chooses not to take the responsibility, will we lose a tenant? Does the CMA or the Library Board have any power to change the decision if the State disapproved of the Library leasing a building on the Register?

As stated in the Q & A I provided to the board:

If a State or municipal entity encroaches a State Register property, it is subject to a State Register Review. A lease with the Fire Department, as a 501c3, is not subject to a State Register Review. If the MT Country Club is a private organization, their lease is not subject to a State Register Review. The library, as a municipal library board, would be subject to a State Register Review if it enters/renews a lease with a NJ Register property. Leases are usually found to not be an encroachment when reviewed, and therefore most likely would fall under the "administrative approval" (as 75% of the applications are) and would have a 30 day turnaround. The responsibility of the State Register Review would be on the State or municipal entity (library board) and not the CMA. Also, a simple addition to the lease language can affect the viewing of "encroachment": Per State rules (7:4-7.4 (a) 3): "it would not be considered encroachment IF the leases provided adequate restrictions or conditions to ensure preservation of the property's significant historic features." (Andrea Tingey, SHPO)

So in short, it is likely a 30 day review, with administrative approval. It would be VERY unlikely that they would ever disapprove a lease like ours, particularly in that the CMA retains much of the maintenance of the building. As an entity, the State likes to see the historic buildings in use, and ours is still the historic use, to boot. A simple addition of a clause of the lease such as stated above would likely seal the deal. The state does not want us to lose a tenant we've had since the 60s, they just want to make sure a municipal entity does not have free reign to say, add a second floor reading room to the building without any consideration. PLEASE call Andrea Tingey or Bob Craig at the SHPO for further info, if desired! Andrea Tingey: 609-984-0539 / Bob Craig: 609-984-0541.

4) There were mixed responses regarding voting. Michelle indicated residents could “vote” by submitting written comments to the State Historic Preservation Office and if a majority oppose, then the historic district would not be placed on the list. Are written comments vs vote the reason for the contradiction? What is considered a majority in our case?

There are three opportunities for homeowners within the proposed boundaries of the historic district to have their opinion “count” (either for or against the historic district being listed on the National Register). There is no “ballot vote” per se.

The first opportunity is when the MTHS submits an application to the Morris County Historic Preservation Trust (MCHPT) for a grant to assist the MTHS in putting together the National Register nomination forms. As part of the grant application, we are required to provide signatures of homeowners in the district using the “owner assurance” form- giving their acknowledgement of the grant, and their approval with the signing of the form (same as the CMA did for the master plan grant). We need at least a majority of homeowners’ signatures for the grant to be seriously considered by the grant review board. **If we do not have community support, the nomination grant is less likely to be awarded.** Cited from Ray Chang at the MCHPT:

Having said we won’t require the Owner Assurance in a potential nomination application for the MT Historic District, please note that owner consent is part of National Register rules. We do not want a two-stage process with County rules separate from the National Register. We want to encourage the applicants to do the public outreach to garner support from property owners broadly (which you have worked hard to achieve). But we cannot seriously expect that each and every person in a district will support the nomination. So, in a potential nomination grant application, the County will still ask that you provide Owner Assurance from all the property owners in the district. However, property owners who refuse to sign the consent will not jeopardize the submission of the County application. Thus, an application for nomination preparation for the MT Historic District would still be considered by the County for funding even if owner consent cannot be obtained from all the property owners in the district.

The second opportunity is during the public comment period 30-75 days prior to the State Review Board Meeting. Homeowners within the boundaries of the historic district will be able to “vote” by submitting written comments- either for or against - to the State Historic Preservation Office. If a majority of homeowners object to the nomination, the district will not be listed.

The third opportunity: There will also be a public information meeting in Mount Tabor, because we have more than 50 homeowners in the historic district. The details: Per National Register Federal Program Regulations Sec. 60.6 (c) : There is a comment period 30 to 75 days prior to the State Review Board Meeting. Property owners will be notified by written notice or public notice and given the opportunity to submit written comments to concur or object to the NR nomination. (d): plus, because the historic district includes more than 50 homeowners there will be a public information meeting 30-75 days prior to the State Review Board Meeting. (g) if a majority of property owners object, the district will not be listed. (n): If a majority of owners for a district have objected to the nomination prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility.

And this from Ray Chang of the MCHPT, after his consulting with Bob Craig of the SHPO:

*Bob Craig at the HPO confirmed that the decision to list a historic district rests with the State Historic Preservation Officer (SHPO). **Although SHPO has the authority to list even with a majority of property owners in objection, in reality SHPO almost never overrules the opinion of a majority of property owners.** Per state rules, owner objections shall be considered by the SHPO only with regard to submission of the nomination to the Keeper of the National Register of Historic Places, see N.J.A.C. 7:4-2.2 (c)12.*

A majority is simply a majority of the homeowners within the boundaries of the proposed historic district. 50% plus 1. Each homeowner within the district gets one “vote”, no matter how many properties are owned within the district.

**5) Is the “vote” only to opt to place or not to place Mt. Tabor on the National/State Register?
When else could residents be democratically involved?**

Yes, each homeowner can submit written support or opposition to Mount Tabor being listed as a historic district on the State and National Register of Historic Places.

There are three specific opportunities for residents within the proposed historic district to be democratically involved.

1. When the MTHS seeks a signed “assurance” form (permission) from each homeowner within the proposed district to accompany an application for a nomination grant from the MCHPT in early-Spring of 2012.
2. At a public information meeting held 30-75 days prior to the State Review Board Meeting.
3. By submitting written support or opposition during the comment period 30 to 75 days prior to the State Review Board Meeting (which may occur after the Fall of 2013).

In addition, the MTHS will hold public meetings for the community throughout the process. The National Register nomination process cannot go forward without the support of the community. It is a democratic process.

6) Mt. Tabor is listed on New Jersey’s Historic Preservation Office website as having received opinions of eligibility from the State Historic Preservation Officer (SHPO Opinion) on August 2, 1989. What exactly does this mean?

It means that the state HPO has given its official opinion that Mount Tabor meets the requirements to be eligible to be listed on the National Register. We have an updated opinion from from the SHPO dated February 2011. It is these opinions that allow the MTHS to get an initial planning grant while we pursue an official listing on the NR. National Register listing is a requirement for historic preservation grants- but since we are ELIGIBLE, they will give us a first grant to get started, as long as we agree to submit the nomination application to make it official. They won’t give you a grant unless you are willing to be listed on the NR, since it is a baseline requirement. Historic Preservation grant funds only go to qualified historic properties.

7) From the presentation that was conducted before the Board and public during the March 2011 meeting, can you please comment if there is any information in the slides that is factually incorrect? If yes, please correct?

Yes, it is important to note that only 501c3 organizations can qualify for historic preservation grants. Neither the CMA, nor homeowners are eligible. Additionally, these grants are only available for public buildings. We have corrected the presentation, and re-posted to the website. We also added the following benefits, which were not included:

- National Register listing will allow rental owners to take a 20% income tax credit on the cost of rehabilitating such buildings for rental residential purposes.
- National Register listing will give homeowners in the historic district certain building code easements, such as exterior porch railing height and the like.
- National Register listing may give homeowners eligibility for federal and state tax credits in the future. The NJ historic preservation tax credit was vetoed by the Governor in Feb. or March of 2011, but it could be presented again in the future.