

03 JULY 2020

TOWN OF WESTFIELD

WESTFIELD, NEW JERSEY

**WESTFIELD RESIDENTS PETITION AGAINST  
MAYOR BRINDLE'S HISTORIC PRESERVATION  
ORDINANCE**

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Quietly, the Brindle administration has approved a new and **drastic** ordinance that will allow the Town's Historic Preservation Commission (HPC) to designate homes "historic," **without homeowner consent**.

An "historic" designation **restricts** a homeowner's ability to alter the exterior of their home (such as replacing a front door or even making **interior alterations** that impact the exterior of the home, such as the placement of windows). Instead of making such changes as you, the **homeowner sees fit**, you will need to seek the approval of the HPC, which will cost you time and money, and approval is **not** guaranteed. Historic designation may **depress** the value of your home. You may even feel the need to hire an attorney who specializes in this field to argue your case to the HPC, and will still likely be turned down.

When selling your home, this 'Historic' designation of your home **must be disclosed** to any potential buyers; thus, making it more difficult to find a buyer who is willing to take on the many additional constraints now placed on the home's ability to be upgraded and / or even partially demolished to add any new construction the new homeowner may desire. This limits the owners ability to add on to the existing foundation an expanded kitchen area or even an additional bedroom, to remove an existing detached garage and construct an attached one, to add a great room if the home currently lacks one.

All of these constraints are additional **deterrents** to both **current and future owners**. If it is a question of purchasing your home when it is on the market for sale versus a home without this 'Historic Preservation' designation, the majority of home buyers will gravitate to purchase the home without these additional constraints placed on them as to what they can and cannot do to bring the home into their desired needs.

Thus, a home with the 'Historic Preservation' designation not only becomes harder to sell, it also losses value to the seller as a result of this restriction now placed on the

property. Builders are most certainly not going to be interested in purchasing the property, knowing that they will not be able to tear down the existing home and build new construction in its place, nor will they be able to expand the home's existing square footage with additions. Therefore, it becomes an unfeasible investment to a builder, as well as any potential buyer who is aware that they cannot make the improvements they seek to make the home conformable to their needs.

If you are a current homeowner in Westfield and think that this ordinance doesn't apply to you because your home is either new construction or was built **after 1930**, think again! Under the Mayor's ordinance, the HPC has the power to designate **entire neighborhoods** 'Historic,' burdening even **new homes** with the **same exact restrictions** and **without homeowner consent**.

For example, let's say you recently purchased your new construction home for more than a million dollars (not that the purchase price has anything to do with this ordinance...this is just for emphasis purposes) either this year or years prior, but always had the goal in mind to add a room onto it. If your new construction home is deemed to be in an 'Historic Preservation' neighborhood that the HPC has designated because **they deemed** there to be a few homes on your street that fall under their HPC definition, then my friends, you are out of luck in ever getting approval to do that add-on that you planned to do from day one when you closed on your property.

This is **absolute power** that the HPC seeks; and quite frankly, is more restrictive in nature than the State of New Jersey's own Historic Preservation Ordinance. Put simply...the Mayor's Historic Preservation Ordinance that she has so quietly already implemented the Town Council to approve, is **more restrictive** than the State of New Jersey's own Historic Preservation guidelines.

From what we have learned, the Mayor and Town Council Members were **sneakily** asked to vote on this ordinance during the Town Council meeting on June 9, 2020. However...this topic **was not properly advertised to the residents of Westfield prior to this sneaky vote!**

The vote for the Ordinance passed with a count of (8) in favor and (1) against it. However, it was then brought to the attention of the Mayor and the remaining seven council members who voted for it, as well as the Town Attorney, Tom Jardim, that the (33) page written ordinance was inaccurate in its current state; as the document stated that [...all homes built in 1924 or prior...] will fall under this new Historic Preservation Ordinance. The error is that the Mayor presented this ordinance to the Town Council Members stating that the date of the affected homes to be designated was **1930 and not 1924**.

The written ordinance was then **updated and corrected to read homes built in 1930 and prior**, will fall under the jurisdiction of the new Westfield Historic Preservation Ordinance.

The Mayor then called for a new vote to pass her ordinance during the June 30, 2020 Town Council Meeting. The mayor and eight council members voted on this new ordinance and they passed it with a final tabulation of seven members in favor and only one against it once again. In addition, the Mayor's opening remarks at the June 30, 2020 meeting, were:

‘Good evening, everyone, and thanks for joining us virtually tonight. Please remember that public comment will only be accepted via Zoom, although we are live streaming for viewing only on Facebook.’

Therefore, if you couldn't use Zoom to access the Town Council meeting of June 30, 2020, than you **could not voice your objections** to the ordinance or to the Mayor and Council members. Is this really the way the Mayor and the Town Council should treat the very residents that elected them? By discriminating against those elderly residents, those disabled residents, those that do not have internet access, nor the computer skills to use the Zoom meeting app to voice their objections to the ordinance that she wanted to quietly push through? In addition, there were many residents who did use the Zoom meeting app but were unable to get linked in to the meeting and were forced to be silenced because the Zoom did not work correctly. **More importantly, almost 90% of Westfield residents were and still are completely unaware of this ordinance.** They simply do not know about it at all because it has not properly been announced to the residents of this town.

How can a Mayor and Town Council take a vote on such an important piece of legislation that will directly affect the home ownership rights of such a large portion of residents without fully and transparently informing all residents of this change and designation of the new Historic Preservation Ordinance? We deserve full disclosure, a chance to ask all questions, to voice all objections, and then if all else fails, to have this issue go to a town wide referendum vote.

According to the law, all ordinances that are brought forth before the Council **MUST** be advertised to the public in a manner so that it **INFORMS ALL AFFECTED RESIDENTS!** As required by NJ law, the advertising and clear explanation of the ordinance **must be made available prior to the vote** and we find it appalling that the Mayor **intentionally obfuscated any transparency in this matter.**

The Mayor had verbally stated at the beginning of the **Town Council Meeting on June 30, 2020, a meeting which WAS NOT OPEN TO THE PUBLIC due to Covid-19,** that she advertised this new ordinance back in December of 2019! Over 6 months ago! So now we are to believe that there was in fact a small article regarding this ordinance posted somewhere on either the Town's official website and/or in The Leader newspaper. The fact is, if it was advertised, it was done so during the Christmas & Chanukah holiday season, and more than likely done so intentionally, to bring the least amount of attention to the matter as possible.

During this pandemic, from February 2020 to May 2020, the mayor made almost daily posts to update and advise the residents of Westfield the status of the coronavirus and its impact on our town. She announced that we have lost 42 residents to this virus, almost all of them senior citizens. She appeared to be very concerned about the safety and welfare of the senior citizens during this pandemic; however, on the flip side is completely capable of not informing them of this Historic Preservation Ordinance and how it will take away many of their homeownership rights and likely devalue their homes; thus robbing them of their life's savings in their home equity! A bit manipulative to say the least.

This restriction by the Mayor to allow residents to voice their objections to the passing of the Historic Preservation Ordinance was discriminatory to those residents who (a) did not even know about it, (b) do not know how to use a computer, (c) do not know how to download an app called 'Zoom' and how to navigate it to participate during the meeting, (d) are disabled residents who cannot do any of the above, (e) are senior citizens and can not use a computer or stay on a 4 hour computer link in the hopes of getting heard. The passing of this ordinance does nothing but steal the home equity of every resident that own homes built in 1930 and prior.

Clearly, this ordinance takes away home ownership rights, and potentially impacts the majority of houses in this town because the "older" homes built in 1930 and before are sprinkled amongst much of the newly constructed homes. It was the Mayor's duty and obligation to be completely transparent with the residents of this town and inform them in full-disclosure detail the implications of the passing of this ordinance.

At the very least, a detailed letter should have been **mailed to every residence in this town** explaining this Historic Preservation Ordinance; and additionally, the mayor should have given the residents a forum to express their concerns, ask questions, and voice their objections to it! Letters were mailed out last year when the town was conducting door to door inspections to complete the re-evaluation of the assessed values of our homes. Why weren't letters sent out regarding this ordinance?

This was not posted on the Westfield Patch, on the official Town of Westfield facebook page or in any local newspaper, such as The Leader. There **were no letters sent out to homeowners** explaining this ordinance, its ramifications on current property values, and its excessive restrictive freedoms to Westfield homeowners as to the use of their own properties.

We find it appalling that the Mayor took advantage of the current chaos caused by the coronavirus to **intentionally hide her agenda** of pushing this Historic Preservation Ordinance through without properly informing the town residents, as she is well aware is necessary under the law.

In addition, scheduling the town's Planning Board vote on this ordinance to take place on Monday, July 6, 2020, during the Fourth of July holiday weekend is another underhanded way of pushing the approval of this ordinance through without the majority of the town's residents even knowing about it.

This is neither the time nor the manner in which the Mayor should be passing an ordinance in this town, which will have such an **impact on our property values and desirabilities**. At the very least, **we are calling for an immediate HALT to the passing of Mayor Brindle's 'Historic Preservation' Ordinance, as we demand more transparency, more notice to all residents, and we believe that something as serious as this issue MUST BE PUT FORTH IN A TOWN WIDE REFERENDUM IN EITHER A SPECIAL VOTE OR AN ANNUAL ELECTION DAY AGENDA.**

The fact is that a large percentage of current Westfield homeowners who's homes will fall into this category, (those homes that were built in 1930 or before) are Senior Citizens. To rob these residents of their home equity after residing in this town for so many years is disgusting. Many residents have their entire life savings wrapped up in their home's equity. To date, it was announced at the June 30, 2020 Town Council meeting that approximately 1/3 of the homes in Westfield were built in 1930 and prior to; which means this ordinance if passed has the future capacity to possibly impact all of these properties.

10 JULY 2020

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We, the residents of Westfield, New Jersey have signed this petition freely and to show our absolute objections to the Mayor's new Historic Preservation Ordinance. We have signed this petition of our own free will in the hope of communicating these following points:

There was no prior notification to **every Westfield resident** explaining to us in detail the ordinance, the restrictions that it would place on our home ownership rights, that these limitations will forever be attached to our properties, that these restrictions may have a possible negative impact on the value of our homes, and that this Historic Preservation Ordinance can also place restrictions on homes **built after 1930**.

We are demanding that the Mayor and Town Council **immediately halt** the final passing of this ordinance, so that every homeowner can receive **a detailed written letter from the Mayor** specifying in transparent clear terms, the changes that this ordinance will bring to our property ownership rights.

We find it to be discriminatory that the Mayor has limited any comments, points of discussion, and objections to the passing of this ordinance to only those who can utilize the Zoom meeting computer application. This **severely limits** an overwhelming majority of town residents to be able to speak out against this ordinance, thus making it discriminatory. (Especially to the senior citizens, elderly, disabled, and those without advanced computer skills.)

After detailed letters have been mailed to every residence in Westfield, we are demanding at least a two month period in which to have completely open forum discussions with the Mayor and Town Council, to express all questions, reservations, objections, and impacts to our property values in detail.

We are then calling for this ordinance to be voted on by the entire registered voting body of residents in the town of Westfield. This ordinance is so impactful, that it must be put to a referendum vote, either in a special vote or an annual election.

We are calling for a moratorium period of at least 18 to 24 months, if in the event this ordinance is approved after a town wide referendum, to all of the houses in Westfield that would be designated to be 'Historic Preservation' under this new ordinance, so that current and long-time home owners can have the time necessary to sell their homes if they choose to.

My signature below represents my full agreement with these above (6) points and has been given freely, without any undue influence from others. In addition, I am providing my Westfield residential address, phone number, and email address. I agree that I will provide an original 'wet-ink signature' if it is deemed to be necessary and binding to this petition. However, for now, I agree that the inclusion of my name, address, phone number and email address are sufficient to bind my consent and approval to this document.

Signature

Home Address

Phone number

Email address

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