



**CITY OF PLAINFIELD**  
**HISTORIC PRESERVATION COMMISSION**  
 515 WATCHUNG AVENUE, ROOM 202  
 PLAINFIELD, NEW JERSEY 07060



Adrian O. Mapp, Mayor

William H. Michelson, Chairman  
 Lawrence T. Quirk, Vice Chairman

**MEETING MINUTES- PLAINFIELD HISTORIC PRESERVATION COMMISSION**  
**JANUARY 26, 2016, 7:30 PM, CITY HALL 1<sup>ST</sup> FLOOR LIBRARY, 515 WATCHUNG AVENUE, PLAINFIELD, NJ**

**Call to Order and Public Notice**

A regular meeting of the Plainfield Historic Preservation Commission was called to order at 7:41 P.M. and in conformance with the Open Public Meetings Act, Mr. Ross read aloud the following: “This is a regularly scheduled meeting of the Historic Preservation Commission of the City of Plainfield, Union County, New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a notice was published in the Courier News on January 1, 2015, and the notice of this meeting was posted in the City Clerk and Planning Division offices.”

2016 Historic Preservation Commission Name, Class Designation (Term Ends)	1/26/16	2/23/16	3/22/16	4/26/16	5/24/16	6/28/16	7/26/16	8/23/16	9/27/16	10/25/16	11/15/16	12/20/16
John Favazzo, Class A (12/31/2017)	X											
Bill Garrett, Class B (12/31/2015)												
Sandra Gurshman, Class B (12/31/2018)	X											
Jan Jasper, Class C (12/31/2016)	X											
Elizabeth King, Class C (12/31/2016)	X											
William Michelson, Class B (12/31/2018)	X											
Lawrence Quirk, Class A (12/31/2017)	X											
Gary Schneider, Class B (12/31/2015)												
Reginald Thomas, Class A (12/31/2018)												
Alternate Member #1 VACANT (2 year term)												
Alternate Member #2 VACANT (2 year term)												

*Also present: HPC Consultant Barton Ross, Absent: HPC Recording Secretary Scott Bauman*

**Nominations and call to vote for Commission Chair**

Upon request by HPC Consultant Ross, Commissioner Gurshman made a motion to nominate Mr. Michelson as Commission Chairman for 2016. Commissioner King seconded the motion and it was unanimously approved by voice vote.

**Nominations and call to vote for Commission Vice-Chair**

Upon request by Chairman Michelson, Commissioner Gurshman made a motion to nominate Mr. Quirk as Commission Vice-Chairman for 2016. Commissioner King seconded the motion and it was unanimously approved by voice vote.

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**Nominations and call to vote for Commission Secretary**

Upon request by Chairman Michelson, Commissioner King made a motion to nominate Scott Bauman as Commission Secretary for 2016. Vice-Chairman Quirk seconded the motion and it was unanimously approved by voice vote.

**Nominations and call to vote for HPC Consultant**

Upon request by Chairman Michelson, Vice-Chairman Quirk made a motion to nominate Barton Ross as HPC Consultant for 2016. Commissioner King seconded the motion and it was unanimously approved by voice vote.

**Resolution Adopting the 2016 Meeting Schedule, including the first meeting in January, 2017.**

Upon request by Chairman Michelson, Commissioner King made a motion to adopt the meeting schedule for 2016. Vice-Chairman Quirk seconded the motion and it was unanimously approved by voice vote.

**Resolution Designating Newspaper for Publication of Legal Notices**

Upon request by Chairman Michelson, Commissioner King made a motion to designate the Courier News as the 2016 official newspaper of the Plainfield Historic Preservation Commission for the publication of official notices for the purpose of the Open Public Meetings Act. Commissioner Gurshman seconded the motion and it was unanimously approved by voice vote.

**Resolution Adopting Procedures, Forms, and By-Laws**

Upon request by Chairman Michelson, Commissioner Jasper made a motion to adopt the procedures and by-laws of the Plainfield Historic Preservation Commission for 2016 as cited in Article IV of the City Land Use Ordinance adopted by City Council December 2, 2002, amended through February 10, 2014. The Certificate of Appropriateness form and Notice for Public Hearing for 2016 are hereby adopted. Vice-Chairman Quirk seconded the motion and it was unanimously approved by voice vote.

**Presentation of October 27, 2015, Meeting Minutes**

Upon request by Chairman Michelson, Commissioner King made a motion to accept the October 27, 2015, meeting minutes as presented; Commissioner Gurshman seconded the motion and it was unanimously approved by voice vote.

**Presentation of November 17, 2015, Meeting Minutes**

Upon request by Chairman Michelson, Commissioner King made a motion to accept the November 17, 2015, meeting minutes as presented; Vice-Chairman Quirk seconded the motion and it was unanimously approved by voice vote.

**Presentation of December 15, 2015, Meeting Minutes**

Upon request by Chairman Michelson, Commissioner Gurshman made a motion that the presentation of the December 15, 2015 meeting minutes be carried to February 23, 2016. Commissioner King seconded the motion and it was unanimously approved by voice vote.

**New Business**

None.

**Unfinished Business**

**1. Carried Applications for Certificate of Appropriateness**

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**1. HPC 2015-28: Cedar Brook Park; Block 732, Lot 1; State & National Registered Landmark  
County of Union - Applicant & Owner**

Chairman Michelson provided the Commission with the following written proposed decision on the Certificate of Appropriateness Application HPC 2015-28. The property involved is the Cedar Brook Park Historic District (block 732, lot 1). The applicant is the Union County Parks Department.

*“The Application - This is a pair of cases arising out of the Union County Parks Department’s proposal for new soccer fields, and related installations, at Cedar Brook Park. One of the matters before the Historic Preservation Commission (“the Commission” or “HPC”) involved Capital Project Review by the Planning Board, case PB-2015-31. The Board referred that application to the Commission pursuant to N.J.S.A. 40:55D-110. The subject matter and the input offered by this Commission to the Planning Board are essentially the same as is discussed below. That part of the Commission’s function was fulfilled when the undersigned Chairman wrote a detailed letter to the Planning Board Chairman dated December 17, 2015, and appeared at the Board’s hearing that evening, to deliver the Commission’s findings orally and answer questions.*

*The Planning Board has passed its own Resolution. It is noted that pursuant to N.J.S.A. 40:55D-31(a), that Board’s function is essentially advisory.*

*This Decision addresses the independent case before the Commission, concerning the County’s application for a Certificate of Appropriateness (“CA”).*

*The Property Involved – Cedar Brook Park is a County facility said to comprise 88 acres. It has existed and been used by the public since approximately 1922, and became a Historic District upon being listed on the State and Federal Registers of Historic Sites, in 2007.*

*The portion of the park for which a CA is sought is in its east-central area, close to residences on Arlington Avenue and Cedar Court. The plan is to create two upgraded soccer fields, where one grass soccer field exists now. The County also seeks to create two baseball fields adjacent to the soccer fields, where only one exists now. Several accessory structures are also proposed. The park is zoned CB (for Cedar Brook Park Historic District), in which the permitted uses are parks, open space and trails, community gardens, recreation area, stormwater detention and accessory buildings and structures. There are no use issues per se.*

*Jurisdiction of the Commission – Projects for which a CA is required must come before this Commission for a public hearing and vote. The County has taken the position that the HPC has only advisory power, similar to that of the Planning Board, and has rejected the negotiation which applicants for land use approvals normally expect. It argues that the Commission’s power is only that set forth in N.J.S.A. 40:55D-110, which calls for HPC to give “advice” to the other two land-use Boards, much like how the Planning Board performs capital project review under N.J.S.A. 40:55D-31(a). This overlooks two important legal principles.*

*One is that the County’s claimed entitlement to build structures or develop land, free of municipal planning approvals, and without regard to local issues and preferences, is a considerable overstatement. Municipalities may designate properties as having importance for land-use, esthetic and*

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*historical reasons, and attempt to protect them by ordinance. The County does not even seem to be willing to give respectful consideration to the local interest, by way of dialogue with the HPC.*

*The Supreme Court of New Jersey, in Rutgers v. Piluso, 60 N.J. 142, 153-54 (1982), said:*

*“The rationale which runs through our cases and which we are convinced should furnish the true test of immunity in the first instance, albeit a somewhat nebulous one, is the legislative intent in this regard with respect to the particular agency or function involved. That intent, rarely specifically expressed, is to be divined from a consideration of many factors, with a value judgment reached on an overall evaluation. All possible factors cannot be abstractly catalogued. The most obvious and common ones include the nature and scope of the instrumentality seeking immunity, the kind of function or land use involved, the extent of the public interest to be served thereby, the effect local land use regulation would have upon the enterprise concerned and the impact upon legitimate local interests. In some instances one factor will be more influential than another or may be so significant as to completely overshadow all others. No one, such as the granting or withholding of the power of eminent domain, is to be thought of as ritualistically required or controlling. And there will undoubtedly be cases, as there have been in the past, where the broader public interest is so important that immunity must be granted even though the local interests may be great. The point is that there is no precise formula or set of criteria which will determine every case mechanically and automatically....It is however most important to stress that such immunity in any situation is not completely unbridled. When where it is found to exist, it must not....be exercised in an unreasonable fashion so as to arbitrarily override all important legitimate local interests”.*

*In Hills of Troy Neighborhood Ass’n. v. Twp. of Parsippany-Troy Hills, 392 N.J. Super. 593, 603-04 (Law Div. 2005), the Court noted that the test for municipal immunity from its own regulations:*

*“requires a municipality to act reasonably in this regard by focusing on such factors and the kind of function or land use involved, the extent of the public interest to be served, the deviation from a municipality’s zone plan and the impact on surrounding properties....the consideration of alternative sites is necessary as it minimizes the deviation from the zone plan and impact upon surrounding properties...that analysis is not complete unless the municipality has afforded the public a meaningful opportunity to be heard on these factors in keeping with a ‘local consultation requirement’”.*

*There is no reason why this principle would not apply to the County as well. There is no statute giving the County pre-eminence in this situation, such as the one in Ocean County Utilities Authority v. Planning Board of Berkeley Twp., 221 N.J. Super. 621, 627-28 (Law Div. 1987), affirmed at 223 N.J. Super. 461, 463 (App. Div. 1988).*

*Instead, the County has cited Mayor and Council of Town of Kearny v. Clark, 213 N.J. Super. 152 (App. Div. 1986), for the proposition that it is not subject to municipal zoning. This application, however, is not one involving zoning. Even the Kearny Court recognized that such immunity “is not absolute”, Id.*

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*at 156. The proposed site of the jail in Kearny was not one possessing either historic or recreational value, much less one already protected by ordinance, as Cedar Brook Park is. That Court's sage observation that "if the construction of a county jail was dependent upon local land use regulation it is difficult to conceive of where such a project could find a welcome", Id. at 158, has no analogue in the matter at hand here. Soccer could be accommodated at other municipal or school lands, in newly-purchased lands, or on private property.*

*Plainfield has endeavored to protect the historic and esthetic aspects of this park, as well as our other Olmsted-designed county park, Green Brook Park. The 2002 Land Use Ordinance, which at the time was a total replacement for previous ordinances, directed the Planning Board to include a Historic Preservation Element when preparing and updating the City's Master Plan, sec. 17:5-1(B)(10) – which it did. The Commission notes also that the "encroachment" on this State-designated historic site will require review by the State Historic Sites Council, see N.J.S.A. 13:1B-15.131.*

*Plainfield's 1998 and 2009 Master Plans state as a formal "Objective" that "the City's historically and architecturally significant buildings and neighborhoods will be preserved and protected in accordance with the Plan's Historic Preservation Element". This is followed by 12 pages of detail, reciting the City's history at length, outlining when, why and how the Historic Preservation movement developed here, and describing the factors that make the Historic Preservation system vitally important to the City and its people. Plainfield now has 10 historic districts, with over 600 regulated properties, plus 19 individually landmarked sites outside the districts. This system has been of immeasurable benefit to the entire City, and not just those living within the districts.*

*Plainfield was one of New Jersey's first Certified Local Governments under the State Historic Preservation Act, and remains a leader in what has become a respected branch of urban planning: historic preservation and districting. Actually, Plainfield's first Historic Preservation Ordinance predates the MLUL sections cited above by 6 years.*

*Plainfield's two County Parks were designated as Historic Districts, and placed on both the State and National Registers of Historic Sites, because they were designed by the famous Olmsted Brothers landscape architecture firm, in the 1920s. There are many Olmsted parks around the country, most famously New York's Central Park, which are characterized by rolling topography and broad meadows, with plantings of large trees either standing alone or in small groups, not extensive groves. The provision of considerable, even maximum, open space in these parks is part and parcel of their design.*

*The other error in the County's position is its failure to recognize that Plainfield has a Special Charter, adopted in 1968, rather than any of the statutory options, and that it can sometimes diverge from provisions of the Municipal Land Use Law (MLUL), Miller v. Mitchell, 245 N.J. Super. 290 (App. Div. 1991).*

*The Ordinance addresses publicly-owned land in historic districts at sec. 17:10-23. It makes the City itself subject to the same HPC review as a private owner would be, and then states that "in those circumstances where the City cannot require compliance, as in certain cases involving the County, State and Federal governments, the City urges, most strongly, the voluntary cooperation of such agencies in seeking a [CA] and hereby authorizes the Commission to consider such requests and applications". The Ordinance does not, however, address whether or to what extent other governments are actually*

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*beyond the City's ability to "require compliance". That conclusion must come from other sources of law.*

*Note that the Ordinance allows the Zoning Officer to seek injunctive relief in Superior Court, where an "action which would permanently and adversely change a historic site or historic district...is about to occur without a [CA] having been issued", sec. 17:10-26. This is evidence that the City government deems protection of historic districts and sites to be of great importance.*

*This Commission finds that protection of Plainfield's County Parks, which are now Historic Districts, from the kind of over-aggressive, over-intense development which the County proposes, is an important, legitimate City interest. This is not to say that a less-aggressive, less-intense list of improvements would be rejected. Rather, the problem is the County's refusal to work with this Commission, to arrive at a plan which recognizes the multiple issues raised, including keeping the integrity of the Olmsted plan intact, and perhaps even correcting past mistakes.*

*The HPC has jurisdiction under two sections of Plainfield's Land Use Ordinance. One is that this is a case of "addition or new construction of a principal or accessory building or structure subject to public view" in a Historic District, sec. 17:10-4(A)(4). The other is that it involves "changes to existing sidewalks....walls, fences, signs, solar panels or parking lots or the construction of any new sidewalks....fences, walls, signs, solar panels or parking lots, if subject to public view", sec. 17:10-4(A)(5). This spot is definitely subject to public view. "Structure" is defined as "a combination of materials constructed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land", sec. 17:10-1(6). These playing fields involve installation of non-native materials (synthetic turf) and are certainly intended for public "use". The park is also ornamental. Therefore, a CA is required before the planned structures, fixtures and artificial ground surfaces can be installed and built. The County therefore filed such an Application.*

*Status of Proceedings on This Application - When the County came before the HPC at its November 17, 2015 meeting, we spent close to an hour hearing its presentation, and asking questions. However, the HPC did not come anywhere close to hearing enough of the case to reach a Decision. With the Applicant's consent, and waiver of the 45-day rule, the case was carried to December 15. The County has not been willing to return to HPC, nor to seek a new date.*

*On December 15, the County failed to appear. None of the additional information requested, nor any changes to the proposal, had been provided to this Commission. This left the record seriously incomplete. Faced with an active case needing to be disposed of, the HPC denied the Certificate of Appropriateness, for both procedural and substantive reasons. The HPC did however review, in quite a bit of detail, the issues which it expected to address in a Decision. This review was also provided to the Planning Board, which needed the HPC's input. It was decided that the Commission would in any event generate a formal written Decision.*

*The following is a summary of HPC's comments and concerns on the various aspects of this application. The HPC reiterates that it is working with a record that falls far short of what it normally requires before making a Decision. It is first noted that, in general, the historic fabric of the Park is best served when everything built or done there complies with good architectural and engineering standards. In this regard, the Commission notes that hydrologic issues have been raised by the City Engineer, most of*

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*them cited as containing highly inadequate information, given that the land affected by this application is in a flood plan. The Commission defers to the City Engineer on this, but wishes to be shown that the County has entered a serious dialogue with him.*

*Lighting - The Applicant wants to install towers 70' or 80' tall, holding numerous light fixtures, to illuminate the soccer fields for evening play. It was unclear to what extent the baseball fields would also be lit, since three lights appear on that portion of the drawings, but without detail. This gave the HPC tremendous concern, because it is drastically out of scope both with the historic fabric of the Park, and with the nearby residential properties. There are only a very few structures in the whole City that reach such height. The lighting threatens to overwhelm other recreational activity, as well as leaking outward as "light pollution". It may cause inappropriate use of the Park, by significant numbers of people, at unreasonably late hours. That alone would drastically increase wear and tear on much of the Park. The power source will generate a certain amount of noise. If built at all, these towers should be black instead of metallic grey.*

*We reject the proposal for lights and towers. If the Applicant presents a plan for far smaller and less intrusive lighting, with care to prevent glare outside the fields of play, and explains why night use is necessary, the Commission would consider it. We are not, however, familiar with the needs of soccer teams, and the County did not present evidence on that point.*

*Bleachers, Fences and Netting - The Application called for several other structures. Bleachers are planned, but should not be so large as to overwhelm the rest of the park. Possibly, design features could mute, rather than intensify, the intrusion.*

*It also proposes netting, mounted on frames, to keep balls from flying or rolling out of the fields. These appear on the drawing as 25 feet high in some areas and 40 feet high in others. The HPC would like to review the height and appearance of the frames, and to be assured that the netting will be taken down, when not needed.*

*Fences are shown on one of the drawings, which would be 4 feet high, of split-rail type, and would run almost all the way around the two soccer fields.*

*A scoreboard was initially proposed, but that feature has apparently been withdrawn. The Applicant was asked to produce elevations, if possible in 3-D, to help the Commission address the dimensions of these items, but it has not done so. It appears that the fences and netting would interfere materially with the long sight lines discussed above.*

*Grading and Trees – Quite a bit of soil may be moved around, to flatten the ground needed for play fields, and to construct a berm. The Applicant did not provide a grading plan which would allow comparison with current conditions, or with maps from 1922 and 1928. These maps were not provided to the Commission in advance, but were only momentarily shown to us at the meeting table. This alone makes it impossible to reconcile the plan to the Olmsted design. The kind of topography seen today was intentional – in other Olmsted parks, land was in places made either more rolling or less rolling, to create pleasant vistas and gentle slopes, good for picnics. Plainfield should not have to lose that quality.*

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*It will apparently be necessary to remove several mature trees, and perhaps other shrubbery. The historic fabric of the Park militates toward leaving them all in place. However, replacing some of them with new trees and shrubs might mitigate the effect. The Applicant and the Chairman of our Shade Tree Commission, who attended the meeting, agreed to work together with respect to these details, such as selecting the species and caliper of any new plantings. However, after that, the County decided to ignore the City. The Commission would want to see a proposal, tree by tree, before approving it.*

*Synthetic Turf – The Applicant wants to use synthetic turf (also known as AstroTurf), instead of natural grass, for the two soccer fields. Our Historic Consultant researched whether this product has been deemed acceptable in other historic parks, in other cities, and found that there is no consensus about it, one way or the other. If used at all, using it on only one field could at least reduce this impact. The HPC is not familiar with the product, but there have been articles expressing concern about the lifespan and breakdown of the material. Evidently, after some years, it must be replaced, or degrades into a pollutant. The HPC would have liked to see a product sample, and to compare it with the natural grass that is there now. The proximity of these fields to Cedar Brook, as well as the visual effect, causes the HPC to question whether AstroTurf is acceptable here at all. The Applicant should have produced studies or other evidence, to guide the Commission with these concerns.*

*Other Structures and Installations – The increased use of this part of the Park may warrant more parking spaces (handicapped or otherwise), paved walkways where none exist now, restrooms or portable toilets, and other structures, such as a small office or a place to store equipment, that are not there now. The Commission wants to review such structures, for both style and intrusiveness, before reaching conclusions, or imposing conditions. The effect of the ADA should also be demonstrated.*

*If new sidewalks are installed, or old ones redone, it is HPC policy to require the cement to be tinted, usually to a gray color which does not stand out as sharply as white cement does.*

*Intensity of Use – Olmsted parks were typically bucolic and restful. A comprehensively-designed landscape, and long, green vistas with maximized sight lines, are the essence of the historic fabric, as well as a worthy goal in themselves. These parks are typically uncluttered, though as in Central Park, some variance from that quality may be acceptable. Hence, if new structures are to be built at all, the HPC would want them to be designed with details and materials which reflect the quieter recreation of a century ago. Evidently, several beautiful gardens which once existed in this Park are long gone. This Application provides an occasion to re-create them, and that would mitigate some of the impact.*

*At our November 15 meeting, a number of young soccer players, and adults who run a program for them, attended and complained that they have not been well-accommodated at other locations, and need new fields. To improve this situation is an entirely reasonable community goal. However, it does not need to be done here, in one of Plainfield's precious historic parks.*

*Conclusion and Decision - The greatly-intensified use of much of Cedar Brook Park, which this project would produce, is simply not compatible with the qualities that caused the City to make it a Historic District in the first place. When this was done, in 2007, the County apparently lodged no opposition about it. It is only now that the County wants to provide greater recreational opportunities for soccer, without buying land elsewhere for this purpose.*

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*Put another way, this proposal involves a highly active sort of recreation, whereas most of the Park was designed for relatively passive recreation. This Commission would have liked the opportunity to balance these factors, to require changes in the details, and to negotiate the numerous factors suggested above, to create a less-aggressive result.*

*With this inadequate record, however, the Commission finds that this project cannot be done at all, without doing violence to Cedar Brook Park, and without creating great interference for those who use the Park now, or live just outside of it. The Application is therefore dismissed without prejudice, and the CA denied, both because of the County's failure to go forward with evidence sufficient to grant it, and because, without redirect evidence as discussed above, the prima facie damage to its historic fabric is far too damaging to the Park to permit, and thus, the detriments easily outweigh the benefits."*

The Commission then discussed three options for addressing further action on the part of the HPC. First was contacting the New Jersey Historic Preservation Office to determine the need for Historic Sites Council review of the project. HPC Consultant Ross will contact the SHPO. The second option involved having a meeting with Corporation Counsel regarding possible City legal action against the County. Chairman Michelson will reach out to him. The third and final option would be for some private organization or group of property owners to engage legal services and file suit to seek an injunction. Upon request by Chairman Michelson, Vice-Chairman Quirk will contact interested residents and report back to the Commission.

Chairman Michelson, upon hearing no further questions and discussion from the Commissioners, opened the meeting up to the public. No public comments were offered on this application and the meeting was closed to the public.

Upon request by Chairman Michelson, Vice-Chairman Quirk made a motion to accept the Chairman's detailed written decision of January 26, 2016, and deny a Certificate of Appropriateness for application HPC 2015-28 without prejudice. The applicant has failed / refused to complete their factual presentation. The Commission finds that the materials submitted in support of the application are not sufficient for approval and feels strongly that more information and design discussion is needed. Commissioner Gurshman seconded the motion and it was approved unanimously by voice vote.

## **Discussion**

### **1. 2016 Certified Local Government Grant**

Mr. Ross prepared the grant application to the State Historic Preservation Office for the expansion of the Van Wyck Brooks and Netherwood Heights Historic Districts. The grant application was submitted on January 15, 2016.

## **Reports**

### **1. Community Outreach / Historic Preservation Awareness Committee**

Spanish Translation of Design Guidelines: Commissioner Gurshman informed the commission that the Spanish Translation of the Design Guidelines had a broken link on the website. Commissioner Jasper volunteered to contact the webmaster to resolve the issue.

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**2. Ordinance Revision Committee**

No news to report.

**3. Architectural Review Committee**

No news to report.

**Public Comment**

None.

**Adjournment**

There being no further business, Commissioner Gurshman made a motion for adjournment, seconded by Vice-Chairman Quirk; all voted in favor, none opposed. The meeting adjourned at 8:59 PM.

Respectfully submitted,



Barton Ross, AIA, AICP, LEED AP

Plainfield HPC Consultant

Prepared: January 29, 2016

Approved by the Historic Preservation Commission: 3/22/2016