

**CERTIFIED LOCAL GOVERNMENT PROGRAM
COMMUNITY PRESERVATION SERVICES BUREAU
DIVISION FOR HISTORIC PRESERVATION
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION**

CLG TRAINING GUIDE



**Parks, Recreation
and Historic Preservation**

INTRODUCTION

Greetings CLG Communities!

Welcome to the Certified Local Government (CLG) program in New York State, administered by the Community Preservation Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP), also known as the State Historic Preservation Office (SHPO). The program's primary goal is to encourage municipalities to develop and maintain community preservation efforts in coordination with local land use planning and improvement activities. New York State has a thriving CLG program with over 70 participating communities ranging from rural villages to large cities. The benefits of the program include access to SHPO staff for technical assistance and training, participation in an online network with other CLG communities, and the opportunity to apply for small grants to support local preservation activities. CLG funding has enabled communities to conduct historic resource surveys, produce publications, undertake planning studies, and present training programs.

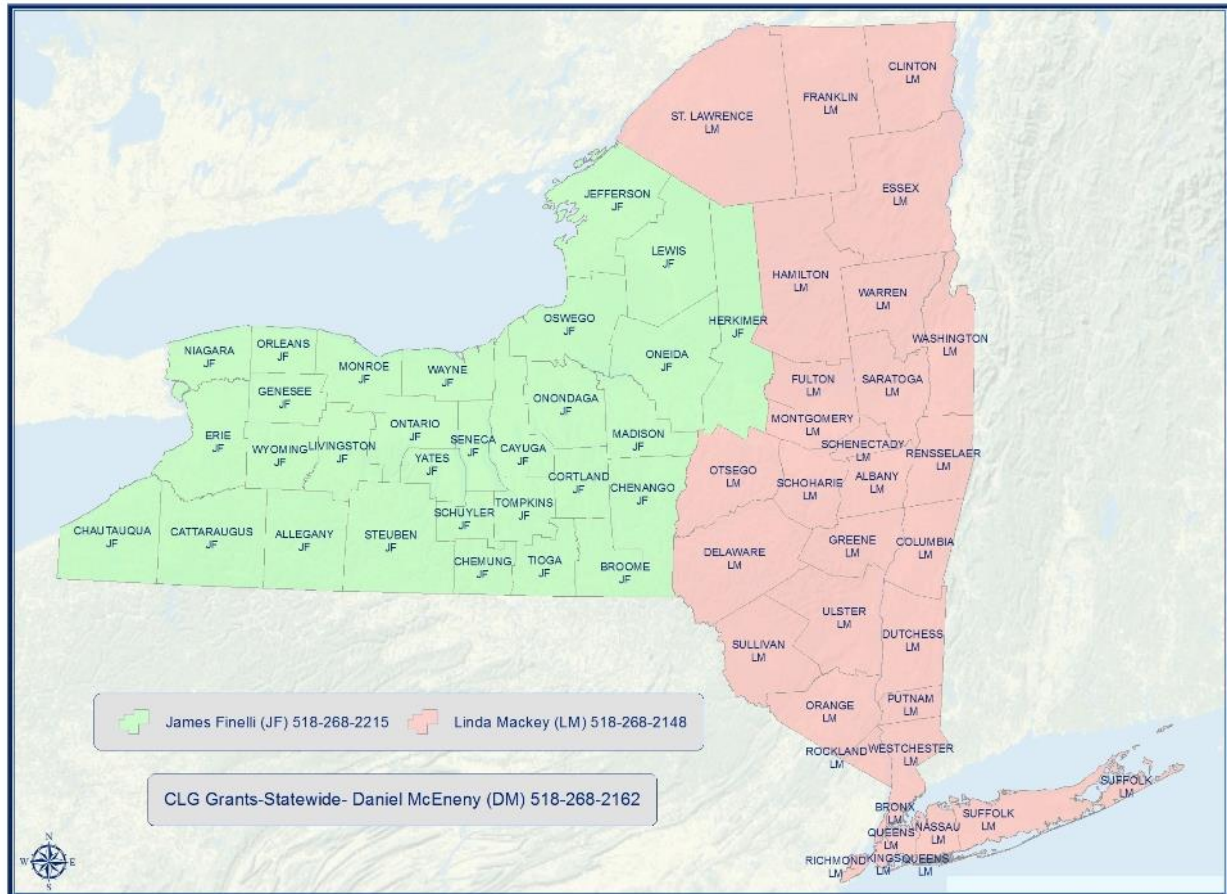
To assist the local government in participating in the CLG program, the SHPO has developed this *CLG Training Guide*, which is primarily a compilation of *The Local Landmarker* quarterly newsletters that were published between 2006 and 2011. When Julian Adams took over the CLG program in 2006, he traveled the state and met with several CLG member landmark commissions, architectural review boards, and preservation commissions. Despite the difference in names, he discovered there were a surprising number of shared issues, questions, problems, and opportunities. *The Local Landmarkers* offer advice, pass on resource information, start to link the CLG network together, and ensure all participating communities are receiving the same support.

This *CLG Training Guide* will help educate community leaders about the responsibilities and functions of an historic preservation commission working within the CLG program. Included within are the purposes and benefits of the program (because a refresher never hurts!), list of sample awarded grant projects, a brief history of local preservation, and a list of active CLG communities in New York. Please take some time to look the list over and see who may be nearby. A phone call or even a visit to a meeting could be a good way to start dialogue between neighbors who are facing the same challenges and issues. Many of these documents, complete issues of *The Local Landmarker*, and a copy of the updated Model Law (published July 2014), can also be found online at: <http://nysparks.com/shpo/certified-local-governments/>.

The CLG unit at the SHPO is in transition has restructured in 2016. Don't worry, Julian Adams isn't going anywhere! Julian is the CLG Program Coordinator, but he's wearing a couple more hats these days, so as the number of participating communities continues to grow, as should the number of staff in the CLG unit to meet the needs of the program. We divided the state and for the counties in Eastern New York, the point-of-contact is Linda Mackey; and for Western and Central New York, James Finelli is the point-of-contact. Julian has established relationships with communities across the state over the years, so please continue to reach out to him as well. Lastly, Dan McEneny has taken over administering the CLG grants. Please see the revised territory map below to find the contact information for your appropriate representative.

Certified Local Government Program

February 2016



At SHPO we consider local historic preservation boards and commissions the “front line” in the preservation of our shared historic heritage. We are continually impressed with the passion and dedication commission members have in maintaining their community’s historic resources and through them, its unique “sense of place.” If you have questions about procedures, specific local issues, or perhaps your local law needs some revision, please don’t hesitate to give us a call. We look forward to working with you in preserving New York State's historic and cultural resources.

Julian Adams, CLG Program Coordinator
 James Finelli, Historic Preservation Specialist
 Linda Mackey, Historic Preservation Specialist
 Dan McEneny, Community Outreach Coordinator

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HISTORY OF LOCAL PRESERVATION – WE’RE NOT MAKING THIS UP!

Local historic districts are one of the oldest and strongest forms of protection for historic properties. The historic district movement began in the United States in 1931, when the city of Charleston, South Carolina, enacted a local ordinance designating an “Old and Historic District” administered by a Board of Architectural Review. Well, in the 1920s the Standard Oil Company began eyeing buildings in downtown Charleston to demolish in order to build gas stations, repair shops, and gas pumps. Remember, the 1920s saw tremendous growth in automobile ownership as the public came to realize the benefits of the automobile, which quickly became an integrated part of American life. The specific case that sparked the preservation movement in Charleston was the demolition of three residential buildings on Meeting Street near Charleston Street for the construction of a gas station (or filling station as they were called). Public outrage over the loss of those buildings helped the then Mayor Thomas Stoney gain approval for the preservation ordinance of 1931. Standard Oil tried to improve its public image by employing renowned architect Albert Simons to design the gas station in the Colonial Revival style with architectural salvage. Today, that same building is owned by the Historic Charleston Foundation (established in 1947), who acquired the former gas station in the 1980s and converted it to the Frances R. Edmunds Center for Historic Preservation. Who was next? Following a 1936 amendment to the Louisiana Constitution, the Vieux Carré Commission was created in 1937 to protect and preserve the historic French Quarter in New Orleans.

The regulations of these districts in Charleston and New Orleans provided that no changes could be made to the exterior architectural features of buildings, structures, and sites visible from a public right-of-way, without the review and approval of an historic commission. These districts served as models for local protection of historic areas across the country. It is important to understand that Charleston, and close follower New Orleans, have retained their historic character, and that it is not due to accident, good intentions, or any other such happy coincidence. It is due to solid planning to accommodate growth while protecting historic character. As attractive as this idea is, the idea was fairly slow to catch on. By 1965 there were only 51 communities across the United States with local preservation laws. Some of these communities included Alexandria, Virginia (1946); Santa Barbara, California (1949); Saint Augustine, Florida (1953); Santa Fe, New Mexico (1953); and Boston, Massachusetts (1955).

However, today there are over 2,000 municipalities with local preservation laws across the United States. What caused this exponential growth? There was a confluence of events and trends in the mid-twentieth century that we can point to as contributors. One was the creation of the interstate highway system, which carved its way through historic downtowns and neighborhoods with only one mindset – transportation over all other factors, including local character. Also, the Urban Renewal program started leveling entire downtowns and neighborhoods, painting the oldest parts of communities as blighted and out of date, something to be cleared to let the new happen. In some regards, the new highway system had a hand in creating these “blighted” areas, as residents and businesses (spurred by government housing incentives and tax policies) flooded out of center cities to live a suburban lifestyle. All these things were troubling to preservation minded people, and efforts were started to address these concerns, but most point to one event that pushed preservation concerns to the forefront.

An important date in the history of the historic preservation movement in New York State was 1965 with the groundbreaking New York City historic preservation law that was in response to the mounting losses of historically significant buildings in New York City, most notably Pennsylvania (Penn) Station.

Penn Station was constructed from 1903-1910 as a major gateway to the nation’s largest city. Modeled after Imperial Roman precedents, it covered two city blocks (eight acres!), was constructed out of granite

and steel, and was the work of McKim, Mead, and White, the leading architects of the time. It was a statement not only of the power of the Pennsylvania Railroad, but of the mindset of the country as well. The interior was breathtaking, with a 150-foot ceiling in the main waiting room. It was built to last, but by the 1960s railroads were suffering from the rise of the car and the decline of rail travel. The owners decided that to make more money from the property, they would demolish the station and build a new sports arena and office tower. This angered many in the City and across the country, who could not conceive that anyone would willfully demolish such a major landmark. There were protests, letters, editorials, but demolition started in 1963. What was one of the world's major civic monuments was carted off to the landfill and replaced with Madison Square Garden, which now less than 50 years later is being considered for possible demolition and replacement itself. This act may not be the actual event that started the National Historic Preservation movement, but the outrage and sense of loss caused by the loss of Penn Station certainly moved the agenda forward to the next step.

In 1966, President Lyndon Johnson signed into law the National Historic Preservation Act (NHPA), creating a national level historic preservation program in partnership with the states. The law created the National Register of Historic Places, which you may be familiar with, the system of State Historic Preservation Offices, and the review known as Section 106, which requires federal agencies funding, permitting, licensing, or directly undertaking work to take into consideration historic resources as part of project planning, and work to avoid, minimize, or mitigate any impacts to them. If this bill had been passed earlier, it would have required projects such as interstate highways and urban renewal to address historic resources, potentially avoiding the wide scale damage they caused to historic urban cores and neighborhoods.

No discussion of local preservation and the CLG program is complete without noting the Supreme Court case in 1978 that determined local preservation laws constitutional. In 1965 Penn Central Railroad Co. – the owners of Grand Central Terminal - proposed plans to erect a multi-story building designed by Marcel Breuer, above the Grand Central Terminal. Since Grand Central Terminal was a landmarked building and subject to regulatory control by the city, the proposal was turned down by the New York City Landmarks Preservation Commission. The Penn Central Railroad Co. sued the city of New York, citing that the New York City Landmarks law resulted in a "taking" of property without just compensation therefore violating their 5th amendment rights.

The Municipal Art Society, spearheaded by Jacqueline Kennedy Onassis, launched a campaign to save Grand Central Terminal. The case was eventually brought before the Supreme Court in 1978. The Supreme Court case established the constitutionality of landmarking buildings for the benefit of the public. Due to massive urban renewal projects taking place across the nation, all cities were facing the demolition of their historic buildings. In a pivotal decision, the Supreme Court ruled that the landmarks law did not result in a taking of property since the terminal still continued to function as a train station, and Penn Central Railroad Co. had the opportunity to transfer property air rights for economic gain. Furthermore, under the "Police Power", the landmarks law benefited the public welfare by preserving historic buildings and their enduring historical legacy for generations to come.

So, the Supreme Court's decision reverberated nationwide and served as a paragon for preservation legislation in other American cities. The CLG program was created in 1980, in response to the rapid growth of local preservation commissions after the Supreme Court case. The National Park Service, in an effort to prevent the nationwide movement from turning into confusion of varyingly effective efforts, or a learning by trial and error, established the CLG program to better guide these efforts (1980 amendment to NHPA).

SUMMARY OF THE CERTIFIED LOCAL GOVERNMENT PROGRAM FRAMEWORK

The overall objective of historic preservation is to ensure that historic resources continue to have an active use within a community while retaining their historic and architectural integrity. This means that historic resources are not frozen in time, but that proposed changes are carefully considered to avoid a constant erosion of historic character. The power and duties, structure, membership and decision making procedures of a historic preservation commission in the Certified Local Government (CLG) program allow them to take a long-term approach by focusing on architectural merit and historic significance of properties. Commission members do not “make it up” as they go, and do not act without proper procedure. Adherence to these requirements distinguish those municipalities from others that have enacted local preservation legislation, but whose ordinances do not meet the CLG guidelines.

A local law must be passed

We recommend the Model law (updated July 2014), which is available to download from our website as a pdf here - <http://nysparks.com/shpo/certified-local-governments/>. The model law that the SHPO encourages municipalities to enact was written using the experience of local commissions, addressing possible scenarios, loopholes, or potentially unintended consequences. Adopting the model law assures a municipality that they are working with a proven, defensible law that allows them to do the work that they intended to do. It is possible to modify the law if you have some local issues you wish to deal with, but remember, you may “bend it,” but don’t break it.

The Historic Preservation Commission or Board must be a unique entity

Historic Preservation legislation must establish a separate historic preservation commission that operates independently from any other board or commission.

Commission or Board members must be qualified to serve

As part of its establishment and continued operation, the commission must be made up of members who are qualified to carry out the required decision making. Commission members must have a demonstrated interest in historic preservation, and must participate in training that will enable them to carry out their duties. They must also abide by rules of conduct that ensure the legality of any decisions made by the commission.

The commission must have the authority to either directly designate landmarks and historic districts or recommend designations to the governing municipal board or council

The CLG program takes a long-term approach to the survival of resources by isolating designation and project review from other factors. The designation and review processes should operate free from any undue political influence.

Owner consent for designation is not allowed within the CLG program

While some communities allow an owner to block designation of a property, this is not acceptable under the CLG program. Preservation ordinances are in line with other legislation enacted for the “public good.” Therefore, the designation and review processes assess the property for its importance to the general community. An owner can present information during the designation process, but cannot “veto” the designation. While designation does not require owner consent, it is highly advisable for the commission to first work with property owners to educate them on what designation means. Education is key!

Financial constraints are only considered when a “hardship” occurs

The financial status of a property owner is never a factor in determining whether a property is worthy of designation. Instead, accommodation of financial situations is only taken into account when a property owner files a Hardship claim in a procedure entirely separate from any COA determination.

A CLG must actively identify and document historic resources

Working in partnership with SHPO staff, the municipality must establish and maintain a system by which historic resources are identified. A local preservation program is not about saving “favorite” or “pretty”

buildings, but about taking a look at all a community's resources in a professional manner utilizing criteria in the law, and making designations based on the findings. We support such surveys through our grants program. Also, it's recommended to update surveys every 10-20 years, as time does move forward and may bring additional buildings and resources under the criteria.

Public participation is important for the success of the CLG program

The process of designating landmarks and historic districts must provide for public participation, and commission meetings must follow New York State open meeting law. Property owners and other stakeholders must have an adequate opportunity to present information as part of the Certificate of Appropriateness review. In addition, the commission is charged with undertaking public education efforts outside of meetings and hearings.

The municipality is entering into a partnership with SHPO

Commissions must submit a report on their activities at the end of each Federal fiscal year which runs from October 1 to September 30.



This limestone building in the Sackets Harbor Village Historic District was constructed in 1818, it has been used as a sawmill, gristmill, distillery, sail loft, and private residence. It might just win the award in the Village for most adaptive reuses! Yet, it still exists with its historic character highly intact, ready for another 200 years of use. Buildings such as this carry a great deal of the history and story of a locality in their stones, bricks, wooden members and form.

BENEFITS OF PARTICIPATION IN THE CERTIFIED LOCAL GOVERNMENT PROGRAM

Technical Assistance

SHPO staff work directly with local commissions and municipalities to support historic preservation efforts. As a member CLG, communities are able to contact SHPO with questions about procedures or particular local issues - You can benefit from the experience and training of staff in our office. Staff may attend a general community informational meeting to talk about the benefits of the program, visit a commission to assist in review or process issues or present training sessions.

Commission members also have access to an Internet discussion group established specifically for NYS CLG communities. Commission members and municipal staff can communicate directly with other CLGs, share information, announce events and compare best practices. SHPO staff also use the listserv to distribute materials and publications.

Becoming a CLG means that the state and federal government are stating that your local preservation efforts are being done to the best and highest level possible.

To support local historic preservation initiatives in New York, the SHPO and the Preservation League of New York State published an updated model preservation law that serves as template for municipalities which seek to establish or enhance their local historic preservation law. First published in the late 1980s, the Model Law was substantially revised in 2014 to reflect legal developments and approaches and over three decades of community-based experience with this form of municipal law. A copy of the Model Law is available to download from our website here - <http://nysparks.com/shpo/certified-local-governments/>.

CLG Grant Program

The CLG program offers financial assistance to help communities move their local preservation programs forward. New York State is required to set aside 10% of its federal historic preservation allocation every year for grants to CLGs. The total amount of available funding varies each year according to the level of SHPO's annual federal allocation. Past grants have ranged from \$3,000 to \$60,000, with most awards falling between \$5,000 and \$15,000. There is no requirement for match, but we do ask that applicants try to put up 40% to aid in helping the cash go farther across CLG communities. This match can in donated services, in-kind contributions, or old fashioned money. SHPO makes every reasonable effort to distribute the annual CLG share among the maximum number of CLGs and balance the distribution among urban and rural areas.

Grant projects should support the work of the commission and the municipality. The best projects move local preservation efforts forward and lay the groundwork for future success of the program. Surveys do this through aiding in understanding local historic resources, and providing for sound planning for the designation and protection of those resources. Some communities have used grants to list local properties on the National Register, which can enable their owners to access federal and state tax credits and/or grants they otherwise wouldn't have been eligible for. Peekskill did this for their downtown, thus providing access to state and federal tax credits for building owners. Training is always a good grant project, since you can never stop learning about local preservation and how to improve your local program. We have assisted in paying for local, regional, and statewide training for commission members as well as other municipal officials. Workshops can be a creative way to provide public education about preservation. Niagara Falls has used a grant to hold workshops for property owners on the appropriate way to repair and maintain porches, roofs, windows and siding. Publications such as newsletters, design guidelines, brochures, etc., are also good grant projects, as they can have a long life in service and are easily reprinted (Sample grant recipients are on pages 12-14 of the *CLG Training Guide*).

The application process is a competitive one, and funds are awarded on the basis of merit and need. Additionally, grants are only awarded to CLGs in good standing. Wait, what? We recommend that you take a second look at the agreement document your community signed during the certification process, and make sure you are fulfilling your duties. For example, are your annual reports up to date? Lastly, before submitting an application, you must discuss your project with your CLG regional staff representative (that would be James Finelli or Linda Mackey at the SHPO).

Application forms are typically distributed in the early winter, the deadline is usually in February, and notification of awards is usually in May. Grant projects must be completed in the federal fiscal year following the fiscal year the grant is awarded, (for example, a grant awarded for fiscal year 2016, which runs from October 1, 2015 through September 30, 2016, would need to be completed by September 30, 2017). The grant is distributed as a reimbursement after the CLG submits products that are reviewed and approved by SHPO staff along with documentation for completed work and total expenditures.

The following project categories qualify for CLG funding:

- A. Commission Training: Projects designed to increase commission members' knowledge and expertise concerning historic preservation. Within this category, the **highest** funding priority is training or a regional conference for multiple CLG commissions. Other commission training projects will be ranked according to the numbers of commission members served and the degree to which the training satisfies a demonstrated need or deficiency. Jointly-sponsored projects between CLG communities such as workshops or shared consultants, and projects that benefit multiple CLGs, such as publications or training sessions, are encouraged. (CLG staff can help arrange collaborations.) Training sessions **must be well-publicized far in advance**.
- B. Public Education: Public information and outreach projects where there is a **demonstrated need**. Examples are publications, workshops, and other such projects designed to raise public knowledge and acceptance of local historic preservation programs. Within this category, projects will be prioritized according to the degree of need, and the extent to which the project will address that need.
- C. Survey and Designation: Priority will be given to projects that demonstrate or include the development of a comprehensive, long-range approach to survey and designation. This approach often requires multi-phased projects, and these are strongly favored as they demonstrate long-term CLG commitment. However, CLG funding for one phase does not guarantee funding for subsequent phases. Fundable projects include (in priority order):
 1. New reconnaissance-level survey where none exists;
 2. Comprehensive new intensive level survey or updating to bring existing survey within state standards;
 3. Intensive level survey or designation, including both local and National Register (NR) and other projects following a comprehensive plan;
 4. Intensive level/local designation or NR nomination projects taken out of sequence where an immediate threat or need can be demonstrated.

When planning your survey project, you will need to work with your Survey and Evaluation Unit staff representative in addition to speaking with CLG staff. For National Register nominations, you will need to speak with CLG staff and your National Register Unit staff representative. CLG staff will link you with appropriate regional representatives. (Note that NR nominations that do not result from comprehensive survey and designation plan and that are not in response to an immediate threat are the lowest priority in the survey/designation category.) If your project is funded, SHPO staff will work with you to clarify your scope of work and develop any RFPs, if needed. See staff information at <http://nysparks.com/shpo/contact/>.

- D. Demonstration projects on Critical Statewide Issues: Projects designed to provide model approaches to statewide preservation issues such as heritage tourism, economic revitalization, affordable housing, protection for historic landscapes and farmlands, identification of resources associated with minority populations, and comprehensive land use planning. Acquisition, pre-development (plans, specifications, historic structure reports) and development costs are eligible expenses where demonstration projects will preserve key historic resources in the community. Projects in this category will be prioritized according to their potential usefulness to communities statewide.
- E. Local Capacity-Building: Initiatives that will improve the municipality's ability to work with property owners throughout the review process, including support for the development of new administrative tools or application documents, training for municipal staff or seed money for new commission staff.

In addition to considering the types of projects proposed, SHPO staff evaluate how the project fits within the context of each community. The project should increase the capability and effectiveness of the CLG in addressing historic preservation issues, and have the support of other community groups, including planning agencies. Applicants need to demonstrate that they have carefully planned the project by including a clear description, scope of work and a detailed budget. Finally, SHPO staff assess whether the community has the personnel, fiscal and administrative resources required to undertake the work as planned.



Madison Hall, in Morrisville, Madison County. Built in 1865 as the Madison County Courthouse, this structure was saved through the efforts of local citizens who saw it one of the iconic structures of their community. It now serves as multipurpose space, with the former upper floor courtroom serving as a meeting space and theater. Morrisville, located on Route 20 in Madison County in central New York State, became a Certified Local Government in 1998

SAMPLE CERTIFIED LOCAL GOVERNMENT PROGRAM GRANT PROJECTS

FY 2013 Awards

Albany, Albany County, Updated Reconnaissance Level Survey of Washington Park Historic District. The project will create a building list of the 225 existing buildings in the Washington Park Historic District, approved in 1978, update photographs and property status descriptions and produce a spreadsheet of the information to be used in the nomination of an expanded district, (\$4,632)

Brockport, Monroe County, State and National Register Nominations. Nominations to the State and National Registers of Historic Places will be prepared by a paid consultant for properties in the Park Avenue and State Street areas, the freight depot of the old NYC&HV RR, the College at Brockport's Hartwell Hall, and Brockport Village Cemetery, (\$3,980)

Town of Clarence, Erie County, Reconnaissance Level Survey of Barns and Agricultural Structures. At one time, Clarence contained some of the most prominent intact examples of early barns and agricultural outbuildings in western NY region. In recent years the suburbanization of the Town and widespread development of existing farmland resulted in the loss of a great number of original agricultural properties. The project would undertake an intensive level survey of existing agricultural farmsteads, barns, and associated outbuildings. The work is a component of a larger effort toward designating these properties as local historic landmarks. The long term goal is to couple the local landmark designation program with the efforts of an existing \$12.5 million land preservation program to create marketable sites that would be desirable for start-up business looking to sustain our historical commitment to agricultural production and service, (\$9,000)

Elmira, Steuben County, Engineering Study of Maxwell Place Fire Station. The City is seeking CLG grant funds to complete an Engineering Study of the Maxwell Place Fire Station which will document existing conditions and provide an objective view of the property's condition by a qualified engineering firm experienced in working with historic structures. This study will

examine the feasibility of options related to the future of this historic structure by providing a report that provides conceptual level designs for alternatives and cost estimates. (\$6,500)

Fairport, Monroe County, Updating 1976 Historic Resources Survey. The Village of Fairport will develop an updated inventory of historic resources, using the 1976 Landmark Survey as a base. The work will involve a review of existing materials, an updated assessment of the 240 properties previously surveyed and a reconnaissance survey of around 1470 additional properties. The commission will work with a consultant to identify those sites which should be surveyed at the intensive level. Results from the survey will guide the commission in designating properties at the local level, (\$10,000)

Kingston, Ulster County, Midtown Intensive Level Historic Resources and Building Survey Project. The City of Kingston Historic Resources and Building Survey Project will evaluate past historic resources surveys, undertake new documentation and develop recommendations for designating resources at the local level and nominating properties to the State and National Registers of Historic Places. With support from a consultant, the work will support the City's comprehensive planning efforts, the development of an interpretive plan, the Historic Landmark Preservation Commission's (HLPC) Certificate of Appropriateness (CoA) reviews, and the HLPC's active participation in survey efforts. Project goals are to assist property owners in preservation efforts and to contribute information to the development of a citywide interpretive plan in order to create a compelling experience that will lead residents to take great pride in their city and attract new residents, visitors, and investors. (\$10,000)

Village of Lancaster, Erie County, National Register District Nomination. The Village of Lancaster will retain a consultant to complete National Historic Register district and property nominations for eligible portions of and properties within the Village. Much of the Village of Lancaster is located within an income-eligible census tract, and an important objective of this

project is to list eligible properties on the National Register so that homeowners and businesses can participate in the New York State Rehabilitation Tax Credit programs. (\$10,000)

Village of Montebello, Rockland County, Historic Preservation Commission Training/Education. Montebello will host a "CAMP" session (Commission Assistance and Mentoring Program) presented by the National Alliance of Preservation Commissions. The event will be open to commissions in the region, (\$7,000)

Village of Ossining, Westchester County, Historic District Markers Project (Design). The project seeks to build on the CLG's previous work to produce a walking tour brochure by placing historic markers at sites in the Downtown Ossining and Sparta Historic Districts in order to advance tourism and heritage education. The CLG will develop text and a graphic design for the plaques to be produced, (\$2,018)

Saratoga Springs, Saratoga County, East Side Historic District Survey Update. The project will update the East Side Historic District survey information which has not been revised since 1985. The survey will document the many alterations that have taken place and will also add data on accessory buildings (carriage houses, garages, commercial buildings, etc.). In recent years, the City has received increasing applications proposing demolition of, or alterations to, these accessory buildings. The survey will aid the City Design Review Commission during application review, (\$10,248)

Village of Southampton, Suffolk County, Regional Commissioner Training: "New Design in Historic Context." The CLG will present two commissioner training workshops in the fall of 2013 for the Long Island (Nassau/Suffolk) region on "New Design in Historic Contexts." The region continues to face an accelerated rate of tear-downs and new development, with consequences for both historic residential and commercial districts. The proposed workshops will bring together professionals with experience in judging the appropriateness and compatibility of new design and infill in historic districts. (\$3,900)

Village of Springville, Erie County, Historic Preservation Education Project. The CLG will develop an educational brochure about the commission responsibilities and the process of review for properties in historic districts. The materials will be used for a workshop and website presentations on the benefits of preservation, including rehabilitation tax credits, (\$1,000)

Syracuse, Onondaga County, Historic Resources Survey of Religious Structures & Symposium on Adaptive Reuse of Historic Religious Properties. The City of Syracuse will complete a hybrid reconnaissance/intensive-level historic resources survey of religious properties in the City of Syracuse. In addition, and as companion piece to the survey, the City is seeking funding in support of a symposium analyzing the adaptive reuse of former religious properties. The survey and symposium are in direct response to the recent local and regional closings of large-scale, architecturally and historically significant religious properties and the local initiatives to find new uses for these properties that are often important community landmarks and neighborhood anchors, (\$16,925)

FY 2014 Awards

Village of Cold Spring, Putnam, County, Updating Historic Preservation Ordinance and Updating Design Standards. The CLG will update the Preservation Ordinance and the Design Standards to support the work of the commission and the Village's 2012 Comprehensive Plan, (\$17,000)

Village of Cooperstown, Otsego, County, Local Historic District Survey Update. The survey will update documentation done in 1999, reconsider post-1949 buildings (which were ineligible at the time of the original survey), add information on outbuildings, and update information on altered or lost buildings. The results will be used for COA reviews but a revised National Register nomination is not an objective. (\$11,700)

City of Newburgh, Orange, County, Updating National Register East End Historic District Inventory. The East End Historic District includes 2500 properties and was listed in 1985.

The resources will be surveyed and a database created to be used by the preservation commission, planning staff, and other agencies. The project is broken down into two main areas of work: 1. fieldwork and data entry to update a database and record current conditions; and 2. review of information and assessment of architectural integrity by an architectural historian. (\$20,000)

Village of Pittsford, Monroe, County, Update and Expansion of National Register Historic District. The CLG will update documentation and develop a nomination to expand a district that was listed in 1984. The project will bring the period of significance up to mid-century and will thereby add approximately 400 properties to the district. (\$21,282)

City of Syracuse, Onondaga, County, Expansion of National Register Districts. The project will review, revise and potentially expand three National Register-listed historic districts: North Salina St., Montgomery St./Columbus Circle, and Hawley Green.(\$13,400)

Town of Wawarsing, Ulster, County, Napanoch Historic Resource Survey. The survey will document the Hamlet of Napanoch in order to support a potential historic district nomination. (\$6,000)

City of Saratoga Springs, Saratoga, County, Historic Preservation Speakers Series. The Saratoga Springs Preservation Foundation (SSPF) will serve as a consultant to plan and present four quarterly training sessions and produce a resource manual. The sessions would be targeted to CLGs in the region, including but not limited to Malta, Albany and Schenectady. (\$12,000)

Village of Springville, Erie, County, East End Historic District National Register Nomination. The CLG will hire a consultant to prepare a National Register Nomination for 66 residential properties in the East Hill Historic District. (\$5,000)



These two small historic houses in Sag Harbor are typical of many along the streets and alleys of the village. Their size, materials, and details are crucial aspects of the historic character of Sag Harbor. However, their scale also makes them targets for additions and alterations, a fact that the Sag Harbor Board of Historic Preservation and Architectural Review deals with regularly during Certificate of Application review

CERTIFIED LOCAL GOVERNMENTS IN NEW YORK STATE*

City of Albany, Albany Co.	Village of Morrisville, Madison Co.
Village of Albion, Orleans Co.	City of Newburgh, Orange Co.
Town of Amherst, Erie Co.	Town of New Paltz, Ulster Co.
City of Auburn, Cayuga Co.	Village of New Paltz, Ulster Co.
Village of Bath, Steuben Co.	City of New Rochelle, Westchester Co.
Village of Bellport, Suffolk Co.	New York City, All five Boroughs
City of Binghamton, Broome Co.	City of Niagara Falls, Niagara Co.
Village of Brockport, Monroe Co.	Town of North Castle, Westchester Co.
City of Buffalo, Erie Co.	Town of North Hempstead, Nassau Co.
Town of Clarence, Erie Co.	City of North Tonawanda, Niagara Co.
Village of Cobleskill, Schoharie Co.	Town of Orchard Park, Erie Co.
Village of Cold Spring, Putnam Co.	Village of Ossining, Westchester, Co.
Village of Cooperstown, Otsego Co.	Village of Owego, Tioga Co.
Village of Coxsackie, Greene Co.	Village of Palmyra, Wayne Co.
Town of Durham, Greene Co.	City of Peekskill, Westchester Co.
Village of East Aurora, Erie Co.	Village of Penn Yan, Yates Co.
Village of East Hampton, Suffolk Co.	Village of Pittsford, Monroe Co.
Village of Ellenville/Town of Wawarsing, Ulster Co.	Town of Poughkeepsie, Dutchess Co.
City of Elmira, Steuben Co.	City of Rochester, Monroe Co.
Village of Fairport, Monroe Co.	Rockland County
Village of Fayetteville, Onondaga Co.	Village of Roslyn, Nassau Co.
City of Glen Cove, Nassau Co.	Village of Sackets Harbor, Jefferson Co.
Village of Great Neck Plaza, Nassau Co.	Village of Sag Harbor, Suffolk Co.
Town of Greenburgh, Westchester Co.	Village of Salem, Washington Co.
Village of Greenport, Suffolk Co.	Village of Sands Point, Nassau Co.
Village of Hamburg, Erie Co.	City of Saratoga Springs, Saratoga Co.
Village of Herkimer, Herkimer Co.	Village of Saugerties, Ulster Co.
Town of Irondequoit, Monroe Co.	Town of Saugerties, Ulster Co.
City of Ithaca, Tompkins Co.	City of Schenectady, Schenectady Co.
Village of Kinderhook, Columbia Co.	Town of Seneca Falls, Seneca Co.
City of Kingston, Ulster Co.	Village of Southampton, Suffolk Co.
Village of Lancaster, Erie Co.	Village of Springville, Erie Co.
Village of Lewiston, Niagara Co.	City of Syracuse, Onondaga Co.
City of Lockport, Niagara Co.	City of Utica, Oneida Co.
Town of Malta, Saratoga Co.	Town of Vestal, Broome Co.
Town of Marbletown, Ulster Co.	Village of Williamsville, Erie Co.
Village of Montebello, Rockland Co.	City of Yonkers, Westchester Co.
	Town of Yorktown, Westchester Co.

**As of Spring, 2016*

JOB DESCRIPTION FOR AN HISTORIC PRESERVATION COMMISSION MEMBER

While the Code of Federal Regulations (CFR) articulates the background and experience which qualify residents to serve on a commission, it is also important to understand what commission members are expected to do once appointed. In general, there are two main aspects of the work: working effectively with the public, and staying up-to-date about the field of preservation.

- Be aware that you represent not only the face of local government, but also the larger field of historic preservation in your community.
- Demonstrate a strong interest in community history and architecture, and a strong commitment to community well-being and development.
- Understand that the overall objective of historic preservation is to preserve historic and cultural resources while allowing those resources to remain active parts of the community. This requires balancing the rehabilitation needs with a long-term view towards protecting the integrity of the resources. It is important to convey this outlook to the public along with an understanding that working with older buildings is often a more complex process and, therefore, projects may take longer to complete.
- Read *and become familiar with* the local preservation law so that your actions are nothing more and nothing less than the prescribed responsibilities and conduct required. This will help to ensure that the decisions of the commission are not vulnerable to legal challenges on the basis of improper procedure or commissioners exceeding authority
- Be willing to spend time learning about the field of historic preservation in general.
- Attend workshops so that you continue to build skills and learn about advances in historic preservation.
- Contribute time outside of meetings for commission work. Prepare for the meetings by carefully reviewing the applications and, when possible, making site visits. Attend meetings as noted in the local law, and remember that your absence may affect a quorum.
- Consider carefully any possible personal or financial conflicts of interest related to any matters before the board, if they exist, and refrain from any participation in discussion or voting. Failure to do so may serve as the basis to overturn any decision, regardless of how closely the commission's deliberations were based on the facts of the application.
- Possess strong "people skills" which will enable you to work constructively with elected officials, municipal staff, property owners, realtors, developers and other community stakeholders—even in the face of controversy.
- Work with municipal staff and consultants to plan events and produce materials aimed at making property owners aware of historic preservation's value to the community, and helping them to understand the designation and review processes. This is part of the commission's responsibility to undertake educational projects in addition to participating in meetings and public hearings.

THE CLG AGREEMENT AND AN AUDIT: A CHECK UNDER THE HOOD

The CLG Agreement: Did you know you had one?

When your community made a successful application to the Certified Local Government process, your Chief Elected Official (typically a Mayor or Supervisor) signed an agreement document binding both the municipality and the State Historic Preservation Office (SHPO) to a set of commitments in regard to the performance of both parties. The commitments in the agreement are based on Section 5 of the *Information and Regulations Regarding the Certification Process, updated July 31, 2002*, which is part of the CLG introductory packet every municipality receives during the certification process. Unfortunately, sometimes this document becomes a "lost" article, thought about only during its signing. The reality is that the agreement document and Section 5 should be kept in a prominent location within the files of a CLG, both at the commission level and in the Chief Elected Official's office; they are key to the responsibilities of the commission and the State Historic Preservation Office in the CLG partnership.

An overview of the Agreement

The agreement document is comprised of two sections, one pertaining to the responsibilities of the CLG, and the other pertaining to those of the SHPO. They are all, at first read very simple statements that in definition have strong ramifications for the functioning of the municipality and the SHPO in regard to internal processes and interaction.

In the Agreement, the CLG (the municipality) has the following responsibilities:

1. To enforce the local historic preservation legislation
2. To maintain a qualified historic preservation review commission.
3. To maintain a system for the survey and inventory of historic properties
4. To provide for adequate public participation
5. To actively participate in the process of nominating properties to the State and National Registers
6. To submit an annual report to the SHPO
7. When awarded subgrant monies,
 - A. To perform all services to the standards and schedule in the subgrant agreement and:
 - B. To maintain fiscal management and audit standards
8. To cooperate fully with the SHPO in his monitoring and evaluation of the activities required by this agreement.

Looking more closely: The CLG's part

As stated before, section 5 of the "*Information and Regulations...*" spells out the responsibilities in the agreement document in detail. For ease of reference, I am simply republishing them as a refresher for commission members, members of the public and local officials. Please read these responsibilities carefully; as you will see in the next section, there will be a test!

SECTION 5: RESPONSIBILITIES OF CERTIFIED LOCAL GOVERNMENTS

- 1) To enforce the local historic preservation legislation:
 - i) The local legislation shall be enforced continuously and consistently.
 - ii) Before amending the local legislation or implementing regulations, the local government shall consult with the SHPO.
 - iii) Any amendments to the legislation enacted by the local government and any rules or related administration procedures shall be consistent with the requirements and intent of the CLG program.

- iv) The local government shall provide the SHPO with copies of any amendments or rules within **90** days of their enactment.
- 2) To maintain a qualified historic preservation review commission;
- i) An adequate commission shall be maintained at all times. Vacancies shall not be allowed to impair the commission's ability to take action for more than thirty days.
 - ii) The local government shall make maximum effort to obtain professionals who meet the qualification standards set forth in 36 CFR 61.6 and the Secretary's Professional Qualifications Standards to fill any vacancies on the commission. At a minimum, commission members must demonstrate interest, competence or knowledge of historic preservation. The local government shall maintain records of the appointment process and shall submit a description of the recruitment process and qualifications of any newly appointed members to the SHPO.
 - iii) When a commission reviews and comments on National Register nominations or other actions requiring evaluation by a professional in a discipline that is not represented on the commission, the commission shall obtain expertise in that area before rendering its decision. The commission may seek assistance from universities, private preservation organizations, the SHPO, other review commissions or private consultants. The local government shall maintain records documenting that such professional advisors to the commission comply with the 36 CFR 61.6 and the Secretary's Professional Qualification Standards.
 - iv) Commission members shall maintain or augment their knowledge through participation in historic preservation training at least annually or as provided by the SHPO. The SHPO will provide all local commissions with orientation materials and training pertaining to the roles and operations of federal, state and local historic preservation programs. Commission members may satisfy the training requirement through attendance at training provided by the SHPO or at other training approved by the SHPO. Unless otherwise stated, at least 75% of commission members must attend such training.
 - v) The commission shall meet **at least four times** during each year. In order to ensure public participation, the commission shall conduct all business in a public manner, consistent with provisions of the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law).
- 3) To maintain a system for the survey and inventory of historic properties coordinated with and complementary to the survey activities of the SHPO;
- i) Local inventories shall include, at a minimum:
 - (a) All properties in the municipality that have been listed in the State and National Registers of Historic Places,
 - (b) All locally designated properties, and
 - (c) In the case of counties, all county-owned properties that meet the National Register criteria for evaluation. Evaluation of county properties shall be undertaken in consultation with the SHPO.
 - ii) Copies of local inventory shall be provided to the SHPO for inclusion in the statewide inventory of historic resources.
 - iii) All inventory material shall be **updated** to reflect new historic information or significant

changes in the condition or status of inventoried property as such information becomes available, but **at least every five years**.

- iv) Local inventory data shall be maintained in a manner that is accessible to the public and secure from physical damage or loss.
- 4) To provide for adequate public participation in the historic preservation program.
- i) All local government meetings concerning historic preservation shall be open to the general public, announced by public notice, and documented through the taking of minutes, in compliance with the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law).
 - ii) All local government records, policies, procedures and standards for the historic preservation program shall be maintained in written form and be readily accessible to the general public.
 - iii) The local government shall inform its employees and officers of conflict of interest rules mandated by NYS General Municipal Law Article 18 Sections 801 and 802, and by the *National Register Programs Guidelines* (NPS-49) by means of a written code of conduct, oath of office, annual training, or other means.
 - iv) The local government shall solicit and respond to public comment on all historic preservation issues that are of general public interest, including, but not limited to local district designations, State and National Register nominations and establishment of policies and procedures.
- 5) To actively participate in the process of nominating properties to the State and National Registers of Historic Places.
- i) Certified local governments may propose and sponsor nominations to the State and National Registers, but may not review and nominate properties directly to the National Register except as provided in 36 CFR 60.12 (Nomination appeals). Nominations developed and sponsored by CLGs shall be given priority for review by the New York State Board for Historic Preservation, provided they are developed in consultation with the SHPO and based upon a comprehensive local historic resources survey.
 - ii) If any State or National Register nomination proposal received by the SHPO lies within the jurisdiction of a CLG, the SHPO shall transmit a copy of the fully documented nomination proposal to the local historic preservation review commission and the chief elected official for review and comment in no less than sixty days nor more than one hundred and twenty days prior to the scheduled review of the proposal by the State Board for Historic Preservation.
 - iii) If a historic district is proposed, the CLG shall assist the SHPO in notifying property owners and/or conducting public information meetings at a time and place agreeable to the SHPO.
 - iv) The commission, after providing a reasonable opportunity for public comment, shall prepare a report stating its opinion as to whether or not such property meets the criteria for listing in the State and National Registers. The report shall objectively evaluate the property in accordance with the National Register criteria for evaluation. Upon request, the SHPO shall provide guidance in applying the National Register criteria.
 - v) Within sixty (60) days of notice from the State Historic Preservation Officer, the chief elected local official shall transmit the report of the commission and his/her recommendation to the SHPO. The CLG comment period may be reduced by mutual agreement between the CLG and the SHPO, and will be eliminated when the CLG, as sponsor of a nomination, transmits its report and recommendation as part of the nomination package.

- vi) If the commission and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the State and National Registers of Historic Places, the chief elected official will return the nomination materials along with the commission's report and his/her opinion to the SHPO. The chief elected official shall notify the commission, the property owner(s) and the public of this action. The SHPO shall take no further action regarding the National Register nomination unless an appeal is filed in accordance with 36 CFR 60.12. If such an appeal is filed, the SHPO shall place the nomination before the State Board for Historic Preservation at the earliest possible meeting.
- vii) For the purposes of the State and National Registers nomination process, the jurisdiction of a county CLG shall include only properties owned by the county. Only in the case of county-owned property shall the county CLG have the powers described in Section 5.B.5.vi previous.

6) To submit an annual historic preservation report.

The report shall be submitted to the SHPO no later than November 15 and shall cover the period ending on the preceding September 30. The report shall follow a format prepared by the SHPO and shall include:

- i) A statement of the present status of historic preservation activities and land use or other regulations relating thereto as they are being administered within the reporting jurisdiction;
 - ii) An identification and analysis of any problems or issues relating to the effectiveness of local development or administration of historic preservation plans and programs, including problems of funding and personnel requirements, procedural problems, enforcement problems, or any other issue;
 - iii) A report on commission activities, which shall include, at a minimum, the number and types of cases reviewed, documentation on any new designations made, updated resumes for commission members, and minutes relating to consideration of National Register nominations;
 - iv) A report on the status of inventory and survey, including a list of properties added to the local inventory, and copies of the inventory forms.
 - v) Copies of any documents published by the commission or CLG concerning the local historic preservation program.
- 7) The SHPO may at his/her discretion and by mutual written agreement with the local governing body, delegate further responsibilities to the certified local government.
- 1) Either the SHPO or the local government may initiate expansion of CLG responsibilities at any time.
 - 2) Such delegation will be executed in the written certification agreement. It shall be the responsibility of the SHPO to establish criteria, qualifications, and performance standards for such additional responsibilities.

An Audit

What is it?

Under Section 3 of the *Information and Regulations Regarding the Certification Process, updated July 31, 2002*, the State Historic Preservation Office has the responsibility to “evaluate each certified local government to ensure that it is fulfilling its responsibilities as defined in these procedures and in the written certification agreement.” This Section states that such evaluations, which we call audits, for lack of a better word, shall take place every 4 years. Now, if you have been active in the CLG program for more than 4 years, you may have noticed that we have not performed a CLG audit in that time frame, or during several years before that. There is very little reason for that except for lack of staffing and what was for many years an overtaxed CLG coordinator. However, as stated in the Introduction of the *CLG Training Guide*, the CLG unit added more staff! Therefore, our office has committed to restarting the audit schedule Spring 2016, so keep an eye out for emails from Linda Mackey and James Finelli.

We hope this does not make member communities think that they are being called to the principal's office; in fact, we hope that this will be an excellent opportunity to learn more about each other, and how we all can be more committed the agreement signed at the onset of your CLG experience.

What happens if we don't pass?

An audit reviews the records of the CLG and measures the actions of the commission against the commitments made in the agreement document. However, if an audit finds that a commission has not been meeting those commitments, the SHPO will make a formal report outlining the issues, offering corrective measures, and setting a time frame (no less than 30 days, no more than 120 days) for the CLG to make the corrections. If the corrections are not made, the SHPO can recommend that the National Park Service revoke the municipality's CLG status. After that point, a municipality would have to make a new application to become a CLG, hopefully addressing in the new materials the problems that caused the revocation. In reality, we will most likely work with the appropriate people in the CLG to find a solution amenable to all parties, and decertification would be an extreme last step.

**Excerpted and Edited from *The Local Landmarker*,
Issue 12, September, 2006, a Publication for the
Certified Local Governments in New York State**

YOUR LOCAL PRESERVATION LAW

The local law or ordinance that established the board or commission you serve on is more than a one-time use document, setting up the review body and then filed away and forgotten. It has a great deal of information to give you about how your body should operate. In it, the rights and responsibilities of commission or board members as well as applicants can be found. The role you play in local government is spelled out, the criteria for designation are described, and the basic guidelines for reviewing alterations, new construction and demolition are delineated. Without knowing the law personally, you could be operating with a somewhat fuzzy recollection of it rather than a personal working knowledge.

Not every law is exactly the same, but most are either based on or very close to the “Model Law” (you can download a copy here - <http://nysparks.com/shpo/certified-local-governments/>), which was revised and published in July 2014 by the SHPO and the Preservation League of New York State. With that being the case, that law will serve as an outline to discuss some basic concepts that good preservation laws contain and what they mean to your work. You may wish to have a copy alongside so that you can refer it as you read this article.

Section 2: Purpose

Although seen by some as a mere preamble to the meat of the law, the language in the “purpose” statement is very important. The Model Law’s purpose section makes several bold statements, including the opening:

“The (Village Board of Trustees/Town Board/City or Common Council) finds that there exist within the (Village/Town/City) of ____ places, sites, structures and buildings of historic or architectural significance, antiquity, uniqueness of exterior design or construction, which should be conserved, protected and preserved to maintain the architectural character of ____ (Village/Town/City), to contribute to the aesthetic value of the (Village/Town/City), and to promote the general good, welfare, health and safety of the (Village/Town/City), and its residents.”

This statement or one similar to it, having been adopted by your municipality, publicly acknowledges the role of historic resources in civic life and therefore sets a tone for your commission’s authority and work. The rest of the law simply explains how the purpose is to be carried out. Don’t be afraid to quote this section in explaining your work.

Section 4: Historic Preservation Commission:

Section 4 establishes the commission and details the makeup of the membership. Typically this includes an architect (if available locally), a historian, a resident of a district (if a district exists), and someone with a strong commitment to preservation. In addition, all members are to have an interest in preservation within the municipality. This composition was developed to ensure that persons with a background, commitment or interest in history and/or preservation would serve and to prevent unqualified appointments. The membership of the review body is something that is checked during CLG audits to see if the details of this section are being adhered to.

Section 9: Powers and Duties of the Historic Preservation Commission

The first part of Section 9, letter (a), lists the General and Advisory powers of the commission. These should be read carefully and referred to often. I won’t go into every power noted in the list on the model law, but several stand out.

- Section (ii) gives the commission the power to recommend to the (Village/Town/City) governing board additional regulations to be adopted by local law that may be necessary for the commission to conduct its business, consistent with the scope and intent of this local law.

- Section (iii) addresses the conduct of surveys to find properties worth designation and protection. Surveys are not “one-time” efforts. They should be ongoing and regularly updated to have the best, most recent information about historic resources in your community.
- Section (v) requires the commission “to maintain a list of locally-designated historic resources or districts,” and to “publicize the inventory.” This is one that can easily be lost in the everyday business of a commission. This is the power of “increasing public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education.” Getting your message out is important to the smooth functioning of the designation and review process and in building support. This can be done through workshops, newspaper articles, publications, websites, award ceremonies, and other creative methods.

Letter (b) of Section 9 addresses Administrative Reviews, which clarifies the Commission’s power to evaluate, approve, approve with modifications, or deny any applications for certificates of appropriateness pursuant to this act. Sections below deal directly with this power.

Section 11: Criteria and Designation of Landmarks or Historic Districts
Section 12: Notice and Hearing Requirements for Proposed Designation

Sections 11 and 12 set forth the criteria and process for designation (or in cases where designations are recommended to the municipal legislative body, the process for recommendation). The criteria are important and those that are applicable should be stated specifically in any designation, as they are the legal grounds for such a decision.

Likewise, the process for notification, public hearings, and recording the designation is important to follow as part of the legally required and defensible process for designation.

Section 13: Certificate of Appropriateness for Alteration, Demolition or New Construction Affecting Individual Landmarks or Historic Districts

Although a short section, this is a big responsibility for the commission. Simply restated here, it essentially outlines the purview of the commission in regard to the types of projects it can review:

“No person shall carry out any exterior alteration, restoration, reconstruction, demolition, new construction, or move a designated landmark or property within a designated historic district, without first obtaining a Certificate of Appropriateness that authorizes such work from the (Village/Town/City) of _____ commission.”

Check the wording of your law. If it is missing one of these descriptors, you could be missing the power to review some potentially significant impacts on your community.

Section 14: Criteria for Issuing a Certificate of Appropriateness

Understanding and using the criteria for review is an extremely important matter. Learning them and using them should be a priority of all commission members. Since the criteria are the only defined standards in the law for making decisions about landmarked properties, they should be referenced in any printed materials, mentioned during public meetings, and most importantly, noted in any decisions issued as to how an application does or does not meet them.

Section 15: Certification of Appropriateness Application Procedure

The title of this section makes it appear self-explanatory. However, there are some details in this section that are very telling and should not be overlooked. The list of materials required in Section (b) is important to stress to applicants. They are:

- name, address and telephone number of applicant;
- building permit application number as assigned by the building department;
- location and photographs of property;

- elevation drawings of proposed changes, if available;
- perspective drawings, including relationship to adjacent properties, if available;
- samples of building materials to be used, including their proposed color;
- where the proposed includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property; and any other information which the commission may deem necessary in order to visualize the proposed work.

Note the last one carefully: “*any other information....*” This gives the commission the ability to request more than the basic information in the list. However, most applications having the basic information should be fairly complete. Having the required materials spelled out in a pre-printed application can speed review and make the process easier for the applicant and review board member. If your body hasn't used application forms, it might be a good exercise to create some, using existing models. The City of Utica has an excellent model application form on the historic preservation section of its website: (<http://www.cityofutica.com/EconomicDevelopment/Planning/Scenic+and+Historic+District.htm>)

Section 19: Alteration Hardship Process and Criteria

Section 20: Demolition, Removal, or Relocation of Landmark Buildings

Section 21: Demolition, Removal, or Relocation Hardship Criteria

I've grouped these sections together as they all deal with hardship. Hardship process is the “pressure valve” for projects that honestly cannot meet the review criteria without causing an actual, documented financial or other problem for the owner. Hardship is a very important concept to understand in the work of a review body.

An applicant first has to be denied before he/she can make application for hardship. This ensures equal treatment under the law since by the board doing this the review criteria are not “bent” or set aside on a case-by-case basis for any project. Once denied the case has to be made that there is no way that the property would earn a “reasonable return” without the work, and in the case of demolition, that efforts to sell it to a person interested in preserving it have failed.

Since this is a very important matter, it is addressed in more detail on page 68 of the *CLG Training Guide*.

Section 22: Affirmative Maintenance and Repair Requirement

Since review boards typically deal mainly with applicants proposing elective work, there is the possibility that some properties will “fall through the cracks” if work needed to ensure their preservation is not proposed by the owner. Section 22 addresses those situations by requiring owners to address serious deterioration that could endanger a property or a district. Using this section well can be a powerful tool against owners who see your community as simply a place to maximize income without much cost (such as neglectful absentee landlords) or to speculate on property values without regard to the existing building on site.

Section 23: Enforcement and Violations; Penalties

Like Letter (a) of Section 15, this is another section that connects your work to the local building department. Your enforcement officer is the Building Code Enforcement Officer, so it is important to foster a good working relationship with that individual and his/her office.

Having a strong violations section is important to being taken seriously in your decisions. The model law includes examples for fine amounts, as most communities look to standardize the fee structure with other building violation penalties.

An interesting portion of this section is that it directs that an owner who “demolishes, alters, constructs, or permits a designated property to fall into a serious state of disrepair” (see Section 22 above) to “may be required...to restore the property...to its appearance prior to the violation.” This section is aimed at

owners who alter/demolish building without review in an attempt to subvert the process. Rather than simply paying a fine and moving on, owners can be required to repair damage - or even rebuild demolished structures or sections of structures. Used carefully, this section can be a powerful deterrent to that type of approach. Section 23, Letter (E) also ties the municipal attorney into your process by making that office responsible for bringing cases against violators

Section 24: Appeals

Like any other process, there is a process for appeals of decisions. Note that like hardship, the owner has to have gone through the process and gotten a denial of either an application or a hardship request. While the decision is out of the hands of the review board in this process, the last sentence is important to note: "*Appellate review shall be based on the same record that was before the Commission and using the same criteria.*" This means that any new information cannot be brought into the appeal process; doing so restarts the review process before your body. Also decisions made by the appeal body have to be made using the same criteria that was used for the initial review. The intent is that the appeals process should be mainly about the process the preservation body used to reach a decision and not be an opportunity for the appeal body to make a decision allowing "special" approvals outside the intent of the law. Your law will designate the appeals body. Typically it is the Village Board/Town Board/City Council of your municipality.

**Excerpted and Edited from *The Local Landmarker*,
Issue 3, March 2007, a Publication for
Certified Local Governments in New York State**

WHY WORRY ABOUT PROCESS?

A GUIDE TO HISTORIC PRESERVATION COMMISSION MEETINGS

A local commission meeting can seem like a very casual undertaking for those who have participated many times. However, as an official, public decision-making unit of local government, a commission needs to transact business in a professional, clear, and most important, *legally defensible* way. “Due process” is an important concept in American law, and one of the cornerstones of the interactions between citizens and their government. Neglecting to follow accepted standards of “due process” throughout a meeting can result in decisions which are vulnerable in the face of a legal challenge. On the positive side, a meeting run in a professional yet friendly manner, with commission members paying attention to the criteria for review, will make the public feel that the process is a fair and valid action of local government.

It may seem strange to some of us to use terms like “come to order,” “make a motion,” “second,” and “abstain,” etc. when we are sitting down with people we may see every day or there are no applicants or members of the public present. However, remember that you are acting as a local official, and records (don’t forget that aspect of the meeting either!) must show that proper procedures were followed regardless of the situation.

How to Start

It is important to start a meeting well before the actual event by adhering to procedures spelled out in the Open Meetings Law, Public Officers Law, Article 7. Your local law will include a section on adequate notice to property owners before a meeting or hearing, and this rule is based on the Open Meetings Law. Below are excerpts (the full text is at <https://www.dos.ny.gov/coog/openmeetlaw.html>).

§100. Legislative declaration. It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.

§103. Open meetings and executive sessions. (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article. (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law. (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates. (d) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend such meetings.

§104. Public notice. 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

3. The public notice provided for by this section shall not be construed to require publication as a legal notice.

4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

How to Proceed

Check your ordinance or law for a provision in the “Powers and Duties” section that allows the commission to adopt rules of procedure and process. If you have not adopted any formal rules, consider placing the topic on an upcoming agenda and begin to address the issue. Some CLG communities run a tight ship as to meeting procedures, others less so; most are in the middle, with a semblance of rules, but a somewhat casual approach overall. Check at your next meeting and see where your meeting style falls along the spectrum.

The most well-known standards for running a meeting are *Robert’s Rules of Order*. If you don’t know them by name, you will recognize them as the procedures you’ve either witnessed or followed in one form or another for everything from organization committees to school boards. *Robert’s Rules* are time-tested and proven to result in decisions based on a logical, democratic, ordered, and defensible process. You can read more about the rules at www.robertsrules.org or purchase a copy at most bookstores.

Using *Roberts Rules* as a base, the Georgia Alliance of Preservation Commissions (GAPC) has created a “Guide to Historic Preservation Commission Meetings.” With GAPC’s permission, we have reprinted it (with some edits) here for reference and consideration. Not all CLG meetings have to be run exactly this way, but at some point, if you haven’t already, your commission does need to adopt rules of order and process. You will have questions about process, as not every situation is the same. If you have adopted them, consult a copy of *Robert’s Rules*, the website, or see if your municipality has anyone who can serve as a parliamentarian (someone who is responsible for addressing points of process and order).

Formal rules may feel awkward at first, but practice makes them more comfortable and natural. Keep in mind that following the protocol for discussions and articulating decisions need not create a “stuffy” or foreboding atmosphere at a meeting. It will help if you review with the audience members what the steps are for each application and at what points they are and are not allowed to participate so that they know what to expect.

**Excerpted from *The Local Landmarker*,
Issue 1, September, 2006, a
Publication for Certified Local
Governments in New York State**

RUNNING A SMOOTH COMMISSION MEETING

**From “Guide to Historic Preservation Commission Meetings”
Georgia Alliance of Preservation Commissions: <http://www.georgiahpcs.org/>**

1. The chair (or acting chair) **calls the meeting to order**, noting the time for the record.
2. The chair **calls the roll**, noting excused absences for the record, and takes the following actions:
 - a. Records presence of quorum
 - b. Introduces members of the commission and staff (if your commission has staff)
3. The chair asks for a motion to waive readings of the **minutes** and takes the following actions:
 - a. Asks for corrections and additions to minutes
 - b. Initiates vote to adopt minutes by asking for a motion to accept, a second and call for the vote.
4. **Staff** (if attending) presents report on project to commission
5. The Chair announces that the **public hearing portion** of the meeting is beginning, that the commission is ready to consider applications, and asks that persons with business before the commission follow the printed agenda as to process and order
6. **Hearing Of Applications** *(Note: as above, the chair initiates all the following actions. Consider reviewing the steps involved in considering each application and noting when applicants and any audience members have a chance to participate.)*

Call Cases: Call cases according to agenda

Check for Conflict of Interest: Check for conflicts of interest among commission members.

- a. Noted conflicts are recorded.
- b. Any members having conflicts are recused.

(The simple appearance of a conflict of interest can have a very serious impact on the validity of any decision, regardless of how reasonable, and can set up an appeal situation. Members having a conflict cannot discuss or vote on the issue and should leave the room.)

Introduce Application: Read agenda description of application. If staff is present, ask staff to:

- a. Identify property on map
- b. Indicate impacts on adjoining property and visibility of proposed work from the street
- c. Present staff report. If no staff is present, move to next step.

Support: Call upon applicant for evidence in support of the application. If there are others present for the application, ask then for evidence in support of the application. Ask all persons, applicants and others, to state their names and addresses for the record. *[Note: depending upon the room set-up, some commissions invite the applicant to join them at the table in order to discuss the application, thereby establishing a more comfortable exchange.]*

Opposition: Call upon others, if any (recording name and address), for evidence in opposition to the application

Public Statements: Ask if any other public statements (from an official, commission or department of the local government, state agency, any local historical, preservation, or neighborhood association, etc.) are to be submitted for the record; if so, enter into record.

Questions: Call upon commission members to ask any questions they have regarding the application.

Rebuttal: If there are opponents, offer applicant the opportunity to rebut any evidence in opposition to the application. Remind the applicant that *only new information can be presented in rebuttal*, and ask that he or she not repeat the initial evidence in support of the application.

Summary: Summarize the evidence and facts, giving all parties an opportunity to make objections or corrections. If there is no evidence in opposition to the application, note for the record that without objections, the statements appearing in the record are uncontested.

This concludes the public testimony portion of the hearing for this agenda item (*Note: This does not mean the public has to leave. This simply closes the public hearing for this application, and opens the commission discussion and decision portion for the agenda item.*)

Discussion: Proceed to discussion of the proposal with respect to its congruity in light of the ordinance and design guidelines. *IMPORTANT: Discussion should be limited to how the proposal does or does not meet the criteria or guidelines. Commissioners should not state personal opinions or recommend design/material revisions. The recommending of revisions is handled through "Conditions," below.* List evidence and facts gleaned during the public hearing. Make sure the commission considers only competent, material and substantial evidence.

Findings of Fact: Accept motion for findings of fact. Several findings may need to be made on an application. Use the following wording:

"I move that, based upon the evidence that has been presented in the application and during the public meeting, the commission finds that the proposed material change in appearance would not (or would) have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic district (or historic property) according to (cite sections of the ordinance, design guidelines, and/or Secretary of the Interior's Standards, as appropriate), citing the following facts (cite the appropriate fact)."

Discussion: Ask for second. If seconded;

- a. call on each commission member for comments following motion made.
- b. Vote and adopt

Conditions: Discuss the appropriateness of imposing conditions, and if any are determined appropriate, enter into record. (Specific wording is needed here for clarity and direction to applicant)

Decision on Certificate: The chair calls for a motion that the application for Certificate of Appropriateness be either:

- a. Approved
- b. Approved subject to conditions
- c. Deferred for further information
- d. Denied

The chair then calls for the motion to be seconded. If it is seconded, then the chair calls for any discussion on the motion. If a motion does not get a second, it is set aside, and a new motion on the issue must be made. For a seconded motion, if there is no discussion or discussion does not cause any challenge to the motion, the chair calls for a vote. If the motion passes, the decision is made. If the motion does not pass, it is set aside. A new motion on the issue must be made, and the process followed for that new motion.

Thank Applicant: Thank applicant, neighbors, and associations (if present) for their participation. Invite them to stay for remaining applications, but indicate that they may leave and that they will receive formal notification from the commission/commission staff.

Next Application: Proceed to next application, following process above.

Remainder of meeting:

7. The chair calls for any **old business** and takes action on each item
8. The chair calls for any **new business** and takes action on each item.
9. The chair calls for any **other business** and takes action on each item.
10. The chair calls for any **adjournment**. Note time for the record.

A lot of record keeping is part of any good meeting. Proper records of meetings are all that remain to document commission meetings once they are concluded, and they will serve as the only formal and legally defensible memory regarding which commission members were present, the applicants who appeared, and the decisions that were made. So, in addition to your meeting procedures, also check your record keeping. Good minutes could preserve a historic building, the public's faith in your procedures, and the existence of the commission itself.

WHAT ARE STANDARDS, AND WHY USE THEM?

In most ordinances or laws that create a local historic preservation commission or architectural review board, that body is given the power for the “Promulgation of rules and regulations as necessary to carry out the duties of the Commission” (New York State Model Law, Section 2, D, ii.).

Many New York State commissions have acted under those powers to adopt guidelines and standards to be used when reviewing Certificates of Appropriateness and other projects brought before them. Some CLG member communities have chosen to identify the *Secretary of the Interior’s Standards for Rehabilitation (Secretary’s Standards)* as their guidelines. Other communities such as Utica, Yonkers, Peekskill and Rochester have taken this a step further and developed design guidelines that are detailed and specific so as to be most relevant to the historic resources found in their communities. Even these locally-focused guidelines are also based on the *Secretary’s Standards*.

The terms “guidelines” and “standards” are frequently used interchangeably, but it is important to note the distinction:

Standards are general criteria against which work can be measured (as in goals).

Guidelines are more specific instructions for how to meet the standards; they are action steps to take or actions to avoid in order to meet the goals (these are measurable, as in objectives).

The *Secretary’s Standards* were initially created by the U. S. Secretary of the Interior to review proposed work on National Register-listed properties that was funded by grants from the federal Historic Preservation Fund. Since their creation, however, the *Secretary’s Standards* have been adopted as the review guidelines for basically every federal and state preservation program. They have also influenced the deliberations of thousands of local commissions and boards across the country. (It is important to remember, however, that unless your local law specifically identifies the *Secretary’s*

Standards as the locally-adopted standards, your decisions cannot be based on nor reference the *Standards*.)

The use of standards can ensure that every project is reviewed using the same approach and philosophy, giving a sound foundation for those reviewing proposed work. Standards can also help applicants understand what may or may not be an approvable project. The ability to refer to standards offers a comfort level to everyone involved in the process, providing a sense of stability, professionalism, and consistent decision making. Standards also provide continuity throughout the normal turn-over of commission or board membership through the years.

It is important to understand how the *Secretary’s Standards* use the word “rehabilitation” as defined by the National Park Service: ***Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.*** (*The Secretary of the Interior’s Standards*, National Park Service, 1995, online at <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>)

As can be seen in the definition, the Standards were written specifically to deal with *proposed* changes to historic resources. Key to the philosophy behind the *Secretary’s Standards* is that after any proposed changes, a resource’s historic character is preserved.

The Secretary of the Interior's Standards For Rehabilitation:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

What if we don't have standards for review?

If your commission or board hasn't adopted any specific standards for review, don't panic. The base criteria in your ordinance have probably been serving you well and will for some time. However, you may wish to examine what standards and guidelines might mean for your commission or board and your community.

One step may be to review the *Secretary's Standards* and see if they would work for your community. With them come a history of use and interpretation as well as additional published materials that can be used as a base for decision making. As noted earlier, some municipalities have adopted these verbatim and are using them successfully. The National Alliance of Preservation Commissions offers an online collection of design guidelines at: <http://napcommissions.org/online-design-guidelines/>.

Also, as noted earlier, some CLG communities have created their own set of standards and guidelines, specific to their communities.

Several of these efforts have been undertaken through commissions working with consultants hired with the support of CLG grants. Below are some examples with brief descriptions of the publications. It is important to note that these guidelines, written to address specific issues or building types, are firmly based on the *Secretary's Standards*.

The City of Yonkers

Yonkers published the *Yonkers Historic Design Guidelines* in 2005. The *Guidelines* are primarily addressed towards historic houses in the city, and list the historic neighborhoods covered by the commission, with notes on the development and the prevalent styles in those areas. This is followed by an architectural history chapter, using examples within Yonkers to illustrate different styles. The heart of the *Guidelines* is contained in "Part 2," which uses local examples of building materials, elements, and features to illustrate recommended and non-recommended treatments. Each discussion of a feature or material includes a "Further reading" list to assist the reviewer and applicants to find more information about that specific point.

Appendices cover hiring an architect, hiring a contractor, what districts and landmarks exist in Yonkers, and a list of available products for work on historic homes. This publication won an award from the Lower Hudson Conference of Historical Agencies and Museums, which called it "clear, educational, (and) instructive."

The Village of Southampton

Southampton published its *Architectural Design Guidelines for Historic Districts and Landmarks* in September of 2000. On page 3 of "Why Design Guidelines?" the author states that, until publication, "The Board of Architectural Review has had to make decisions on appropriate new construction and/or alterations within the historic districts on an *ad hoc* basis, without the benefit of clear architectural design guidelines." The "Purpose" statement, also on page 3, is revealing as well: "These architectural design guidelines were developed to provide general recommendations and to outline procedures to guide you, the property owner, as well as the Board of Architectural Review." The intent is to educate everyone involved in the review

process, on both sides of the table, and to create a base for a common dialogue. As with the Yonkers example, a discussion of architectural styles common to Southampton is included, along with a description of common work items with bulleted notes marked "Avoid" describing what work may not be acceptable to the Board of Architectural Review. An architectural glossary at the end gives language for easy and accurate communication between board members and applicants.

Village of Sackets Harbor

In 1993, the Village of Sackets Harbor created *Guidelines for Quality Sign Design* to ensure that signage in its historic district was not out of place in its setting or damaging to the historic resource on which it was mounted or hung. Material, coloring, lettering, and lighting are covered, and a "Work Sheet" is included to summarize the guidelines and assist the design process for a sign. This publication is more specific than a general architectural guideline, but it was seen as a necessary and worthwhile effort by the village planning board, which oversees sign permits.

What Standards Do (Or Don't Do)

The adoption of standards does not mean that all conversation, debate, or discomfort is taken out of the review process. Contrary to some, they also do not squelch creativity or suddenly put extremely close limits on what can be done at a landmarked building or built within an historic district. Rather, they are guidelines within which to work, learn, and discuss.

To be sure, there will be certain things that standards will automatically term inappropriate, such as treatments to historic materials that either cause damage or accelerate deterioration, or wholesale removal or obscuring of significant historic features in good or repairable condition. Other issues, such as additions to an historic building or new construction, are at best given boundaries but not exact or specific design solutions.

What standards should accomplish can be summed up in a statement in the Sackets Harbor *Guidelines for Quality Sign Design*. In a section entitled "Purpose of this Manual"

is the following: "The manual won't design your sign for you, and won't provide you with a standard format or template to follow." The same can be said for how standards can help guide review. Standards and guidelines do not answer every question with a pat response.

However, they do give a sound footing to commissions and boards wrestling with how to approach a proposal to remove a porch, add a garage, change a roofline, or build a new house in a Victorian-era neighborhood. They can also give guidance and comfort to an applicant confused about what answer he or she will get at the review hearing. Having that comfort level for both applicant and reviewer can be invaluable in getting the job of managing change in your community done, and done well.

When reviewing proposals. . .

These points are adopted from the State of Florida's CLG program, and are good reminders of how a historic preservation commission or architectural review board should approach their work.

DO

- Read your community's historic preservation ordinance and refer to it often. Make special note of the purposes of the ordinance.
- Be friendly with all applicants and leave them with a good impression of the local government process.
- Use the specific criteria outlined in the ordinance for designating districts and/or landmarks when making designations.
- Use the design guidelines in the ordinance when making a decision on the appropriateness of a building alteration.
- Review each application as a separate case and apply the ordinance's criteria each time.

DO NOT

- Apply your idea of what is "pretty" or "in good taste" to decide if a proposed alteration is appropriate.
- Require a design of all new buildings, alterations or additions to follow a particular theme or architectural style.
- Embarrass the applicant by criticizing his/her application openly in the meeting or in the media.
- Turn down an application without giving the applicant specific guidance as to how the application could be improved to meet the criteria of the ordinance.
- Be afraid to ask the applicant for more information if the application is incomplete or if there is not enough information to make a decision.

**Excerpted from *The Local Landmarker*,
Issue 2, December 2006, a Publication for
Certified Local Governments in New York State**

REVIEWING PROPOSALS AT NON-CONTRIBUTING OR ALTERED HISTORIC BUILDINGS

Very few historic districts or historic buildings survive into the present without any changes. It may have been the demolition of a key building and its replacement with something entirely out of character or an inappropriate alteration to an historic house that sparked the drive for a local district in the first place. Many historic buildings have had very interesting “lives”, with changes of use or stylistic “updates” impacting their overall integrity. Of course, both the districts and the buildings in them have to have retained an appropriate level of integrity to become designated in the first place, but you most likely have some situations that will cause you to scratch your head.

For instance, you may have to review a proposal at a single story brick house in a streetscape of two-or-more-story clapboarded, shingled, or otherwise-sheathed houses of vastly different scales and detail than that of the subject property. How do you review proposals at buildings like this that are within the district but do not contribute to the significance of the district?

Also, you might be faced with a proposal at a building that by virtue of its age, overall character, and location clearly contributes to the district, but is missing some of its historic details. This can be things such as turned porch posts replaced at an unknown time with under-scaled wrought iron supports, a once colorful patterned slate roof replaced in the late 20th century by a gray asphalt roof, or a once prominent corner tower truncated to a mere stump during a ca. 1950 renovation. How do you approach these projects?

Or, how about a building that you know from historic documentation was once a great example of a Queen Anne house or Italianate commercial building, but was altered to such a point that it is now considered non-contributing? You might be tempted to make an owner “bring it back,” but they simply want to undertake some simple repairs.

There are also those buildings that been altered, but those changes are significant to the overall history and “story” of the resource and are worthy of preservation. Sometimes an owner will wish to recapture the “first” period of the building, removing details and materials added during the property’s period of significance. These can be minor in scope or truly monumental, such as removing an entire porch or portico that was not part of the original construction. The goal may be intriguing and the idea exciting, but you have to approach such a proposal with standards that protect the full history of the building and district.

These are some of the issues that reviewers of proposals at historic buildings are faced with, both at the local preservation commission level as well as at the State Historic Preservation Office. It can be a true test of using established standards, following appropriate processes instead of personal wishes and be an example of treating every owner and every project with thoughtful consideration and within the “big picture” of the work of a preservation commission.

“That Building”

They are out there, the “onion in the petunia patch”, the one that catches your eye every time you drive by. It can be a single story commercial infill structure with a pre-fabricated metal storefront in the middle of a row of three-story, mid-19th century masonry commercial buildings, all with historic storefronts, decorative window lintels, and projecting cornices. It can be a long, low ranch house with a dark hipped roof in a block of two and three-story houses that all proudly stand up vertically with cross gables, towers, turrets, colored slate, roof cresting, or similar details. Or, maybe it is the one with a rich history, but has been significantly altered or is severely deteriorated: these can be the hardest to accept as they are, since our eye starts to peel away the layers, add the missing parts and see it as it was originally.

Whatever the case, if they are located within a district, they are part of your responsibility and you must treat them using the guidelines in your law and any other design guidelines you have appropriately

adopted. For purposes of this section, The Secretary of the Interior's Standards for Rehabilitation will be referenced, which are the standards that are reflected in the review criteria in the New York State Model Preservation Law.

Why me? Can't you see that my building's not historic?

Sometimes owners may think that their buildings are clearly non-historic and that any work that they are proposing doesn't have to be reviewed by the commission. However it is the location of the building, not its appearance or contributing status that counts here. If the building is within the boundaries of the historic district, the owner has to go through the review process; it is how you approach the review that is the crux of the matter.

For example, if we take the single story house in the block of multi-story houses mentioned above, what aspects of the building or the proposal do you focus on in your review? Clearly you are not looking to preserve the fabric of modern windows that may be metal or vinyl. You are not looking to make sure that the dark three-tab asphalt shingles are replaced exactly in kind, although that in-kind type of work would certainly make the project easier to review. What you are looking for is how the proposal may affect the adjacent or surrounding historic resources or the district's overall character. Most minor work at such a non-contributing resource will be a simple approval. A roofing change from a dark to a buff roofing shingle might not be anything to get excited about. However, if the owner wishes to significantly add onto or radically change the existing materials and form of the building, then there is a serious review to undertake.

If an owner wishes to add some dormers to the building's roofline to create useable attic space and if these dormers make sense architecturally with the building in scale, location, fenestration, etc., this may be a simple review. However, if the owner wishes to add an entire second floor, then the review gets a bit more complex. An entire new floor and new roofline will certainly increase the visibility of the building in the streetscape. Do you ask the owner to "mimic" the older buildings on either side? Do you ask him to simply copy the first floor?

Looking at the language in the model law for reviewing "Certifications of Appropriateness" is helpful in this instance (note the text in bold);

Section 14: Criteria for Issuing a Certificate of Appropriateness

- (B) In making this determination, the commission's decision to approve, approve with modification(s) or deny an application for a certificate of appropriateness for an individual landmark, [interior landmark], [scenic landmark] will be guided by the Secretary of the Interior's Standards for Rehabilitation and by the following principals:
- (1) properties which contribute to the character of the historic district shall be retained, with their historic features altered as little as possible;
 - (2) **any alteration of existing properties shall be compatible with the surrounding district; and**
 - (3) **new construction shall be compatible with the district in which it is located.**
- (C) **In applying the principle of compatibility set forth in paragraph (b) of this Section, the Commission shall consider the following factors:**
- (i) the general design and character of the proposed alteration or new construction relative to existing features of the property or improvement;
 - (ii) **the scale and visual compatibility of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;**

(iii) texture and materials, and their relation to similar features of the property and other properties in the neighborhood;

(iv) visual compatibility with surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings within the facade, roof shape, and the rhythm of spacing of properties on streets, including setback; and

(v) the importance of historic physical and visual features to the significance of the property.

Section 14 (B)(i)(2), "any alteration of existing properties shall be compatible ... with the surrounding district;" is the key here, with compatibility criteria fleshed out in Section C. Scale is the first important consideration. If the new addition is entirely out of scale with the buildings around it (significantly wider, taller, etc.) then it is likely inappropriate. One rule of thumb that has been used for many historic districts is that any new construction in a historic district, be it enlarging an existing non-contributing building, or an entirely new construction, be within 10% to 15% of the height and width of the adjacent buildings. The next guidance in 5 (C) iv is more direct as to placing features on the new construction as well as the location of the new construction itself. Setback is key here, along with window design, and other features. For more information on approaching new construction in historic districts see page 41 in this *CLG Training Guide*. Remember, you are not requiring an owner to "finally" fix that non-contributing building or make it look exactly like those around it. Just as the contributing buildings are clearly of their age but play by a set of common rules, any changes to a non-contributing building should reflect its time, but also its neighborhood!

But the porch on my property was changed before I bought it (or before the commission was established!)

There are historic buildings that may have had some insensitive alterations before they were designated. However, their overall historic character can still be clearly read in their materials, scale, setback, features, etc. and, overall, they contribute to the character of the historic district. This may mean that they have some non-historic materials or features that would not have been approved if the law and the commission had existed at the time that work was undertaken. Take the case of a porch that historically had single story classical columns with a turned balustrade, replaced sometime in the past with thin, black-painted wrought iron supports and railings. The owner needs to replace one of the uprights due to some damage from a falling tree limb. Do you take insist that he restore the entire porch railing to its historic appearance? No. In this case, you are reviewing the proposed work in the context of existing materials and design. The best approach would be to allow replacement in-kind of the failed upright, which will maintain the existing appearance. If the owner wishes to remove the entire system, then that opens up a choice between several options. These are:

1. Replace the materials in-kind, as is.
2. Restore the original porch exactly as it was, based on conclusive physical, pictorial, or documentary evidence. The Secretary's Standards do allow for the use of modern materials as long as they have an appropriate appearance.
3. If recreating the historic porch is problematic due to documentation, obtaining the correct materials, or accessing appropriate craftsmanship, technology, etc., then the most appropriate treatment is to build a new porch. However, this porch must be based on the form, scale, and details of the historic, but there can be some leeway in how details are treated. This is the "middle path", bringing some of the original character back without being exact in every detail. The new porch should be honest to its time, but honor the original.

The philosophical approach behind these three approaches is that you had one historic appearance lost to a second non-historic appearance, and in the next phase of work that you are reviewing, you do not create a third, entirely new non-historic appearance.

“Well, it was once historic, but now...”

I’m sure you have at least one example like this in your community: the once grand house, commercial building, or church that still survives, but in a greatly altered form. While your personal dream may be to turn back the clock and recapture it “the way it was,” in your local survey and designation report, it is listed as “non-contributing” due to the many alterations it has suffered. This is an instance where you have to set your personal wishes and agendas aside (which of course must be done for ALL reviews) and deal with the review in a professional manner, using all the process and standards you have in your law and regulations. Although you know that there might be a beauty underneath all that asbestos shingle or aluminum siding, you must approach this review in a manner akin to that of the one-story ranch house in the first example. You review any work here in regard to how it might affect the neighboring properties or surrounding district. You cannot make the owner undertake restoration work outside the scope of the project proposal. The argument “but we know what the tower looked like.....” cannot be brought into the discussion, and your dream of returning the building to its full glory will have to be deferred.

“Well, the house was built in 1820, but in 1855 they put these columns on, in 1890 they added this tower, and in 1972 my dad added the carport”

This type of project brings in the issue of “acquired significance,” a concept that the Secretary’s Standards clearly addresses. Standard #4 states: **Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.** The house on the cover of this *issue* illustrates changes that have both acquired significant as well as those that haven’t. First was the original federal-style house, then the columns and the portico which clearly represents changing architectural styles (Greek Revival) possibly as well as the owner’s or the Village’s prosperity. However, other changes (see the picture below) have been undertaken more recently that do not have the same level of historical or stylistic importance. Look carefully at the windows; it is apparent that the existing first floor windows have been changed. The patching-in of clapboard where there were once full-length, possibly triple-hung windows is visible, as well as the loss of window trim. This change, along with the new, smaller-scale, 1/1 vinyl windows is not a change that has acquired significance. While it does reflect something about the recent use of the property, the change was most likely not made with thought about either preserving or enhancing the house’s character.





Changes in “Modern” Times

This storefront in Catskill, NY is an example of a change that has acquired significance. The building is a three-story commercial/residential building constructed in the mid-19th century. Above the first floor, it has its original 3 bay form and projecting Italianate-style cornice. However, the storefront was replaced ca. 1930 with one constructed of glass and metal in a restrained Art Deco style. The shining glass sheathing, the integral retractable awning that rolls back into a “novelty” metal frame (novelty metal is a term used for various alloys used in the early part of the 20th century for their color, finish, and decorative qualities), and the incised and applied metal signage in a “modern” typeface all speak to the storefront change representing significant advances in technology, commercial merchandizing, American architecture, and possibly a change in the building’s use or ownership. The materials are high quality, carefully designed, and were installed with the intent that it be a long-lasting change, which has proven to be the case. It appears that all evidence and materials of the earlier storefront was destroyed in this alteration, and due to its age, quality, and design features, this storefront is now a contributing feature on this building and to the larger district. Even if there was conclusive documentation of the earlier storefront, this storefront should be preserved in any future work proposals.

Figuring it out

So, how do you tell if a change has acquired significance? If you have a good district survey or designation report, this information should be noted in that document. If not, you have to go through a thoughtful review process, using your designation criteria. You can start by asking yourself the following questions.

- Was the change made within the past 50 years (the baseline criteria for National Register listing, and the baseline age in many local preservation laws). If so, it will most likely not be seen as having acquired significance in its own right. While there are National Register criteria for changes or resources that are not 50 years old, the bar is high and difficult to reach for most typical alterations.

- Does it reflect a significant change in the building's use, or historical development of the district or community?
- It is an alteration that can be associated with significant historic American architectural trends or styles?
- Was it constructed of quality material, representing a significant investment in the building?

If the answer to one or more of the last three questions is yes, then you most likely have a significant change.

Going Forward

Most of us work in historic preservation, either at the professional or volunteer level with ideas of saving the great buildings in our village, city, or state. However, the reality is that we are charged with working with proposals at buildings in all states of repair, integrity, and significance. Hopefully this article will assist you in reviewing projects at properties that are less than perfect, and help you to make decisions about how that building, contributing or not, perfectly intact or not, continues to be a part of your surroundings.

The concepts and guidance described in this article are ones based on the Secretary's Standards, and have been developed over years of preservation practice. I recommend you look at your city, village, or town and think about the buildings under the protection of your local preservation law; those that are both contributing and non-contributing. Think about the changes they have occurred and how you would review a proposed project at that site, using the approaches above. Doing so may give you a "leg up" with any proposals that do come before you and the commission.

**Excerpted and Edited from *The Local Landmarker*,
Issue 16, December 2010, A Publication for
Certified Local Governments in New York State**

NEW CONSTRUCTION IN HISTORIC DISTRICTS

*This excerpt from *The Local Landmarker*, Issue 9, September 2008, will address new construction, drawing from several excellent sources already out there. Please note however, that you will not find a “one-size-fits-all” guide that will make these reviews fool-proof; what we hope to achieve is to give commission members the tools to go forth more confidently in undertaking reviews involving new buildings. We always say that preservation commissions are “managing change” rather than preventing it. Our task is not to simply prevent bad design and alterations, but to encourage owners and designers to work towards good, new design. Ensuring that a new building is compatible with its existing surroundings while also allowing it to represent the next chapter of the community’s built history is exactly that type of balancing exercise.*

Approaching the issue of new construction in historic districts can leave many preservation commissions and architectural review board members feeling uneasy. In many ways, the process is uncharted territory. Unlike reviewing changes to existing buildings, the slate seems blank, open to all manner of pitfalls and questions. Should the building look exactly like the historic ones in the district? Should the building be radically different so as to “stand out” as clearly modern? Should a middle road be taken, wherein new design finds a good fit with the district? If you are familiar with new construction projects in historic districts, you have probably seen all three, with varying degrees of success. Actually, if you have seen the first approach, where a building has been made to look exactly like the existing historic ones, you may not have realized you were seeing a new building at all! So, with various approaches and many more questions, how do you begin?

Perhaps the best place to start is to think about the nature of historic districts themselves. Historic districts are typically made up of buildings constructed over a number of years. While they may be united by a common or related land use, the structures represent the work of a number of designers and builders and, therefore, vary in their architectural styles, building technology, and materials. Except for districts which were built as one large development, such as mill workers’ housing, or a row of brownstones or bungalows, many districts evolved through a continual process of construction. Just like members of a family, buildings can be visually distinct and yet readily identifiable as belonging to different generations which share some genetic code. The final result is that we can look at historic districts as having

been developed using a code that creates a sense of place.

A “Family” of Buildings

So, to follow the analogy of a district having been developed along a certain “code” or guidelines, the code must be unraveled, much like modern genetic scientists unravel the code or guidelines that create organisms. Once these guidelines are found, they can be applied to new construction, guiding new buildings to be compatible with existing buildings.

Simple? At first thought it seems so. However, there is one major stumbling block for many commission members and architects as they look to apply what they’ve learned about a district’s development and apply it to how a new building should fit within the district. If you are familiar with the Secretary of the Interior’s Standards for Rehabilitation (See *The Local Landmarker*, December 2006, which can read online, or downloaded and printed, at www.nysparks.state.ny.us/shpo/certified/landmarker.htm, or visit the National Park Service web version at www.nps.gov/history/hps/tps/tax/rhb/), you might know Standard #9, which states:

New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment

Although this standard is directed at the work planned for a specific historic building, it is also applicable to entirely new construction in historic districts. Most people summarize it as the

“compatible but contemporary” test. This means that a building should be compatible with its surroundings, but should be contemporary in appearance, never looking like a duplicate historic building. This balancing act of ensuring that a building looks new while fitting in has been the cause of many a headache on the part of a commission and a project architect.

I’d like to go back at the genetics idea, using an experience I had at a family wedding some years ago. One of my first cousins was getting married to a girl from out of town, so the wedding was the first time most of the extended families had met. When the bride, her mother and her grandmother stood together for photos at the reception, we all remarked on how it looked as if the same woman was there in front of us at different stages of life. First there was the bride, young and beaming, dressed in an up-to-date jacket and skirt outfit for the honeymoon trip; next was the mother, of course older than her daughter. She was dressed as you might expect the mother of the bride to be, somewhat more conservatively than her daughter, but coordinated to the wedding party. She and her daughter favored each other strongly in face, figure, and hair. Next was the grandmother, mother to the bride’s mother. Her outfit was not necessarily old fashioned, but age appropriate, and while she did favor both her daughter and granddaughter, her age, life experience, and wisdom showed clearly in her face as well as how she carried herself.

I use this to show how three individuals can be separate, being of different ages and life experiences, but because they share some common “codes” (in this case, truly genetic ones) they have features in common. Each of the women above expressed their age, their life, their own tastes in certain areas, but overall, they were identifiable as related and as family. The same can be accomplished with buildings if you understand the codes and guidelines that exist within a different type of “family”, a historic district.

The “Codes” of Historic Districts

If you begin to look for the common features of an historic district, some will be fairly apparent. Are buildings a similar size in height and width? Are they of a similar material? Do they have some common design elements? Do they create a rhythm as you look down the street because of

the scale and placement of elements such as windows or doors? These questions and others are the right ones to ask if you wish to understand what the district’s overall character is, and what “codes” a new building must follow in order to become a good addition to the district. Although there are many different ways of looking at the character of a district, I’d like to list those aspects I feel are crucial to understanding new construction parameters for the area.

1. **Height/Scale:** These words are often used interchangeably and refer to the height of a building and its individual floors compared to the average human height. Many districts have buildings that are similar in height or scale, without one towering over the other. This is not always true, however; some historic commercial districts having buildings of varying heights. Also some lower scale districts may have institutional buildings that are larger than surrounding buildings. These types of buildings are typically specially designed and used structures such as schools or churches and do not reflect the overall character of the district.
2. **Setback:** Setback refers to how far a building is located from the street, the rear of the lot or from adjoining buildings. For purposes of compatibility, the most important setback consideration would be the front setback, or how far the building is from the street. The two most easily grasped examples of differing front setbacks would be those of a traditional commercial district and a traditional residential neighborhood. In most traditional commercial districts, buildings are constructed right up to the sidewalk, with no lawn or space separating them from the sidewalk. In many traditional neighborhoods, there is a lawn space in front of the house, separating the house from the sidewalk. These setbacks (front, side, and rear) can be small or somewhat sizable: however, they are typically consistent on a block or street.
3. **Rhythm:** As buildings form a line down a block or street, certain rhythms can be found. Sometimes it is in the way that the width of houses can repeat one after the other. Some rhythms can be seen in the “solid to void” ratio of window openings, doors, or in the spacing between the

buildings themselves. This rhythm is important in the overall feel of a district.

4. **Massing:** Massing means the form of a building, including the roofline, porch or porches, and overall profile and shape of the building. This massing can be blocky, slender, asymmetrical, symmetrical, vertical, or horizontal.
5. **Materials:** Many districts contain buildings constructed or clad in similar materials. Throughout New York State, the primary materials found include clapboard, stone masonry, brick masonry, concrete, and metal. Materials can be very specific to the historic use of an area; urban commercial and residential areas are typically masonry, while early streetcar suburbs can contain block after block of clapboarded houses. Some historic industrial areas across the state have more utilitarian and specialized materials, such as the concrete grain elevators in Buffalo, or the historic metal clad ship piers along the Hudson River in New York City.
6. **Features:** This simply means items such as cornices, storefronts, porches, or any other such thing is common to the district. The neighborhoods of Saratoga Springs adjacent to the historic racetrack are largely distinguished by their full-front single story porches, constructed to “take the breezes” and enjoy neighborhood life. In many historic commercial districts, projecting cornices along the building’s top were ubiquitous, as were smaller cornices above the storefront level.

What Do These Codes Mean for New Construction?

Using the items above to understand how historic buildings fit together to form a district is the start to understanding how a new building should fit in as well

- A new building should respect the **height** and **scale** of the majority of the existing historic buildings. A typical rule of thumb is for any new construction is that its height remains within 10-15% of those to either side of the site, and that floor heights not be radically different.
- A new building should follow the building **setbacks** typical to the district, and not “break” the setback by being significantly closer to or farther way from the sidewalk than the buildings within the district. If the buildings in the district have greatly varying setbacks, it would be best to choose a setback that finds a “middle ground” between the two buildings adjacent to the new building site.
- A new building should pick up on the **rhythm** of the district; in solid to void ratios, in door openings, and other defining characteristics. In cases where a new building will be wider than surrounding historic buildings, it may be possible to break it into components that mimic the rhythm of the other buildings along the street. This may require setbacks or “reveals” between the sections or changes in materials so that in a streetscape view, the new building continues rather than breaks the neighborhood rhythm
- The **massing** of a new building should respect that of the buildings within the district. This pertains to roofline, form, how the parts of the building “fit” together, and other features. If the surrounding historic buildings are blocky in massing (fairly square with flat roofs), the new building should follow that form. If the surrounding historic buildings have asymmetrical massing (such as found in many Queen Anne Style houses), or symmetrical massing (as found in many Colonial Revival buildings) the new building should pick up on that form.
- The **materials** of a new building within a historic district should reflect those of the surrounding buildings. In some cases, this can be interpreted to allow the use of modern materials that have the appearance of the traditional materials, such as cement-fiber clapboard in place of actual wooden clapboard. Where metal is the overall aesthetic, a modern coated metal can be utilized in part of the building to recall the surrounding structures.
- Where a district has character defining **features** that are part of the component buildings, this should be reflected in any new infill construction. If a historic residential

district has porches as one of the main unifying features of the buildings, a new building should also have a porch. In commercial districts with bold cornices, the new building should have a cornice or cornice type feature at the top of the street façade. This is where creativity and design can really have expression. Abstracting details or interpreting them in new materials or forms can go far in letting a new building fit in without being duplicative.

Potential Pitfalls

It is very important to understand that new buildings in historic districts should **not** fit in so well that the casual viewer is confused about the age of the new structure in context with the existing ones. There are cases where a new building actually copies other buildings in the district, and as such becomes entirely invisible as a new structure. Remember that many districts are made of structures built over a number of years or decades. In many cases the difference in construction date can be read by a change in style, material, or other aspects, sometimes subtle, sometimes striking. Just as the existing buildings in a district clearly represent the age in which they were built, the new building should represent its age and construction date, while fitting into the surrounds. Thinking back to the family wedding, no one could confuse the bride and her grandmother for each other, but everyone knew that they were related.

Remember, there is no one-size-fits-all solution to compatibility. A key concept is that guidelines for new construction should not be so much about preventing bad design or bad buildings as enabling and encouraging good new design. Additionally, please note that some districts may not fit into the “family” concept, and may consist of buildings that are widely varying in scale, height, materials, setback, etc. These districts may be bound together by historical association rather than any uniform developmental history. It would be a mistake to try and apply guidelines such as those above to these types of districts. It would be best to ensure that any new building represents the next phase of the district’s

developmental history than adhering to any one form or style.

What Next?

It is important for members of commission and boards to educate themselves on this issue. A great way to start is simply to go out and look at existing historic districts for the “codes” mentioned above. Each district may have different ways that the buildings relate to each other in all of the aspects noted above. It is important to assess the overall cohesive nature of the district. The degree of homogeneity or variety among the buildings will guide the degree to which a new building should relate to others along the streetscape.

One cure for the discomfort of working with abstract ideas is to hit the streets and look for concrete examples of new buildings that can be evaluated for how well they follow the historic district’s guidelines. In your own community or while visiting others, take pictures, annotate them with your observations and to begin to build a visual collection of districts and buildings. In doing so, you will learn more not only about compatible new construction, but more about your community and the various districts, buildings, and “codes” inherent in them.

**Excerpted from *The Local Landmarker*,
Issue 9, September 2008, a publication for
New York State Certified Local Governments**

RESTORING OUR APPRECIATION OF HISTORIC WOOD WINDOWS: MAKING A CASE FOR RESTORATION VERSUS REPLACEMENT

Kimberly Konrad Alvarez & John D. Alvarez II, AIA

The recent emphasis on cutting fuel costs and increasing energy efficiency in buildings has increased the threats to wood windows in historic buildings across the Northeast. Replacement window manufacturers advertise new units that claim to be “Energy Star” rated and *the* answer to the heat loss in “drafty” old buildings. When combined with concern over lead paint issues, the perceived energy costs savings are prompting more applications from property owners who claim that replacing historic windows is the only way to comply with modern energy conservation codes. As a result, preservation commissions are often placed in a difficult position.

Without having practical arguments for retention or restoration of these important character-defining elements and fearful of appearing capricious, commissions can feel pressured to rule to allow the removal of historic fabric. Fortunately, there is a strong case for preserving wood windows aside from the aesthetic argument:-- **window restoration has proven favorable over window replacement in terms of architectural integrity and aesthetics, energy efficiency, sustainability, durability and long term, material life span economics.**, despite the information conveyed by replacement window manufacturers.

Given the right tools, commissions across the state can do their part to preserve the character and craftsmanship of architecturally significant districts and educate the public about genuinely green approaches to energy efficiency.

ARCHITECTURAL INTEGRITY

Preservationists have long used the “aesthetic and integrity” argument when addressing the question of the appropriateness of replacing original windows. It can be very jarring to see an otherwise perfectly restored Greek Revival building with new, white vinyl windows with “snap-in” muntins or no muntins at all, where once existed elegant and finely proportioned six-over-six wood sash with mortise and tenon joinery. In this case the glass-to-frame ratio has been altered, the faceted nature of the

individual panes has been replaced with a single, reflective surface, and the proportions of the framing and joinery indicative of period building technology have been erased.

The valuable role that windows play in the architectural character of a building should not be underestimated. Windows are one of the few parts of a building which are integral to both the interior and exterior, and serve both a functional and decorative role. What other architectural feature has this much “responsibility”?

Structures built prior to 1930 incorporated architectural elements, including windows that celebrated a particular style and craft in a variety of wood species, shapes, cuts and finishes. The insertion of a plastic or aluminum window into a building 80 years or older, therefore, can look out of place and can negatively impact the architectural integrity of the building. Windows offer some of the most reliable clues to understanding the history and evolution of a building and, by extension, a street block or whole community.



Windows on the curb awaiting trash pick up
Kimberly Konrad Alvarez

ENERGY EFFICIENCY

The most common reason people replace old windows is the “promise” of improved energy efficiency. How could a preservation commission deny an owner this opportunity? Unfortunately for the property owner, the “facts” about energy savings from replacement

window companies are sometimes skewed, misinformed, or outright false. Window manufacturers universally boast about their windows' low U-values (the measure of the rate of heat loss through a material). The quoted U-values are misleading because they are usually given not for the entire window unit, but only for the value through the center of the glass (the location of the greatest heat loss). Not mentioned is the dramatic heat loss of their own windows where an imperfectly squared historic window opening does not allow a new replacement unit to be installed tight within the wall, U-values will be significantly higher (less efficient) owing to infiltration around and between the unit frame and the original window opening. What is most critical when evaluating the energy loss at a window or door opening in any building is the *infiltration* of outside air **rather** than the insulating factor or heat lost through the glass. **Air infiltration can account for as much as 50% of the total heat loss of a building.**

The replacement window industry insists that windows are the principal source of heat loss in a building, and frequently mislead the general public in claiming that installing energy-efficient or "Energy Star" windows is more important and will generate the greatest energy cost savings than insulating the attic, foundation, or walls. Rarely is the energy loss tested before and after windows are replaced so that property owners can see the extent of change or benefit in efficiency. In fact, actual energy conservation research and test data indicate that on average only 20%- 25% of heat loss occurs through doors and windows while the remaining 75-80% is lost through the roof, floors, walls and chimneys. Studies have shown that a double-glazed window may save \$3.00 a year per window in energy cost (this is \$30 per year for ten windows at 10 cent per KWH). When weighed against the cost of replacement windows and installation costs in this scenario, recovering the investment through energy savings can take 50-70 years. Since it is *extremely* rare to find a replacement window that is made to last 50-70 years, recouping that savings is nearly impossible in an owner's lifetime.

Unfortunately, there is a major lack of tangible energy conservation information for existing products, such as existing historic wood window assemblies or those that have been restored or upgraded. Today, consumers can find national

ratings for U-factors of building materials and products containing Energy Star labels, but it is important to note that these types of ratings have not been performed for older windows or upgrade products. Therefore, consumers have very little, if any, real data to help make comparisons for energy loss or savings between retaining existing windows and replacing them.

Historically, the best solution for better energy efficiency has been in stopping air infiltration by the installation of effective weatherstripping. Weatherstripping has been used on windows and doors for more than 80 years and is still the easiest and most economical way to keep old wood windows energy efficient and draft-proof. Storm windows are another traditional method for decreasing energy loss. Whether interior or exterior, storm windows create an insulating air space between the primary window and the storm. Storm windows can dramatically improve the U-values of old windows by reducing the heat lost through the surface of the glass.

Another idea to consider is retrofitting historic wood windows by substituting low-e glazing into existing single-pane storm windows. When used in combination with a storm sash, single-pane low-e glass can provide a level of combined energy savings equal to a standard new double-glazed unit. Using low-e coatings and reducing air infiltration is a very simple and cost-effective way to achieve the desired U-value of an entire window unit and avoids modifying visible glass/light, mullions, or sash weights. **Therefore, the energy efficiency of restored windows incorporating upgraded components, such as weatherstripping and tight-fitting storm windows with low-e coatings, can meet and even exceed the efficiency of replacement units.**

SUSTAINABILITY

Today, the new approach for a responsible way of life and for architecture as a profession is to incorporate **green** or **sustainable design**. For many, the road to "green" is by using new technology and materials that place the least amount of burden or waste on the environment and thus to reduce one's "carbon footprint."

However, since at least 1966 (the year the National Historic Preservation Act was passed), preservationists have been

practicing “green design.” Long before the trendy term was coined, historic preservation promoted the philosophy of reduce, reuse,



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Weather stripping advertisement, *Better Homes and Gardens*, September, 1926

and recycle. By repairing rather than replacing elements, historic preservation conserves existing materials and the associated “embodied energy” used to create the original structure and architectural features. A preservation minded project can use more materials produced locally or regionally, while common replacement practice requires the installation of mass-produced materials usually transported over long distances. The “retain and repair first” approach can also reduce the need for landfills. Thousands of old wood windows are

removed and sent to landfills each year, owing to misconceptions of the value of replacement windows. The wood sash that are most often removed are 75-100 years old with **normal** signs of deterioration. Constructed of old-growth hardwoods, many can be repaired and upgraded to meet modern requirements and give many more years of service.

Compare these windows to modern windows, which their manufacturers typically warranty for an average of 12-15 years. Now that may not mean that they will only last that long, but it is interesting that they do not warranty their products for anywhere near the lifespan of the older windows found in historic buildings. Key in this is that many replacement windows are constructed of lower-quality materials in a way that makes it impossible to simply repair individual elements, leading to the need to

purchase entire new window units if the replacement unit fails or breaks. Given their limited lifespan and the lack of potential for repair, even with limited energy savings, the evidence seems to contradict the claim that replacement windows satisfy the “green” or “sustainable” criteria over the long term. Instead, choosing to repair existing original materials recycles them in place, avoids needlessly filling our landfills with repairable building elements and results in an *effective* approach to sustainability that also supports the local economy. **Preservation holds the principles of sustainable design at the very center of its philosophy and practice.**

DURABILITY

As mentioned above, wood windows that are 75-100 years old are most often removed and discarded when they begin to exhibit **normal** signs of age such as broken sash cords, paint failure or build up, broken panes of glass, deteriorated glazing putty, loose joinery or minor deterioration of wood members. While each of these ailments can negatively impact a window’s operation, appearance, safety, and energy efficiency, the fact that the window is nearly a century old is actually a strong testament to the quality of its materials and craftsmanship. The windows of the 19th and early 20th century were designed and constructed to endure many decades and even centuries with a certain level of care and maintenance. In contrast, since the late 1940s, the business of fabricating windows has evolved from being craft-oriented to focusing on providing in-stock, pre-fabricated, low-priced products. At the same time, the labor force that once offered maintenance and repair services are now geared toward installing whole-window products. The imbalance often tips the scale toward the replacement option.

Windows pre-dating the 1940s are typically constructed of dense, old-growth woods which grew naturally over the decades, whereas, the majority of new wood replacement windows are constructed of light, porous, fast-grown (*i.e.*, farmed), soft woods that are most often the pine species. Because they are porous they are more susceptible to moisture migration and often do not hold paint well. The manufacturer’s solution to this problem is to offer an exterior cladding

material characterized as “maintenance-free.” Unfortunately, the cladding materials can trap any migrating moisture inside the wood and in moist environments can lead to substantial rot beneath the cladding--this is the primary reason for limited and short warranty terms.

Many people consider the introduction of the insulated glazing unit (IGU) or thermal pane to be a major advancement in the window industry. Most replacement windows offer a thermal or insulated glass unit wherein a vacuumed space is created by double-paned glass filled with argon gas and sealed with gaskets to maintain the vacuum and keep moisture out. Most insulated glass units also have a small amount of desiccant inside the glass space intended to absorb moisture for a limited time. However, as with most synthetic materials, the gaskets that seal these assemblies have a limited life and will deteriorate, allowing the argon gas to escape and air vapor to enter. Studies have found that most sealed gasket systems deteriorate within 25 years, which is why few replacement windows have warranty terms of more than 20 years and why it is not uncommon to find 15-20 year old double-paned windows with a fogged air space.

Old wood windows, on the other hand, are glazed with a system of glass, glazing clips and glazing putty. Glass is actually a fluid and, like the wood which holds it in place, will expand and contract according to climate conditions. Historically, glazing putty was linseed oil-based, and cured slowly over the years. The slow-curing glazing putty was intended to have some level of flexibility and was an excellent counterpart to the glass. Quality glazing putty has a lifespan of more than 50 years; however, after 50 years it may begin to crack, become brittle and separate from the glass or it may become extremely hard with very little flexibility. As with most components of a wood window, glazing putty is intended to be renewable; replacement with new putty required little expense, effort and impact to the original window. If a pane of glass in an old window breaks, it, too, is designed to be easily and inexpensively replaced. If a pane of glass in a replacement window breaks, a whole new window sash is necessary, requiring the costly services of a contractor.

Typical replacement windows involve a spring balance mechanism which relies on friction and the strength of the user to operate them. In contrast, most windows constructed before 1930 use a weight and pulley system with either cotton sash cords or chains. The pulley system is based on equilibrium, with cords or chains balanced on either side with a counterweight in the pocket matching the weight of the sash. If weighted correctly, even a large window requires very minimal strength to lift or lower. Replacement windows typically experience failure when a spring balance wears out. A counterweighted window fails when the sash cord or chain breaks or the pulley jams. Spring balances cannot be fixed and must be entirely replaced, whereas, broken sash cords can be fixed for the cost of the cotton sash cord and, usually, less than a half hour of labor time for most do-it-yourselfers or a handyman. Once a historic wood window is repaired or fully restored it will not need major work for many years, aside from typical maintenance such as an occasional cleaning of the glass, a quick spray of lubricant in the pulleys to keep them turning smoothly, and a touch up to keep the painted surfaces intact.

ECONOMICS

The discussion of durability naturally leads to the topic of how economics or cost plays a large role in planning any window project. Typically, projects are evaluated for their upfront and immediate costs. However, when a historic building is involved it is important to consider long term impacts and a look at comparative *life-cycle costs*.

The cost of a typical replacement window can range from **\$200-\$1500** per window, depending on the size and material (vinyl, aluminum or wood frame), and always involves the removal of the existing wood sash and the installation of a new sash unit into the existing wood frame. The old weight and pulley system is discarded or abandoned in place (behind the new unit frame) and replaced with an operation system that relies on friction and the user's strength. It is not uncommon for any rotted wood to be simply covered over with new vinyl or aluminum cladding, rather than repaired since this would be an additional cost. In general, the installation crew prefers to be in and out in the shortest amount of time. Most of the cost of replacement

windows is the price of the new product itself and not the minimal labor for installation. It can naturally be assumed that the lower the product cost, the lower the quality of the replacement unit because the labor is typically the same. In comparing replacement costs to repair and/or restoration of an existing old wood window it is important to understand that there is no straightforward **formula for the repair approach because the conditions and the extent of deterioration will vary from window to window.**

If there is only minor deterioration or a malfunction that requires select repairs, such as strengthening loose joinery, minor reglazing, replacing broken glass or sash cords, the cost can range from \$50-\$500 per window (based on 1-10 hours of labor). If the window requires complete restoration, the cost can range from \$500-\$1000 per window for residential double-hung windows or \$1000-\$5000 per window for large institutional windows or complex and highly decorative windows. The difference here is that the repair and restoration costs include direct labor at standard craftsman rates in addition to materials, overhead and profits. Rehabilitation or restoration and repair costs are for skilled craftsman labor, rather than for the actual product since all of the materials involved are relatively inexpensive. Every dollar that is spent on a repair or restoration job is invested in the local economy compared to dollars paid to a manufacturer of the replacement window products, which is not necessarily a local business.

The above example relates to the initial outlay of funds, however, this is not the only aspect of cost that is important to consider in the planning of a project. Life-cycle costs are equally if not more important, especially if one is concerned about sustainability and being environmentally responsible. *Life-cycle cost* comparisons usually come out in favor of preservation even when values such as the architectural character of the original window and the inherent quality of material and craftsmanship are *not* accounted for. Moreover, maintenance versus replacement costs further support preservation when fit into the equation. When figuring life cycle costs, the lifespan of older wood windows is an important consideration. Typically these windows have proven to have endured between five decades and more than a century. The lifespan of vinyl, aluminum or modern clad/wood replacement

windows, on the other hand, is in some cases still unknown, but given manufacturer's warranties, does not seem to be in the same time frame. With replacement windows, it is generally the lifting and lowering mechanisms that wear out in about 15-20 years, followed shortly thereafter with the deterioration of the insulated glass unit and the cladding material. All or one of these failures can require replacement of the "replacement" unit.



The same window before and after restoration; *Courtesy of Steve Swiat, Northwood Restoration, Buffalo*

Another aspect in which the economic argument often favors the restoration approach is with respect to the whole building view. Often when a property owner embarks on a window replacement project it is because a handful of original windows require some level of repair. It is rare that all windows will need full restoration or extensive repairs. It is typically the elevation most exposed to weather that has the most window deterioration; other, more sheltered elevations can be surprising in how well they have preserved original building materials such as windows.

The first step for any property owner should be an assessment evaluating the condition of each window and prioritizing the order in which repairs are undertaken. Certainly, such an approach will result in a more lengthy process of overall window repair compared to wholesale replacement, however, it is a more economical approach. For example, let's say there are 20 windows in a particular house, five per elevation. If the south elevation is exhibiting the most deterioration likely due to the exposure, it is rare that a replacement window contractor would replace only those windows in disrepair, but rather would make a case for replacing all the building's windows, so they all look alike. If each window costs \$500, that is a \$10,000 project, whereas if only the deteriorated windows were restored at \$500 each or even at \$1,000 each the restoration approach would cost a quarter to a half that of the full replacement, and would last 3-5 times longer.

Lastly, if the reason driving the need for replacement windows is to eliminate lead paint hazards, it should be acknowledged that whether the windows are replaced or restored the most hazardous work involves the removal of the old wood sash. Therefore, removal for replacement is no safer than removal for restoration. The difference in approach occurs after the sash is removed. In the replacement approach, the old sash is disposed of in a landfill, and the original painted frames and jambs are covered over with vinyl or aluminum. The lead paint remains in place underneath. In the restoration approach, the old sash are fully stripped of the paint and glazing and then reprimed, reglazed and repainted to meet modern standards. On the window frame itself, the areas most affected by friction are the jambs. These are usually tested for the presence of lead and either stripped and repainted or repainted encasing any traces of lead-based paint. In the latter approach, the lead paint on the windows has been abated in the approved method, making the area safe from that point on.

GUIDING THE DESIRED OUTCOME

Perhaps the most difficult part of a commission's work will be education about this issue. Overall, there needs to be a shift on the general public's appreciation for durable, sustainable materials and quality craftsmanship. Such an outlook does not need to be a thing of the past, but rather it can be the direction in which we move in the future.

Preservation of old wood windows can be a difficult case to make when most owners of historic property are continuously barraged by relentless marketing campaigns and higher energy bills. Armed with basic window facts and with a little counter marketing, local preservation commissions can help property owners weigh their options more thoroughly and make the right decision for the integrity of their historic home, for the environment and for their wallet.

For further information, note that there are a number of articles placed on the CLG Yahoo Listserv website:

<http://groups.yahoo.com/group/NYSCLGS>. Other resources are noted below. You may have to search for the title of a document if websites have changed.

National Park Service:

The Repair of Historic Wooden Windows, National Park Service Preservation Brief #9

at www.cr.nps.gov/buildings.htm

Secretary of Interior's Standards for Rehabilitation.

www.cr.nps.gov/local-law/arch_stnds_0.htm

National Trust for Historic Preservation:

www.preservationnation.org/issues/sustainability/

"Window Know-How: A Guide to Going Green" at

www.preservationnation.org/magazine/2009/march-april/ma09window.html

"Historic Wood Windows Tip Sheet"

www.preservationnation.org/issues/weatherization/windows/

Repairing Old and Historic Windows, New York Landmarks Conservancy, 1992;

www.nylandmarks.org

"Restoring Window Sashes," *Fine Homebuilding*, David Gibney, Feb/March 2004, pp. 84-89.

"Top Myths About Replacement Windows,"

James Crouch, *Preservation in Print*, December/January 2009, Pg 10. www.prcno.org

"What Replacement Windows Can't Replace: The Real Cost of Removing Historic

Windows," Walter Sedovic & Jill Gotthelf, *Association for Preservation Technology*

(APT) Bulletin, 36:4, 2005, or see

www.apti.org/publications/Past-Bulletin-Articles/Sedovic-36-4.pdf

See these websites:

www.historichomeworks.com

www.windowrepair.com

Old House Journal website:

www.oldhousejournal.com/index.shtml

www.oldhousejournal.com/strips_and_storms_windows/magazine/1099

www.oldhousejournal.com/Sash_Window_Clinic/magazine/1078

www.oldhousejournal.com/embracing_energy/magazine/1453

Rehab Rochester section of the Landmark Society of Western New York's website:

www.landmarksociety.org



Window repair workshop at the SHPO's Peebles Island headquarters in Waterford, NY

WINDOW PROJECT REVIEW GUIDE

These questions can help commission and board members lead property owners to the right window project.

ARCHITECTURAL INTEGRITY & AESTHETICS

- What role do your windows play in the architectural significance of your historic building?
- How do the replacement windows match the original construction method and appearance? (i.e. mortised & tenon joinery), wood species, quality and cut, wood member proportions (stiles, rails, muntins), overall dimensions and profiles and, most importantly, the frame to glass ratio?

ENERGY EFFICIENCY

- What are the U-values for the entire window unit, not just the value through the center of the glass? In addition to the window manufacturer's stated U-values for the window units, what is the air infiltration rating, if any?
- Has the extent of air infiltration been tested for the existing windows (use of a blower door test)?
- Has energy loss been investigated and corrected at the roof, chimneys, foundations, and walls first?
- Do existing windows have appropriately installed or repaired caulking, weatherstripping and/or storm windows?
- What is the projected annual energy cost savings for the new windows? How many years of this savings will it take to recover the cost of the replacement windows and installation?

SUSTAINABILITY

- What are the property owner's plans for the removed original sash? (Rather than being sent to a landfill, should they remain in the attic or basement so they can be reinstalled in the future if desired?)
- Have the property owners explored the option of repair by a local craftsman?
- How long does the property owner expect these new windows to last? What is the warranty term? (many do not read the fine print.)

DURABILITY:

- What is the overall extent of deterioration or need for the replacement?
- Do all windows need repair or only some windows?

ECONOMICS:

- Encourage property owners to solicit repair/restoration quotes with estimated years of service (based on age of original windows)
- Encourage property owners to calculate the life-cycle cost comparisons of restoration of those windows that need attention only versus the cost of replacing all windows.

WHEN IS WINDOW REPLACEMENT OKAY?

There may actually be a time when the case for the replacement of existing windows can be made. Buildings that have been abandoned for many years can suffer severe deterioration of materials, including window units. Windows can be heavily damaged by impact from trees, or partly damaged in a time-honored way, by baseballs or rocks. Also, not all older windows are created equal, so some materials can honestly have a shorter life span than others from the same time period. Additionally, in some buildings, particularly in tightly spaced urban lots, windows on side or rear elevations may not significantly add to the architectural character of a building, or may originally have been inexpensive units (also, many local laws do not allow the commission to review work not in the public right of way, making these units outside the purview of a commission). Also on rear and side elevations in urban lots, a major rehabilitation may trigger modern codes that prevent the use of combustible (wooden) window materials at lot lines. In these cases, it is important to ask the following questions:

- Are a majority of the window units truly at the end of their life?
- Does the building still have integrity of window design? (does a majority of character defining windows remain in place and repairable?)
- Were the windows being proposed for replacement originally good quality units that can actually be repaired?
- What significance do the window units have to the building's overall architectural style or history? (They need not be "fancy" or stained glass units to do this – more simple divided light sash can be important as well)
- What modern constraints are being placed on the project?

Asking these questions, you then move forward carefully, as you may be impacting a building's appearance and performance in the future. If replacement is determined to be the appropriate approach, then the materials and appearance of the new units will be crucial to the success of the project. Overall, it is important to understand that the choice of material can dictate the appearance as well.

Vinyl, for the most part, should never be considered for replacement units at designated structures. Their construction in no way meets the appearance of historic windows. Typically, vinyl units have rails and stiles the same width, whereas most historic windows have wider bottom rails (the horizontal member at the bottom of the sash), and narrower stiles (the members at the sides of the window). These proportions are important to the character of a window, and should be kept. Also, vinyl is a material that can flex during movement, potentially breaking seals that are supposed to make them energy efficient, and have been known to sag or rack, also lessening their effectiveness.

When codes dictate that wooden windows cannot be used, one approach has been to use metal windows matching the original in as many details as possible in regard to proportion and configuration. However, this is an approach to be used only in these inflexible situations, and in non-character defining locations.

When windows are truly deteriorated beyond repair, new windows should be approved that match the historic units in proportion, configuration (number of panes in each sash), operation (double hung or casement), and other character-defining details. The highest and best replacement would be a new, true divided light, painted wooden unit. However, as can be inferred from the previous article, newer wooden units may not be a good option given the potentially short life of modern plantation grown wood. While there are some units on the market that use sustainably grown mahogany or Spanish cedar as their materials, their costs can sometimes be out of reach for homeowners if they choose to replace all windows, which as noted in the Alvarez's article in most cases is not necessary. In these cases, it may be appropriate to encourage phasing of the high quality wood replacements or as an alternative; approve aluminum-clad wooden replacement windows that fill the window opening without the use of fillers or spacers; that the new window be placed in the same plane as the original window (neither deeper or shallower in relation to the wall); and that it match the original in operation and division of panes.

It is in the detail of window panes that a replacement window project can utterly fail. Historic multi-pane windows typically have true divided lights, meaning that each pane is a separate piece of glass separated by a muntin (the muntin is the bar of wood or other material that creates the space for the panes and which the putty, or “glazing” compound is placed against). Many modern windows use a single sheet of glass, and for muntins use a variety of tricks. The cheapest and least appropriate muntin is a “snap-in” one, literally “snapped” into place from the interior of the window. This type of muntin does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and has been known to fall out, be taken out or be broken, thus resulting in an inappropriate 1/1 appearance. Another approach is the use of a fake muntin sandwiched between the double panes of an insulating glass unit. As with the “snap-in” muntin, this type does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and when seen from certain angles, completely disappears. Other muntins are applied only on the exterior. This type of window attempts to have the appropriate exterior relief desired in a replacement project, but does not go far enough in providing the full character that a historic true divided light window had in the same opening.

In the case of an appropriate replacement window, the highest and best window is one that has true divided lights, with each pane being a separate piece of glass. However, given that new units will likely have insulating glass, an acceptable treatment can be achieved by using a replacement window that has exterior and interior muntins, and interior “spacers” between the glasses, in line with the

muntins. Manufacturers are beginning to make these units with spacers matching the color of the sash and muntins, providing for a look that is not an exact match, but is closer to the appearance of the original window.

There are countless replacement window manufacturers claiming to have products appropriate for use in historic buildings. In addition to the highest and best options listed above, a replacement window inserted into a historic building should offer a warranty or performance and durability guarantee of at least 25 years. This will insure that the commission will not be faced with a repeat request in a matter of years and will help the property owner weed out the lower quality products.

It is best not to wait until a window replacement project is before you to do your homework. It is advisable to take the following steps BEFORE you have to learn on the job.

Maintain a list of experienced contractors who can do window repair.

Maintain a list of historic house part “salvager businesses” who can accept donations of historic windows, or open your own!

Work with municipal officials, staff, and or local banks to develop grant programs for window repair and restoration and/or replacement in kind.

Knowing when it is time to allow an appropriate replacement window is an important part of being on a commission. It can also show a homeowner that you do understand the realities of existing and new materials, and can help you serve as a resource to help a property owner do the right thing to maintain the integrity, architectural worth, and economic value of their building.

Excerpted from *The Local Landmarker*, Issue 11, March 2009, a publication for New York State Certified Local Governments

USING SUBSTITUTE MATERIALS AT HISTORIC BUILDINGS

“Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.”

The Secretary of the Interior’s Standards for Rehabilitation, #6.



A Victorian-era front porch in the Village of Orchard Park, Erie County, is a fine example of how historic features add to the character of a building and also the streetscape. Decorative elements are everywhere on the porch, from just under the porch roof to under the porch floor. Since porches are exposed to the elements, they need constant maintenance and repair. If any of the materials here were deteriorated and needed replacement, the question then is how and with what?

the intent here. The goal is to retain the historic feature, not only a small portion of it; that would be extremely close to wholesale material replacement.

So, for discussion, assume that everyone has agreed that replacement is warranted for a contributing historic feature, in this case a pair of elaborately turned and/or built-up porch columns supporting a one-bay porch at the front of a contributing house in an historic district. Maybe a tree fell on the porch and crushed the columns beyond repair; maybe they suffered from years of deferred maintenance and have severe material deterioration. In any case, in this scenario it is not possible to repair them while retaining a majority of their physical integrity. What would Standard #6 guide you to do? Looking back the language of the Standard’s second sentence, you should require the new feature to match the historic in “*design, color, texture, and other visual qualities and, where possible, materials.*” If the sentence is parsed out, first

Standard #6 of the Secretary’s Standards seems pretty straightforward at first read. One could say that it is a “linchpin” for all the other standards, since the retention and appropriate treatment of historic features is what every Standard essentially guides when applied to a project. The first sentence is clear, calling for the repair of deteriorated features as a first approach, thereby keeping historic materials, design, and character intact. However, the second sentence acknowledges that there may be times when historic materials and features are beyond repair, and must be replaced; however, it sets this test high. “*Where the severity of deterioration...*” is the test here, requiring that replacement cannot be based upon anything other than a determination that the material or feature is “severely” deteriorated, and cannot be repaired. However, what does “severe” deterioration leading to an inability to repair mean in this context?

The wide range of building materials and what can happen to them over a period of years, decades or even centuries can make it difficult to establish a hard and fast definition of severe deterioration that all can agree upon. After all, based on experience, expertise, methods at hand, and even attitude, one person can see a material or feature as totally “gone” while another may consider it still a candidate for repair regardless of condition. How I like to approach the concept is to consider the condition of the feature and the possibility that it can be made whole and serviceable again while retaining a large majority of its original “fabric”. It may be possible to “repair” a porch column using “dutchmen” (small wooden patches), large scale material replacement, and/or epoxy consolidation and have the end result be 20 percent original and 80 percent new, but that is not

is **design**, ensuring that the form and details of the old and new part match. Then there is **color**, important for materials such as stone and brick, but maybe not as important in the case of a feature that is traditionally painted, as it can be whatever color you want it to be; the original probably changed colors several times in its existence. **Texture** is next, meaning that the overall appearance and “feel” of the new matches the historic. “**Other visual qualities**” is as it seems, essentially a catch-all for everything else that the other criteria might not address. And there is the last part, “**where possible, materials.**” Where possible? That is a somewhat interesting choice of words. It would seem to open the door for substitute materials, and there it is, right in the Secretary’s Standards! If your Board or Commission uses the Standards verbatim (through adoption of rules and regulations) this is a statement you must certainly deal with. Even if the commission doesn’t use the Standards exactly, but uses the review criteria in the New York State Model Law, or the commission has adopted its own set of guidelines tailored for the community, I can state that you are probably using a document based in the Secretary’s Standards for Rehabilitation. So, what does it mean for you in your decision making role as a Commissioner, given the “open door” for substitute materials provided in Standard #6? The question is exacerbated by the plethora of new building materials that have come on the market over the past 10-15 years billing themselves as replacements for traditional building materials.

To begin to understand the intent of the phrase and how it is interpreted by the National Park Service (which developed the Standards and governs their application) we can look in two locations. First, in 1988 the Technical Preservation Services Unit of the National Park Service published Preservation Brief 16, “The Use of Substitute Materials on Historic Building Exteriors”. The publication starts with an historical overview, making the case that the use of “substitute” materials, mainly the use of cheaper or more readily available materials to imitate rarer or more costly ones, has a long history in the United States. Such “imitation” materials were usually mass produced and widely used at the exterior of buildings throughout the 19th and into the 20th centuries. In most cases these were not used to repair deteriorated materials at existing buildings, but in new construction for their lower cost and speed of installation while providing a “traditional” appearance. Take a look at your own historic districts and you will find cast iron, terra cotta, stucco, even sand-painted wood “standing in” for stone at window lintels, quoins, columns, even entire facades. You can also find stamped metal shingles used to imitate clay roof tiles, sheet metal stamped to look like brick, or formed and built-up metal cornices and balustrades used to imitate ones “traditionally” built of wood or carved stone.

What is different about the use of substitute materials historically and their proposed use as part of a Certificate of Appropriateness application is that the work of a Preservation Commission is usually less about reviewing and approving the use of “imitation” materials for new construction (but this can happen), but more about reviewing and approving them for the repair and replacement of missing or damaged features on existing historic buildings. To guide this situation, Preservation Brief 16 introduces four major issues as possible reasons to consider the use of substitute materials:

1. The unavailability of the historic materials
2. The unavailability of historic craft techniques and/or lack of skilled artisans
3. Poor/substandard original building materials that should not be replaced in kind
4. Modern code requirements not permitting the use of the historic materials

The publication has many good points to make about the use of substitute materials, and has an excellent “run-down” of several types of materials, with pros and cons of each (You can find the link to the Preservation Brief series on the “Further Reading” page in this issue). As I noted earlier however, having been written in 1988 and not updated since then, this Brief does not begin to address the myriad of substitute materials that have come on the market in the last 20+ years.

In addition to being published over two decades ago, Brief 16 was also written before a comprehensive revision of the Secretary’s Standards was undertaken in 1992. This revision changed several parts of all ten Standards, and in #6 it changed what had read before as “*the new material should match the material being replaced in composition, design, color, texture, and other visual properties*” to the version we have today: ***the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.*** The 1992 addition of “where possible” opened the door to the use of

substitute materials, a change that at the time was a bit controversial, and caused a great deal of conversation throughout the preservation community.

As I understand it (and I was involved in reviewing the 1992 revisions) the changes to the Standards were undertaken as a response to some interpretations (some of them by local preservation boards) being a bit too literal. In some cases property owners were being required to exactly match wood species for clapboards, have missing iron pieces traditionally cast, or damaged or missing stone ornament hand carved. Some of these requirements put many building owners and applicants before preservation boards and commissions in an impossible situation, leaving them unable to undertake an exact replacement owing to labor and material cost, material unavailability, or the fact that no one within a reasonable distance knew how to undertake the work. These were, and continue to be circumstances beyond their control. The change in Standard #6 was specifically made to recognize that requiring the material to exactly match the historic was not always possible or appropriate, and to give some needed flexibility within bounds.

To help you better understand the four points noted above, here are some actual projects where they have been applicable.

The unavailability of the historic materials

During the rehabilitation of the landmark Metropolitan Life Insurance tower in New York City, the project was subject to review by the New York City Landmarks Preservation Commission, so a Certificate of Appropriateness application was filed. The majority of the tower was originally clad in a type of stone known as "Tuckahoe marble". This stone is chemically and visually quite different from what most people typically think of as marble quarried throughout the world, and is found only in and around Westchester County, north of New York City. The "classic" appearance of the stone, its durability, and its ready availability to New York City made it a popular material for many buildings in the area during the 19th and early 20th centuries. When more the decorative and varied Vermont marble became cost competitive and more easily available with industrial quarrying and improved transportation, the Tuckahoe quarries in Westchester County were closed. Today there are no active quarries for the stone, and the historic ones have been overrun by 20th century suburban development. The Metropolitan Life needed new Tuckahoe marble to make façade repairs where impact damage and spalling had taken place, but there was no ready source for the material. After much discussion about the options available to the project given that the original stone was no longer available, a cast stone, in essence a synthetic stone composed to look like Tuckahoe marble was proposed. Incredibly, the project's material conservators were able to find a boulder of Tuckahoe marble behind a gas station in Westchester County, and used this source to provide stone for repairs. While this project had a happy ending through luck (and the very deep pockets of the owners who spared no expense in locating a source), there are materials such as Tuckahoe marble that are simply not available, difficult to find, or prohibitively expensive to acquire for the average property owner. If such a situation were to arise in a local project, would it be reasonable to require an applicant to search as high and low as the Met Life team? Or would your commission agree that the material was simply unavailable in an acceptable time frame and/or cost and move towards the next step, finding an acceptable substitute?

A situation closer to what you may see, also dealing with material availability in a more subtle way occurred in the Village of Roxbury in the Catskills. A homeowner reached out to me about the wooden skirt around the character defining porch at their historic house (ca. 1875). Due to constant exposure to the elements the original skirt had deteriorated beyond repair, requiring replacement. The skirt was not highly decorative in that it was not cut and/or pierced in a pattern, but its presence along the base of the porch was part of the character of the porch and that of the house. The owner went to the lumber yard, purchased new wood (which he was assured was high quality), painted it and installed it appropriately as a new skirt. Winters in Roxbury are long, and snow can sit against a porch well into spring in the Catskills. The owner found that compared to the original materials that had lasted for 100+ years before giving up, the new wood was showing signs of distress in a few years. Several replacements later, the owner was frustrated and called the SHPO for help. I discussed the situation with him, and after asking several questions about the type of wood he had been using, the location, installation, etc., we both came to the

conclusion that the wood (and paint) readily available to him was simply not up to the task. The owner was up against the fact that most wood in lumber yards today are fast growing “plantation” varieties, genetically engineered for rapid maturation and harvest. These woods are quite different than the “old growth” wood used in many pre 1940 buildings in the United States and in most cases do not perform as well as the older wood, particularly in high exposure locations. Simply put, a wood that could perform as needed in the location was not readily available. The owner could have ordered a “exotic’ species at a much higher cost, but again, there was no guarantee that its performance would be any different than the other wood. Under the first of the four replacement guidelines, a substitute material was an appropriate replacement, closely following the language of Standard #6 as to the appearance of the material compared to the historic. In this case, a closed-cell material having the appearance of wood was purchased and installed in place of the original wooden materials, preserving the porch’s appearance and providing an appropriate and long-lasting replacement.

The use of substitute materials in place of wooden elements will be an ongoing issue, as we have to accept that not all wood is created equal and that modern wood supplies may not have the same performance as that from old growth forests. Also, modern materials such as urethanes and other cast wood substitutes are being made in classical forms and profiles, and in some cases may be an appropriate and acceptable replacement for wooden elements that have reached the end of their life span. I have seen some porch columns that fooled my eye and my hand until I asked about their material. One such project was at a porch at an historic building at Langley Air Force Base. Langley is located on the Chesapeake Bay, where wind driven rain and moisture is always an issue. The building, the oldest on base, sat directly on the bay shore and the original porch columns had severely deteriorated after several years of valiant but failing repair efforts. The project team had decided that the extremely wet location would probably cause any new wooden columns to fail in a relatively short period of time, and chose the new columns, matching the historic in scale and detail, but having them cast in a synthetic resin.

A material that was historically crucial to the protection of wooden building materials and not available anymore is lead-based paint. While the deleterious health effects of lead-based paint are now widely known and it is accepted that it is not a safe building material, it did provide an excellent coating for exterior wooden features and materials. Flexible yet strong, resistant to mildew and mold, and extremely long lasting, in combination with old-growth wood it virtually armored exterior materials against the weather. The fact that it can no longer be used in paint formulation has left paint manufacturers scrambling to find an exterior coating that can perform as well; so far none has yet been deemed up to the job. You may wish to take this into consideration when reviewing proposals for replacement materials at highly exposed locations such as the porch noted above, and be open to the use of materials that will avoid creating a rapid replacement cycle for the homeowner. However, this is not a one-size-fits all answer. Each project must be examined for material condition, location, and the available options.

The unavailability of historic craft techniques and/or lack of skilled artisans

As noted above Preservation Brief #16 was written in 1988, and time has made a difference in the availability of historic craft techniques, but not necessarily in the direction you might think, When Brief 16 was first published, many building crafts were passing away rapidly or already lost. The popularity and general “mainstreaming” of historic preservation in the past 22 years has done much to revive some building crafts by creating a need for craftsmen and a general interest in building crafts. During this period excellent “traditional” building crafts training centers such as the National Center for Preservation Technology and Training in Natchitoches, LA, Don Carpentier’s Eastfield Village in Nassau, NY, and the North Bennet Street School in Boston, MA, were either established or grew. National conferences and trade shows such as the Traditional Building Exhibition and Conference, and national publications like Clem Labine’s Traditional Building magazine have created a market and provided visibility for craftsmen and purveyors of traditional building materials. Even with the rise in craft visibility, a local, small scale project may still run into problems finding a craftsman or artisan who is nearby and affordable.

Many historic buildings have materials that while still available in their “raw” form, might not have craftsman readily available to work them into the necessary form. Take the example of porch columns in the section above and the porch supports mentioned in the earlier part of the article. While it may be

possible to undertake simple patching of rotten areas at the base of a column, one that has been destroyed or severely deteriorated is not such an open and shut case. In the case of round porch columns, it may be difficult to find a craftsman familiar with constructing a new one in the traditional way, using staves (think of building a barrel with individual pieces of wood held together in a circle). In that situation, and with the potential problems of plantation grown wood, the best and most readily available solution could be to find a supplier of a cast, synthetic column in the appropriate style and size, matching the historic in “design, color, texture and other visual qualities”, the first four criteria in Standard #6.

Carved stone elements at buildings can be subject to deterioration from weather, or in a worst case scenario, breakage from impacts or inappropriate treatments such as sandblasting. During “slipcovering”, a fashionable façade treatment in the 1950’s and 1960’s where the entire façade was covered by metal or plastic panels, projecting stone or terra cotta decorative features were sometime cut or hammered flat so that the new façade could fit flush over the building. I have reviewed projects where the covering is removed as part of a rehabilitation project and the impacts (literally) of the workman that installed it is extremely evident. If your commission was faced with this situation, and such damaged features were exposed and hopefully proposed for repair, would your commission require stone for stone or terra cotta for terra cotta replacement if a lower cost, more readily sourced and appropriately appearing material was available?

Most communities have at least one building clad or ornamented with terra cotta. Literally “baked earth”, terra cotta is a very durable material and its use was highest in the late 19th and early part of the 20th century. Terra cotta can deteriorate for several reasons, including spalling of the exterior finish from poor original glaze application and firing, or breaking from the rusting and expansion of the original steel “hangers” within the unit. Terra cotta units were typically “hung” from the building by a metal armature. If water infiltrates into the wall, the hanger can rust, and the expansion of the rusting metal can create pressures inside the unit, causing it to shatter or crack.

Finding a person who can adequately cut and carve stone, or more difficult, finding a company to make a single unit of terra cotta can lead a property owner into a frustrating and dead end search. What can be more readily possible and has been gained a wide acceptance in the preservation community is making a latex or other material mold of the piece (if the original is too damaged, using an intact example elsewhere on the building, or having a model made), and then recasting it in a lightweight yet durable material. Cast stone has been used, as has fiberglass. Whatever material is chosen, key in making this a successful substitute is finding a material that has a similar finished appearance as the original, or using a material that can accept a durable exterior finish matching the original.

Poor/substandard original building materials that should not be replaced in kind

The third issue: the use of poor or substandard original building material(s). Not everything old is “better” than new, and people made mistakes as much “then” as they do now. Also, some materials simply did not perform as expected, or were simply the “best” that was available at the time, but not the best for the job.

An exterior rehabilitation project at the National Historic Landmark designated Troy Saving Bank Music Hall in Troy, NY (ca. 1870-75) included a full refurbishment of the highly visible and character defining “bell cast” red slate roof. A prominent decorative feature of the roof was a large scaled iron cresting that was visibly suffering from breakage and deterioration after 125+ years of wind, ice, water and general exposure. While it had some areas of loss, a majority of the original iron was still extant. The initial proposal was to remove the cresting, repair it and reinstall it, which would have been the most logical course following the Secretary’s Standards. After the cresting’s removal, it was examined and found to be made of an iron with an extremely high carbon content; this high carbon content made it extremely brittle and prone to deterioration and failure. Most importantly for the project, it prevented the iron from being welded or brazed. The iron was simply too fragile, and the high heat required for the work could actually destroy the materials rather than joining them. The decision was made to replicate the entire cresting by casting it in a modern metal lightweight metal, using the historic as a model, exactly replicating the details of the original cresting. From the ground, the appearance of the new material is exactly as the historic, and it is expected that it will have a longer life span than the original.

Another, much more modern example of original materials being found inadequate for reuse was at Lever House, a National Register listed icon of modern design on Madison Avenue in New York City (1951-52). The building was radical for its time, one of the first glass “curtain-wall” skyscrapers in the United State. It rose along the traditionally stone and classically detailed Madison Avenue streetscape in the first years of the 1950s, making a bold statement about the future of architecture. Its sleek glass walls were sealed against the dirt of New York City, using “high-tech” sealants and gaskets designed to last indefinitely. Unfortunately, the technology required for the design was fairly new and experimental, and “indefinitely” proved to be about 45 years. By 1990, the building was leaking water to the interior and heat and air conditioning to the exterior. Water infiltration was so bad that interior steel supports were rusting away and sections of the glass skin were actually falling off. During an extensive rehabilitation, the exterior materials were removed and rebuilt using systems and materials that would perform better than the original, given what has been learned about glass curtain walls since 1952. The appearance of the new exterior is extremely close to the original, but did not replicate each detail as originally built; to do so would have been inviting a new cycle of infiltration and deterioration. The main thought in any situation like this is “don’t repeat the mistakes of the past”.

The historic Thirty Mile Point lighthouse and keeper’s house at Golden Hill State Park, along Lake Ontario in Barker, NY (ca, 1875) is a popular local landmark and overnight lodging facility. The combined lighthouse and keeper’s house has an extremely complex roof form, as the light tower rises through the roof of the house, creating a number of intersecting ridges and valleys. There has been a tendency for serious roof leaks in one area of the house, causing interior material damage, and no amount of repair has been able to slow it down for very long. An inspection of the roof found that the intersection of the tower and the lower roof over the residence creates an area where several roof valleys drain into one location that is fairly flat. The design relied on the roofing material to perform flawlessly, which being simple sheet metal with seams and joints in a very windy and wet location was very optimistic. When a roofing project is designed for this building, it will be unlikely that the troublesome part of the roof will be repaired or replaced in-kind. Rather, the region (working with agency historic preservation staff to prevent any treatment that will change the overall character of the lighthouse) will most likely redesign the intersection(s) to alleviate the problem, using more modern roofing materials in the location to better seal the interior from leaks. While roofing materials and forms can be highly character defining, it is important to ascertain during a project development if some aspect of the roof or another building part is actually causing problems due to flawed design or installation, or if materials are being expected to perform beyond their capability.

It may at times be appropriate to go in a direction that does not exactly replicate material, installation, or some problematic aspects of design. However, the language of Standard #6 must be adhered to: color, design, texture, and other visual qualities. The cresting at the Troy Music Hall replicates the appearance of the original in a material that performs better for the location. The skin of Lever House was reinstalled addressing original design and materials flaws while preserving its appearance, and the Thirty Mile Lighthouse roof will be reworked to shed water more successfully while not radically altering its appearance. The common thread in all these projects is that the historic character of the building was or will be retained during the necessary work.

Modern code requirements not permitting the use of the historic materials

Code requirements for building materials have been around for some time and have influenced the choice of materials more than you might expect. Some of the earliest dealt with fire prevention, requiring buildings in urban areas to be constructed of brick rather than wood. When sheet metal roofs became readily available, some cities required wooden shingles to be replaced with metal roofing. These requirements were reactions to devastating fires that periodically wiped out entire urban cores, fed by the abundance of fuel in the form of dry wooden clapboards and shingles.

Building codes continue to impact building materials and therefore building appearances today, both at new construction and historic buildings. Under building code an existing condition can remain, unless a proposed project “trips” the code requirements, typically done when a project is large enough to be considered equivalent to new construction. This threshold is usually determined by cost of the work, but a

change in the building's use can also trigger code application, as the new use may have a higher "threat" level in terms of life safety (think of a house turning into a restaurant with the requisite larger crowds inside the building, and commercial cooking equipment). When a building material is deteriorated and must be replaced in its entirety, this can also trigger building code for new materials, again as if it were new construction.

A frame, wooden clapboard sided building in an historic business district can add a great deal of character to the area, but clearly is made of a combustible material. Therefore, a code officer might rightly see it as a risk either from a fire starting there and spreading, or by being potential fuel should the building immediately next to it were to catch fire. If a project at the building "tripped" the code, and it applied to this hypothetical building, it may be that the code would require the building's lot line elevations to be of non-combustible materials. Given that requirement, what is the solution? The first approach should always be to work with a code officer to find an "equivalent" level of safety that would provide the necessary prevention and/or protection while allowing the original material to remain. It might require some creative thinking, such as sprinklering the outside wall, or using a fire-rated intumescent coating or paint (one that expands when exposed to heat, creating a layer of fire protection) that would provide a level of fire rating. However if these aren't feasible, or allowed, then a substitute material would be the direction in which you might guide the applicant and/or the codes officer. For clapboard, there are several materials on the market that have the appearance of clapboard but are fire rated, such as cement and fiber based boards. Using these would provide the required fire resistance while retaining the building's overall historic character. The key to using such materials is to use them at the affected areas only, not as a wholesale treatment for the overall building. Clapboard in good or repairable condition at areas not affected by code requirements should always remain in place.

Summing it up

As you can see, applying the four issues in [Preservation Brief 16](#) to a project can have a domino effect wherein more than one point can be brought into the discussion. So, say you have a project wherein some aspect of the proposal meets one or more of the four "tests" listed above. What guidance is there for choosing the "right" substitute material? Looking back at [Preservation Brief #16](#), there are several important points to consider about their use:

1. The appearance of the historic material must be matched; this includes material wear and color fade testing to ensure that the color and texture match today will still be a match tomorrow.
2. The physical properties of the historic material vs. the new must be accounted for to prevent actions such as galvanic corrosion (in the case of metals), or expansion and contraction (to prevent gaps or build-up of damaging internal pressures).
3. Understanding the performance expectations of any new materials, ensuring that they have been tested and have performed well over a number of years. That "miracle" material just on the market may not perform as promised over the long term. An example of this was the original gaskets at Lever House, which failed much earlier than expected.

As an exercise, let's pull apart the decision process that made the substitute material at the porch on Chesapeake Bay an appropriate option:

1. The originals were severely deteriorated and actually non repairable as the majority of their original material. Would not have been retained
2. The location of the porch, near water and wind driven rain, is a very hostile environment to wooden elements
3. New wooden columns (not made of dense, old-growth lumber) in the harsh location would most likely fail much sooner than the originals did.
4. The new synthetic replacements matched the historic column exactly in scale, detail, and texture.

Given that the project had met these conditions, I was comfortable with their installation. Of course, the longevity of the new materials is still being understood, so it may be best to look at this project several times in the coming years to determine if it was an appropriate long term solution.

Overall, decisions regarding substitute materials will always be a case by case situation. Each proposal should be carefully reviewed for its merits. It will also be helpful if you (individually, or as a commission) did some exploration into new materials on the market by reading about them in journals and trade magazines such as Traditional Building, or by asking materials representatives to present their product to the commission. Of course the latter should always be done with a somewhat skeptical eye, realizing that the reps are attempting to “sell” their product. However, we at the State Historic Preservation Office have found that presentation are an excellent way to learn about substitute materials or features, allowing us to ask questions that might not be appropriate to ask an applicant (such as “why was that detail done that way,” or “why doesn’t that match the historic examples better?”). Also, the representative can learn about your market and your needs and take that feedback to the company.

As more and more substitute products come on the market, the issue of using them in historic preservation projects will most likely be seen more commonly in Certificate of Appropriateness applications. Using the points above might help make your way through this “brave new world”, bearing in mind that your first responsibility is to the historic material and historic character of the house, building, or object in front of you, allowing the use of substitute materials only as absolutely necessary and appropriate.

**Excerpted from *The Local Landmarker*,
Issue 17, Winter 2011, a publication for
New York State Certified Local Governments**



The National Register listed Engine Nine (Delaware Station) Firehouse in the City of Albany. Albany became a CLG in 2008, although it has had a preservation law and commission since 1980. The firehouse, designed by noted local architect Marcus Reynolds and constructed in 1912, is an example of how Reynolds reflected Albany’s history (in this case the Dutch) in many of his buildings. Engine Nine is still active as a firehouse and is a prominent and well-loved local landmark for city residents

THE GREEN MOVEMENT AND HISTORIC PRESERVATION COMMISSIONS

Over the last decade, we have seen a movement in building technology and design that has the potential to affect our historic buildings and neighborhoods. Some parts of this movement have been around for some time, but recent concerns with energy security, global warming, and limited natural resources has certainly exacerbated the trend. The term “**green**” is the word that most people use to sum up all the trends in materials, energy conservation, recycling, reducing carbon “footprints”, etc: All these efforts look to introduce “sustainability” into everything we make, build, use, or do. Simply put, sustainability is “**meeting the needs of the present without compromising the ability of future generations to meet their own needs.**”¹

While the green/sustainability movement may seem like a revolution, looking to incorporate new technology and materials into our homes and businesses, this isn't the first time historic buildings have encountered the onslaught of new technology. For example, if you live in an historic house, think about the mechanical systems that you take for granted, but may not have been original. These systems can be as simple as electrical wiring, or as complicated as a heating system. Perhaps you have installed some yourself during your tenancy. Hopefully, these systems were installed sensitively, protecting historic materials and character. At the time they were installed, they were the latest and greatest, achieving things such as better lighting, more efficient and thorough heating, sanitary plumbing (maybe even bringing the plumbing indoors), or even adding elements such as a garage to incorporate new-fangled things such as the car. I'm certain you've seen some improvements that weren't installed with the greatest sensitivity, such as large satellite dishes or early generation solar panels mounted on the front slope of a roof, many of which seem to have outlived their usefulness, but not their function as monuments to outmoded technology.

I had one person ask me if the need for “green” technologies “trumped” historic preservation concerns. My answer was “not at all”. It's important that historic buildings accept and incorporate new technology so that they can remain viable and useful for years to come. However, this should be done carefully so that historic character and materials are not damaged or lost. The job of the historic preservation commission in this era of green technology and design remains the same as it always has been: managing change within their communities while protecting historic character.

The Greenest Building

Much has been written in preservation circles over the past few years about the greenest building being the one already built. An article written by Carl Elefante, published in the September 2007 National Trust for Historic Preservation *Forum Journal* discusses that concept pretty thoroughly.² There is much truth in the thought, in the fact that the wood has already been cut, the clay for the bricks mined, formed and fired, the nails already forged...the list could go on. It took energy to make the materials and construct the building, and that energy still exists in the form of the building. This concept is called “embodied energy”. In an speech entitled *Economics, Sustainability, and Historic Preservation*³, Donovan Rypkema, an expert in historic preservation and economics, describes the concept of embodied energy and other issues regarding historic preservation and sustainability. Demolishing a building essentially wastes the energy it took to make the building as well as its constituent materials. Add to this the fact that many of the materials in existing buildings are high quality, and some, like old growth wood or hand worked iron, are not available any longer or are extremely expensive to replace

Many buildings constructed before 1920 were designed to take the best advantage of natural light, air circulation, solar heat gain, and other such things. With that in mind, you can think of a pre-1920 building as a passive machine designed to be reactive (with its occupant's assistance) to climatic changes and

¹ <http://www.epa.gov/Sustainability/> accessed December 3rd, 2008

² http://www.preservationnation.org/issues/sustainability/additional-resources/Forum_Journal_Summer2007_Elefante.pdf, accessed December 3rd, 2008

³ <http://www.ptvermont.org/rypkema.htm>, accessed December 3rd, 2008

natural system opportunities. I always remind people that humans were getting cold or hot in their homes for millennia and developed ways to remain comfortable before electricity was harnessed or new materials were discovered. There are extremely sophisticated examples of passive building systems in some Southern United States cities where heat was addressed through high ceilings, vertical air circulation (at times pulling cooler air through natural convection from the basement or crawl space through very effective ducting), doubled exterior brick walls with air spaces, and the use of wide porches to shade windows. In the Northeast, houses were built to keep heat in and cold out, through location and siting, encasing the chimney mass in the bulk of the house to keep its thermal mass inside the house (as opposed to the exterior as was done in the south to keep the heat *out*), the use of storm sash, vestibules between inner and outer doors, and smaller and shallower porches so as not to block warming sunlight. These “machines” operated at peak efficiency when its residents knew when to draw blinds, close curtains, open and close windows, extend awnings, install storms, etc. Unfortunately, as active mechanical systems were introduced (electric lighting, forced air heat, etc.) the construction of our homes and businesses became less attuned to the natural world, and more reliant on technology. Additionally, we became less attuned to how to operate our buildings to their best performance.

It has also been noted that while many people are very committed to recycling bottles, cans, and newspapers, they treat the demolition of an existing building and the carting away of its building materials to the landfill as something not in the same realm. In fact, rehabilitating a historic building can be the ultimate form of recycling, having a much greater impact on the environment than years of individual recycling efforts.

The National Trust has been taking some very progressive actions in the area of “green” and sustainability, and has many resources for homeowners, business owners and preservation commissions in the sustainability section of their website:

<http://www.preservationnation.org/information-center/sustainable-communities/#.VyJMh0wrJhE>

What is LEED?

You may have heard the term LEED mentioned in magazines, by architects, or by building officials. However, many people have no idea what the letters stand for. Terms like “LEED Gold” or “LEED Platinum” are mentioned as a goal for a new building to achieve, but what does it mean?

LEED stands for **L**eadership in **E**nergy and **E**nvironmental **D**esign, and was created by the U.S. Green Building Council (USGBC). The USGBC is a not-for-profit group founded in 1993, comprised of corporations, companies and individuals who are active in the building trades and design fields. Their mission, as stated on their website is “To transform the way buildings and communities are designed, built, and operated, enabling an environmental and socially responsible, healthy and prosperous environment that improves the quality of life.”⁴

LEED is a voluntary point system created by the USBGC whereby a building can be graded and “certified” against standards to determine its performance and how it impacts the environment. The point system results in the ratings “Certified”, “Gold”, “Silver”, and “Platinum”, Platinum being the highest rating. The points add up much like a scorecard and are given for use of materials, high efficiency systems (HVAC, water, electrical, etc.), operations, transportation impacts, and other areas. The standards are set by the USGBC; building owners/builders apply for certification if they so choose. The standards give builders marks to aim for, and encourage project designers to get the highest rating possible.

There has been some criticism of the LEED system in the historic preservation community, due to the fact that initially LEED was slanted heavily towards new construction, and did not take into consideration the green effects that rehabilitating an already constructed building could have. However, LEED is an evolving system; in fact there is currently an existing building rating system that can be used to rate work at historic buildings. While currently imperfect from a preservationist’s view, we expect that it will continue

⁴ <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=124>, accessed December 5, 2008.

to grow and address our concerns. Currently there are LEED rating systems for new construction, the maintenance and operation of existing buildings, commercial interiors, core and shell construction, schools, retail buildings, healthcare buildings, private homes, and neighborhood development. If you wish to read more about the USGBC and the LEED system, you can go to the USGBC's website at www.usgbc.org. It never hurts to know the language of this system, as you will undoubtedly hear it from a Certificate of Appropriateness applicant if you haven't already.

Energy Conservation

The acknowledgement of the eventual depletion of fossil fuels and the dangers of adding more carbon to our atmosphere makes energy conservation a large part of the green and sustainability movements. One of the biggest arguments homeowners give in coming to a preservation commission for a certificate of appropriateness is to make changes to make their home more energy efficient. With the recent spike in oil and gas prices, this seems like a logical thing to want to accomplish in our homes, and commissions should be prepared with the facts of energy efficiency and historic buildings rather than trusting the claims of new building material manufacturers.

To date, window replacement is the biggest issue coming out of this recent effort for higher energy efficiency. Applicants claim that the old windows are drafty, won't operate, or are just worn out. They have seen claims by window manufacturers that new windows can save hundreds if not thousands of dollars in heating costs. Some commissions feel under pressure to allow these replacements, or be characterized as not caring about the "realities" of living in an older building.

The fact is that many older windows **can** be drafty and difficult to operate. However, this does not mean that they are at the end of their useful life or that a new window can perform any better, be more cost effective, or be "greener" than the existing sash. Additionally, they are highly character defining elements of a historic building, so replacing them can have a significant impact on the building's overall character.

Consider the following:

- Many older windows 60 years old or older are made of old-growth wood, a non-renewal resource which is highly rot-resistant with proper maintenance
- Drafts can be effectively dealt with by proper weather-stripping. In fact, most heat loss in an older building is through the roof. Adding additional insulation at the attic is a much more cost effective way to prevent heat loss
- Problems with the operation of historic windows are usually the result of broken sash cords, which can cost pennies to replace or repair, and were always meant to be replaced as they wore out
- Studies are showing that a properly maintained and weather-stripped window, with an appropriately installed storm window is just as energy efficient, and more cost effective in the longer term than a new sealed-unit window
- New windows are not designed for the long term and are made of materials than in some cases cannot be recycled; vinyl can warp and sealed units can fail and require the entire window to be replaced
- From the green and sustainable angle, the removal of thousands of repairable old-growth wood windows and their disposal in a landfill is not desirable. Also the manufacture of new windows uses large amounts of energy and natural resources.

These points are condensed from an excellent architect entitled What Replacement Windows Can't Replace: The Real Cost of Removing Historic Windows⁵ by preservation architects Walter Sedovic and Jill Gotthelf. This article can be accessed at:

<http://www.dahp.wa.gov/sites/default/files/WhatReplacementWindowsCantReplace.pdf>

⁵ Walter Sedovic and Jill H. Gotthelf, "What Replacement Windows Can't Replace: The Real Cost of Removing Historic Windows," *APT Bulletin: Journal of Preservation Technology* 36:4 (2005): 25-29

Preservation commissions should be proactive in educating property owners about how to care for and repair historic windows. It would be helpful to develop a list of window “craftsmen” or repair specialists in your area. Holding a window “workshop” is also a great idea, because it can be recorded and used for ongoing training and education. The City of Niagara Falls, a CLG, is planning exactly that type of project, covering not only windows, but porch, roof and siding repair as well. The recorded workshops will be available on the City’s website after they are completed.

Alternative Energy

One of most promising trends coming out of the green/sustainability movement is the move to develop and use alternative energy sources. While this was also a movement in the days of the 1970’s energy crisis, the momentum was lost as cheap energy once again came on the market in the 1980’s and 1990’s. The new systems being proposed both for residential and large system-wide use have the potential to impact historic resources, so historic preservation commissions need to be prepared to act on applications proposing their use. While not the only systems a commission may see, solar panels and wind turbines seem to be in the front lines.

Solar panels: The installation of residential solar panels seems to be the first wave of new technology commissions are being asked to review. Remember, however that this is not truly the first time solar panels have been used at residential structures. As I noted early in this article, we can see earlier solar water heating systems still perched on rooftops (sometimes in highly visible locations) in neighborhoods around the country. The newer systems have come extremely far in efficiency, and can include both heating and photovoltaic (producing electricity from sunlight) panels. Since these systems rely on appropriate exposure to sunlight to work at peak efficiency, their locations are critical to their operation. This has raised issues of locating solar panels on roof slopes visible from the public right of way, in yards, or on new structures built expressly for the installation of the panels.

There are no cut and dried solutions to the installation of solar panels, but I do advise commissions to treat them as any other proposed addition to an historic building, taking into consideration the fact that they must have good sun exposure. A commission can ask a property owner to consider alternative locations, such as locating panels on the lot rather than the building, at an ancillary building, or on less prominent roof slopes than that associated with the main elevation. Their installation should not cause damage or loss to historic materials, and should be entirely reversible; remember these systems are evolving rapidly and a smaller or much less intrusive system may be on the market in a relatively short time.

Wind turbines: Most large wind turbine systems are outside the purview of many preservation commissions, as they are typically located outside cities and villages. Township preservation commissions may be asked to comment on their impact, but they are freestanding structures, not typically considered an alteration to a designated structure. However, a locally designated scenic viewshed or historic building setting may be impacted. At the State Historic Preservation Office, we have dealt with a number of proposed turbine installations, and have found that they can be very difficult situations to mitigate in regard to their impact on historic resources. Turbines have to be located where the wind is; moving them is not always an easy option. Typically, we ask for alternative locations if we find that visual impacts to historic resources are extremely high, or that the project be slightly downsized to remove the most egregious installations. We have also asked for mitigation funds to support the work of local historic preservation.

Preservation commissions should be thinking down the road to the day when wind turbine technology becomes efficient enough that residential installations are a possibility. I have not personally seen such an installation to date, but I am sure one of our commissions will in the near future. Again, I would advise the commission to consider the installation like any other proposal, albeit one that will likely be one of the most challenging they will have seen.

Conclusion

I have in no way meant this article to be all-inclusive or the end-all for issues coming from the green/sustainability movement. I do hope, however, that it will educate, inform, and provoke discussion among commission members about these issues. I will repeat what I do believe about these new issues:

- That new technology has to be incorporated into historic buildings to keep them viable
- That new technology can be incorporated into historic buildings sensitively, and
- That preservation commissions must be prepared to address Certificate of Appropriateness applications dealing with new technologies.

In some regards, we will all be finding our way on these issues, but it helps to have thought about them, read about them, and have resources at your disposal that you can refer property owners to and fellow commission members to for information.

**Excerpted from *The Local Landmarker*,
Issue 10, December 2008, a publication for
New York State Certified Local Governments**



Before and after photographs of 165 Jay Street in Albany, in the historic Center Square neighborhood. Center Square is a National Register and locally designated historic district containing a great number of rowhouses, from modest to mansion, and an Olmsted inspired historic city park. Once in the path of a massive urban arterial project, this area was one of the first areas of the city to undergo an urban renaissance, and currently contains well maintained residences, churches, and an active and regionally popular commercial street with restaurants, shops, and galleries.

HARDSHIP

The mention of a possible hardship proceeding seems to strike fear into many commission members hearts. This is somewhat understandable, because it is quite different in many regards to the more common work of a commission, reviewing proposals and making decisions to either approve, deny, or recommend modifications to proposed work. Also, it is fairly rare, and most commissions have not had to deal with a hardship in the course of their work. However, every denial has the potential to start a hardship process if the owner feels that he or she can make the case. As in many things, it is unfamiliarity that causes the most fear, and education can take the sting out of the unknown. While hardship isn't the simplest thing a commission will have to do, it is logical and fairly straightforward in regard to process, so one shouldn't look at it with trepidation and trembling.

Hardship comes directly from the Just Compensation or "Takings" clause of the United States Constitution, Fifth Amendment, as made applicable to the States through the 14th Amendment. These amendments prohibit the taking of private property without just compensation. This was a direct reaction to the Crown taking private property for official use *without* compensation in the period leading up to the American Revolution (i.e. an actual physical invasion of private property for government use, with no payment or other compensation). Beginning in the 20th Century, the Supreme Court recognized that regulatory takings were also covered under the Just Compensation clause, meaning that a regulation could have the same effect as a physical invasion, denying an owner the economically viable use or enjoyment of their property. Therefore, the hardship section of a preservation ordinance is there to maintain both the constitutionality of your local law as well as the rights of the property owner.

In order to start thinking about hardship review, you must first know what your law says about the criteria and process. For purposes of this article, I am using the Model Law, since many of your local laws are based on it. If you do not have a very clear hardship section in your law, or one is missing altogether, the hardship section of the model law can serve as a template for possible amendments.

REMEMBER!: Hardship is not considered during the designation process. Although an owner might try to argue this point, the economic impact of a designation is purely speculative until a property owner makes a specific proposal. Hardship is only considered after denial of a specific, serious proposal. Also it is imperative that the process focus on the usability and economic viability of the property in regard to the local preservation ordinance and NOT the current owner's checkbook. I'm always asked about the owner who has bitten off more than he can chew in a commercial building purchase and rehab or some other potential situation. It might sound hard hearted, but the only consideration in the case of a demolition or an alteration hardship is the economic impacts of the local law in regards to the use of a property and/or economic return (more on all this below).

Section 7: Hardship Criteria for Demolition

An applicant whose certificate of appropriateness for a proposed demolition has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish that:

- (i) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (ii) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (iii) efforts to find a purchaser interested in acquiring the property and preserving it have failed.

Section 8: Hardship Criteria for Alteration

An applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall

establish that the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible.

Section 9: Hardship Application Procedure

- (A) After receiving written notification from the Commission of the denial of a certificate of appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued unless the Commission makes a finding that a hardship exists.
- (B) The Commission may hold a public hearing on the hardship application at which an opportunity will be provided for proponents and opponents of the application to present their views.
- (C) The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property.
- (D) All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the Village/Town/City Clerk's Office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application. If the application is granted, the Commission shall approve only such work as is necessary to alleviate the hardship.

Well that's clear, isn't it? On the surface it is, but it is simply a very basic structural framework for what can be a more complicated process once it starts. To start understanding the overall process better, let's break these sections down as to language, intent, and use.

Section 7: Hardship Criteria for Demolition

Since demolition means the permanent removal of a building or structure, it is the most significant impact that can ever occur to a historic resource. The loss of a landmark structure that marks a corner, defines a street, or is a centerpiece of a commercial district can be physically and psychologically devastating to a community. The loss of even a single building can affect an entire historic district; create a gap in an otherwise intact streetscape and impact your community's physical identity to visitors and residents. Therefore, by definition, the answer to the proposed demolition of a designated resource should always be a denial unless a catastrophic occurrence such as fire or major structural failure has impacted its historic materials and/or integrity. It is no accident that proving hardship is not an easy task.

If, after a denial, an owner then decides to move ahead with hardship, Section 7 of the Model Law sets forth the criteria that both the owner and you as a commission/board member will be using to frame the process and make decisions. The introduction to the criteria for demolition reads "*In order to prove the existence of hardship, the applicant shall establish that....*" Note that the following criteria are not multiple-choice in nature. **All** must be addressed and adequately met.

- (i) the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- (ii) the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- (iii) efforts to find a purchaser interested in acquiring the property and preserving it have failed.

In other words, the building cannot secure an income for the current owner, a potential owner, or placed in *any* use that would secure a reasonable return for the current or potential owner, and therefore must be demolished.

Section 8: Hardship Criteria for Alteration

Demolitions are, of course devastating. However, alterations can have the potential to be extremely damaging to the character of the subject historic property or the overall character of an entire historic district. If, after a denial for a proposed alteration, an owner decides to move ahead with a hardship proceeding, Section 8 comes into play. The criterion for hardship in the case of alteration is exactly the same as Section 7 (i): *the property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible*. In other words, the building cannot continue in its current form, materials, or details and still secure an income for the owner or any other potential user, and therefore must be modified in a way that does not meet the local design guidelines.

Reasonable Return

In Section 7, Criteria (i) and (ii) deal with “reasonable return,” as does the lone Criterion in Section 8. Reasonable return is a concept that is confusing to many people. It is important to understand as this is the key point on which most of the hardship processes turn. If the regulatory constraints placed on the property under local law completely blocks the owner from a *reasonable return* on that property, then a taking has occurred (Note: This concept is universal and this applies to any local law, not only historic preservation). The issue that stumps most people is understanding what a reasonable return is. Making it less clear is that under New York State law, there is no “hard and fast” rule as to rate of return: each case turns on facts that are dependent to the individual circumstances of that hardship proceeding.

The key issue here is whether or not the *building* is capable of generating a reasonable return, not necessarily the current owner in his financial situation. The true issue before the commission is: do the restrictions placed upon the property by the local preservation ordinance prevent the current or any other owner from seeing a reasonable return? It is important to realize that under federal law, an owner has no right to the *maximum profit* possible or the most lucrative use of a property, simply a reasonable return. The argument that a local preservation ordinance has impinged upon the “full” speculative development potential of a property is fairly common in hardship cases. Again, the owner has the right to a reasonable return, nothing more.

Making the case that no reasonable return is possible under the law requires a thorough submission of financial information from the owner and a careful examination of the materials by the commission. Issues to be examined can include purchase price, nature of purchase (to examine any potential collusion between seller and buyer to create the hardship), assessments and taxes, mortgage balances and debt services, appraisals, sale listings, adaptive reuse considerations by the owner, gross income and cash flow from the property, ownership structure, cost of proposed work and costs if the work was performed in accordance with guidelines, and any others that might be useful to the process. Some of these questions might seem to be prying, but they are legitimate in determining whether or not a true hardship exists. Remember, a part of your community’s history, physical appearance, and future is in the balance.

Use and Ownership in Demolition Hardship Cases

Section 7, letters (ii) and (iii) both address the use of a property as well as how a change of ownership might affect the financial feasibility of a property. Letter (ii) states that it must be determined that *“the property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.”* This is an important phrase; it recognizes that it is a legitimate part of the process to examine whether or not a building can be passed on to an owner who can find an appropriate use for the property. It also recognizes the historically fluid nature of real property ownership and building usage and the appropriate role that fluidity can play in allowing a property to remain standing.

I’m certain that you are familiar with people purchasing property without any regard for the existing building, either speculating on the land or simply wishing to own the location, without the existing building in their future plans. Some owners might have “bitten off more than they can chew” in developing a building and are looking for relief by demolishing part or all of a property. In these cases, an owner has

essentially created his own hardship, since he purchased the building in spite of knowing the ordinance provisions and how they might affect the property in regard to appropriate changes or maintenance requirements (demolition by neglect provisions). Without letter (ii), a local commission would have no way to address that type of property owner, and buildings could be lost simply due to the current owner's potentially short-sighted or inappropriate plans, or allowing the property to fall into serious disrepair. The key consideration is not the current owner, but the condition, materials, and other issues dealing with the usability of the structure for any use, *under any owner*, that would generate a reasonable return. Government has no obligation to help a property owner out of a bad business decision, assist in the maximization of profits, or be party to a speculative venture that can have disastrous effects on the local historic character.

Letter (iii) goes one step further and requires that the current owner trying to make a hardship case for demolition make a good faith effort to find a purchaser for the building who would preserve it in keeping with the guidelines of the commission/board. The key is that the property might have quite a bit more life in it, just not with the current owner. Proof of adequate property listing at fair market prices for a sufficient period of time is crucial to have as part of the hardship hearing.

Not-For-Profit Owners

Case law in New York State has developed a separate set of hardship standards for not-for-profit owners of locally designated properties. Since by the nature of the institution, there is no profit and thereby no test of reasonable return, the determining factor is whether the restrictions placed on a property by the designation either seriously interferes with or prevents the owner's chartered purpose. The mission of the owner has to be considered; however, even if the case for hardship is made, the owner still has to work with the commission or board to ensure that the changes made to the property are the minimal required for the use. The owner cannot proceed with a project as if the designation did not exist or as if the commission or board did not exist.

Some not-for-profit owners have been known to challenge designation of their property as a hardship in its own right. The basic test for hardship applies here: designation does not cause hardship. Rather, the determination is made at the time of a specific proposal by the owner whether or not the proposal meets the local criteria and is either denied or approved.

Home Owners

The issue of home owners and hardship is different from both income producing and not-for-profit owners. Also, New York State's own model law is silent on home owners and hardship, adding to the confusion. Working from the other hardship processes, the logical question would be "is the house capable of continuing to serve as a home?" This certainly punches a hole in arguments such as "it's too expensive to paint", or "it's too difficult to install the wooden storm windows, so I want to buy new vinyl windows." These may be issues for the owner, but they do not rise to the level of hardship; rather, they are handled through the usual Certification of Appropriateness application and review process. As such, a commission reviews the proposal and work with the owner to find a solution to the issues that might address their concerns while preserving the historic features and materials of the building.

There are cases where a home owner may be able to make a hardship case, but these typically have to do more with local zoning/use provisions than historic preservation and material issues. There may be legitimate cases where a house is extremely large by today's standards, and the local zoning does not allow either multi-family, institutional, or commercial use, and adequate marketing has shown that there is truly no one who can or is able to "take it on" as a single family. The first approach to that in my thinking would be to work towards a zoning variance (working with the neighbors of course) for a use that would allow the building to remain standing, such as a Bed and Breakfast or another creative and appropriate use appropriate to its location.

Financial Tools

New York State General Municipal Law 96-a allows municipalities who have local historic preservation ordinances to allow “due compensation” for “takings,” which is another way of saying that a hardship has been found to exist. This compensation “*may include the limitation or remission of taxes.*” In other words, a local government, after a finding of hardship, can choose to relieve the local tax burden from a property, thereby making it potentially possible for a business to meet its business plan while reusing the historic building in keeping with the local preservation guidelines. Don’t forget that there is also the “Ithaca Bill” that allows for municipalities with local preservation commissions to freeze property taxes for a period of 10 years after any initial investment that might increase the property’s assessment and therefore the property taxes. Finally, there are the Federal and State Investment Tax Credits for the rehabilitation of historic properties.** While both the Ithaca Bill and the Tax Credit assume investment rather than a demolition proposal, a combination of all these tools might give a new or potential purchaser’s project the financial edge that would allow a happy outcome for the property and your community.

Additionally, your commission might work with the local government and/or local banks to develop additional incentive programs to assist property owners. These can include low or no interest loans or grants for owners of historic buildings.

Summing Up

Hardship is an important process, since it protects both the right of property owners and the constitutionality of your local law. Hardship will never be the easiest thing you will have to deal with as a preservation commission or board member. By its very nature, it can be an emotional process on both the applicant’s and commission member’s part. However, it is an important process to understand and have a procedure prepared in case it is made in your community. A commission can also prepare itself in advance of potential hardship cases by, for example, identifying potential “expert witnesses” that can provide assistance for both property owners and the commission during a hardship hearing.

I know that I have not dealt with every question about the hardship process, but hopefully I have introduced the idea and we can all go forward from this point, learning together. Don’t forget that part of a commission’s responsibilities under the local ordinance is to educate and assist property owners to comply with local laws and design guidelines to facilitate a spirit of collaboration and stewardship of the community. Taking the mystery out of hardship can be an important part of that local education.

** More information on the federal rehabilitation tax credit can be found at: <https://www.nps.gov/tps/tax-incentives.htm>. More information about the New York State Tax Credit program can be found at: <http://nysparks.com/shpo/tax-credit-programs/>.

**Excerpted from *The Local Landmarker*,
Issue 7, March 2008, a publication for
New York State Certified Local Governments**

COMMUNICATING WITH ELECTED OFFICIALS

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Originally published in Advocacy Training Manual by the National Trust's Center for Preservation Leadership. Reprinted with permission.

Communicating with elected officials is a key component of any advocacy endeavor. And just as it is your responsibility as a citizen to exercise your right to vote, it is just as important to communicate with officials once they take office. Let them know your communities' concerns and interests. Stakeholders promoting many different interests are in regular contact with elected officials, and the historic preservation community must be active on this front as well.

Why It Is Necessary to Communicate with Elected Officials

Historic preservation needs the support of elected officials because they determine policies that affect preservation efforts. For example, elected officials at the federal, state, and local levels make decisions on funding measures and grant programs; support tax incentives to encourage historic preservation and community revitalization (federal tax credits, state tax credits, or local property tax abatement programs); and enact legal protections to protect historic buildings and sites.

Regular communication with elected officials will help secure policies that benefit preservation and will establish a relationship with decision makers as partners in successful preservation initiatives. Relationships with elected officials should be seen as a two-way street. By cultivating these relationships, preservationists know they have an ally in a decision-making position, and conversely, preservation advocates can be a helpful resource to public officials by providing updates and information about what is happening "on the ground" with their constituents.

Know Your Decision Makers

It is important to do some research on decision makers before starting to build relationships with them and communicating preservation priorities.

Knowing what motivates elected officials can be helpful in advocating for a particular cause. Most state governments as well as individual legislators have websites with information on voting records, personal history of elected officials, campaign platforms, and so on. Consider researching the following questions:

- What is the official's background: hometown, school, previous career, outside interests? This helps to identify possible allies who have worked with the official in the past and issues that are important to the official.
- What district does the elected official represent?
- What historic resources are in this district?
- What committee memberships does the official hold? What is the official's seniority? This will help preservation advocates determine what types of policy the official is actively involved with and the official's relative influence among his or her colleagues.

Effective Communication with Elected Officials

There are many different ways to communicate with elected officials, and the most appropriate depends on each unique situation. In general, communication with elected officials can take place via e-mail, fax, mail, telephone, or face-to-face meetings.

Because personalization to the greatest extent possible is desired, face-to-face meetings are usually preferable, but that doesn't mean that other forms of communication can't be effective. The method you use to communicate is not nearly as important as your message. A thoughtful, personalized, and well-written e-mail, fax, or letter that explains how a preservation issue will directly impact constituents and/or the

elected official's district can have nearly the same effect as a personal visit. Avoid form letters or a formulaic response. Make the message your own and have it reflect your genuine passion for the subject. Regardless of the method, elected officials care most about the concerns of their constituents because they want to get reelected! Communications that hold the most weight with elected officials are from those they represent, so advocates should state clearly in any communications that they are a constituent.

Preservation advocates can build a relationship with elected officials starting with outreach and education programs. From there advocates can advance to specific requests and then—following the hoped-for success—to recognition events. Even if it is necessary to jump in immediately with a request on a specific issue, advocates should continue to follow up with information to strengthen the relationship.

Reach Out

First communicate the importance of preservation to officials and their staff. Elected officials want and expect to hear from constituents and appreciate their efforts. If elected officials don't know priorities, they can't effectively represent their constituents or make informed decisions on issues regarding historic preservation. Remember that decision makers are constantly balancing interests of concerned citizens, so make sure elected officials are familiar with preservation issues. A few ways in which to engage elected officials include:

- providing them with current information through newsletters and announcements (be sure to ask permission before adding to e-mail and mail distribution lists),
- inviting them to speak at or attend meetings, and;
- ensuring that they are included at preservation events in their district, such as groundbreaking or ribbon-cuttings.

Educate

Next, act as a reliable information resource to elected officials on matters concerning historic preservation. They need to be aware of the many issues that may affect preservation.

Although elected officials and their staff tend to have general knowledge on a wide variety of subjects, they rely on experts in the field to guide and educate them when it comes to the specifics. You should aim to be the “go-to” person for decision makers when they have a question about historic preservation. Some examples of helpful information to provide to your elected officials include:

- background on the history and significance of your community
- general information on state and local preservation organizations
- copies of economic benefit studies and reinvestment statistics
- updates on preservation projects in your community or district

Ask

Once a relationship with elected officials is established and they are familiar with preservation concerns, the next step is to think about specific ways they can advance a preservation agenda. Typical requests would be to ask officials to support or sponsor legislation that would benefit preservation, to vote a certain way on a measure, to include historic preservation in a legislative platform, or to attend an event. Regardless of the request, make sure you clearly communicate what you want them to do and express why their support would benefit preservation. Use local examples to show how the action you are requesting would affect the official's state, district, or community.

Recognize

It is important to recognize elected officials when their time or actions have benefited historic preservation. In addition to directly thanking decision makers for their efforts, advocates should take the opportunity to acknowledge their support in a more public way. This can be done at a variety of occasions such as tours, ribbon cuttings, or a press conference. Other options include bestowing an award or honor on the elected official, or by acknowledging decision makers in the press through a letter to the editor. In any case, it is important to let elected officials know that the preservation community appreciates their support of historic preservation and can be counted on to publicly recognize them, whenever it is appropriate.

What to Communicate

Whether by e-mail, letter, phone, or face-to-face, a carefully crafted message conveys to decision makers that historic preservation is very important to your community. Be sure all communication is clear, concise, and direct.

Some effective communication strategies include:

- Identify spokespeople who would be effective at communicating your message. This enables a consistent, persuasive message.
- Develop a short (no more than one-page) briefing to summarize the benefits and expected outcomes of key policies. This can be useful for any type of stakeholder: an elected official, a member of the press, a potential volunteer, or a potential funder.
- Prepare case studies showcasing successful preservation projects in an elected official's district complete with pictures.
- Have handy a brief "elevator speech" that summarizes your concerns in case you run into an elected official or stakeholder and have the opportunity for a very brief conversation.
- Distribute letters of support for a specific preservation initiative.

Conclusion

Successful preservation programs, deserving projects, and worthy causes depend on support from elected officials that have the ability to enact policies. Thankfully, every voice matters in our legislative process and effective communication by preservationists will ensure that the preservation message is heard by decision makers. People involved in preservation care deeply about their communities and their states and the special places that enrich all of our lives. That message is a powerful and compelling one so don't hesitate to promote your cause with determination and persistence. Your community and its heritage deserve nothing less!

Other resources from the National Trust for Historic Preservation:

A Blueprint for Lobbying, by Susan West Montgomery

National Trust for Historic Preservation:
<http://www.preservationnation.org/preservationbooks/>

Effective Communications for Preservation Nonprofit Organizations, by Richard McPherson,

Debra Ashmore, and Timothy O'Leary
 National Trust for Historic Preservation:
<http://www.preservationnation.org/preservationbooks/>

**Excerpted from *The Local Landmarker*,
 Issue 8, June 2008, a publication for
 New York State Certified Local Governments**

SEQRA – A POINT OF CONFUSION

This section covers a state law that has been the subject of much discussion both among fellow commissioner members on the CLG Listserv (have you joined yet?) and staff here at the State Historic Preservation Office.

The State Environmental Quality Review Act (SEQRA), was adopted in 1976, and last amended in 2000. It is an “Environmental Conservation Law”, and as such is overseen by the New York State Department of Environmental Conservation (NYSDEC). It applies to “All State and Local Agencies Within New York State Including All Political Subdivisions, Districts, Departments, Authorities, Boards, Commissions and Public Benefit Corporations” (DEC, Regulations, Chapter IV, General Regulations, Section 617). However, key to using the law is first understanding how your “District, Department, etc.” fits within the regulations, and what your responsibilities are in regard to the regulations. After discussing this colleagues and Commission members and getting varying answers from just about everyone, we decided to ask for legal assistance! Kathleen Martens, Associate Counsel in the Counsel’s Office of our agency, who helps us with many other issues in regard to historic preservation and the law, kindly stepped up and provided the article featured in the Fall 2009 issue of the Landmarker. She was assisted in research and writing by Samantha David, a law intern working in her office.

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Part 1 – Certificate of Appropriateness/Historic Preservation Permit

A city, town or incorporated village (municipality) may create a historic preservation board or commission (commission) in local law or regulation, and authorize it to perform certain duties, including those outlined in the General Municipal Law.⁶ If the municipality decides to participate in the State Historic Preservation Office’s federally-sponsored Certified Local Government (CLG) program, then the local law must comply with those requirements as well.⁷

One of the commission’s paramount duties is to approve or disapprove (with or without conditions) an application to demolish, relocate, or alter a designated historic property or an application for new construction in or adjacent to a designated historic district or adjacent to a designated property.⁸ The commission’s vehicle for reviewing and deciding the application is the Certificate of Appropriateness or Historic Preservation Permit (certificate).⁹

The State Environmental Quality Review (SEQR) process requires a local agency¹⁰ to assess whether the activity it undertakes, funds, approves, plans, regulates or legislates could significantly and adversely affect the environment.¹¹ If the answer is yes, then an Environmental Impact Statement (EIS) must be prepared to analyze the identified adverse effects.

⁶ See, N.Y. GEN. MUN. LAW § § 96-a and 119-dd (McKinney 2007).

⁷ See, New York State Office of Parks, Recreation and Historic Preservation, <http://www.nysparks.state.ny.us/shpo/certified-local-governments> (last visited Sept. 24, 2009).

⁸ See, NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM IN NEW YORK STATE: MODEL HISTORIC PRESERVATION LAW FOR MUNICIPALITIES IN NEW YORK STATE § 2(D)(x), available at <http://www.nysparks.state.ny.us/shpo/certified-local-governments> (last visited Sept. 24, 2009).

⁹ See, *id.* at § § 4 through 10.

¹⁰ See, N.Y. COMP. CODES R. & REGS. (NYCRR) tit, 6, § 617.2(v) (2000), broadly defining “Local Agency” as “...any local agency, board, authority, district, commission or governing body, including any city, county and other political subdivision of the state.”

¹¹ 6 NYCRR § 617.7(a) (1995).

However, in general, the historic preservation commission's certificate is not subject to SEQR.¹² It is often difficult for the public to comprehend the reason behind this rule. At first glance, it looks like the commission is an "involved agency,"¹³ the certificate's approval appears to be an "action,"¹⁴ and the proposed alteration affects the "environment"¹⁵ as defined in SEQR. However, in making its decision on the certificate, the commission is operating in this instance under narrow jurisdictional criteria, and applying specific standards outlined in the municipality's law or regulation that are derived from the *Secretary of the Interior's Standards for Treatment of Historic Properties (1995)*.¹⁶ Under the controlling SEQR statute, regulations and court decisions, therefore, the decision on the certificate is considered ministerial or non-discretionary and exempt from SEQR.¹⁷

"[O]fficial acts of a ministerial nature, involving no exercise of discretion. . . ." ¹⁸ are not "actions" subject to environmental review. Furthermore, the SEQR regulatory Type II list specifically cites as examples of exempt activities: "building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s)."¹⁹

And, in determining if a challenged decision is ministerial and non-discretionary (whether it is a building permit, demolition permit or the historic preservation certificate we are discussing here) the courts look at the text of the local law or regulation that provides jurisdictional authority. For an action to be ministerial there must be "no latitude of choice."²⁰ So, if the commission lacks discretionary authority to consider the other voluminous environmental information in an EIS in making its decision, then SEQR does not apply.²¹ The Court of Appeals, in *Incorporated Village of Atlantic Beach*, further held that even "when an agency has some discretion, but that discretion is circumscribed by a narrow set of criteria which do not bear any relationship to the environmental concerns that may be raised in an EIS, its decisions will not be considered 'actions' . . ." under SEQR.²²

Cases involving challenges to the New York City Landmarks Preservation Commission (LPC) decisions illustrate how the courts construe this SEQR exemption. *Matter of 67 Vestry Tenants Assoc. v. Raab*, involved a building permit and a certificate for renovation of a historic warehouse located in the Tribeca North Historic District coupled with other new construction. The court there followed the test laid out by

¹² See, *Inc. Vil. of Atl. Beach v. Gavalas*, 81 N.Y.2d 322, 615 N.E.2d 608, 599 N.Y.S.2d 218 (N.Y. 1993), followed in *Matter of 67 Vestry Tenants Ass'n v. Raab*, 172 Misc.2d 214, 658 N.Y.S.2d 804 (N.Y. Sup. Ct. 1997), also followed in *Citineighbors Coal. of Historic Carnegie Hill v. NYC Landmarks Pres. Comm'n*, 306 A.D.2d 113, 762 N.Y.S.2d 59 (1st Dept. 2003).

¹³ 6 NYCRR § 617.2(s) (2000), defining Involved Agency as "an agency that has jurisdiction to fund, approve, or directly undertake an action. If an agency will ultimately make a discretionary decision to fund, approve or undertake an action, then it is an 'involved agency' notwithstanding that it has not received an application for funding or approval at the time the SEQR process is commenced. The lead agency is also an 'involved agency.'"

¹⁴ 6 NYCRR § 617.2(b)(1)(iii) (2000) ("environment" includes a resource of "historic or aesthetic significance").

¹⁵ 6 NYCRR § 617.2(l) (2000).

¹⁶ Available at www.cr.nps.gov/local-law/arch_stnds_0.htm (last visited Sept. 28, 2009); See, also 6 NYCRR § 617.5(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site" is not subject to SEQR.

¹⁷ Also, the decision on a subsequent hardship application after disapproval of the certificate generally would be exempt from SEQR under 6 NYCRR § 617.5(19) as ministerial or would not be subject to SEQR under 6 NYCRR § 617.5(31) as an interpretation of the local law or regulation.

¹⁸ N.Y. ENVTL. CONSERV. LAW § 8-0105 (5)(iii) (McKinney's 2005).

¹⁹ 6 NYCRR § 617.5(c)(19) (1995).

²⁰ *Inc. Vil. of Atl. Beach*, 81 N.Y.2d at 325, 615 N.E.2d at 609, 599 N.Y.S.2d at 219, citing *Matter of Filmways Communications v. Douglas*, 106 A.D.2d 185, 484 N.Y.S.2d 738, *affd.* 65 N.Y.2d 878, 493 N.Y.S.2d 309, 382 N.E.2d 1225 (N.Y. 1985).

²¹ See, *Inc. Vil. of Atl. Beach*, 81 N.Y.2d at 326, citing *Filmways*, 106 A.D.2d at 187 followed in *Matter of 67 Vestry Tenants Ass'n*, 172 Misc.2d at 223, 658 N.Y.S.2d at 810.

²² *Inc. Vil. of Atl. Beach*, 81 N.Y.2d at 326, 615 N.E.2d at 610, 599 N.Y.S.2d at 220.

the Court of Appeals in *Incorporated Village of Atlantic Beach* in reviewing the ministerial nature of the building permit and the LPC certificate.²³ Additionally, in *Citineighbors Coalition of Historic Carnegie Hill v. New York City Landmarks Preservation Commission* the court found the LPC's decision on its certificate to be "narrowly circumscribed by the architectural, esthetic, historical and other criteria specifically set forth in the Landmarks Law."²⁴

In conclusion, when the commission's only responsibility with respect to a pending project involves the certificate, then that decision is exempt from SEQR. Other State or local agencies with different jurisdictions may, however, be reviewing the same project. For their purposes the project could be considered an "action" under SEQR. And, their assessment and analysis of environmental impacts could occur at the same time as or before or after the commission's decision on the certificate. Although the commission could be interested in their SEQR review, it could not formally engage in the process as an "involved" agency.²⁵

To streamline its commission's review of applications to alter designated historic properties, therefore, a city, town or village should ensure its local law and regulation are properly crafted to ensure the decision on the certificate qualifies for this SEQR ministerial exemption.

**Excerpted from *The Local Landmarker*,
Issue 13, Fall 2009, a publication for
New York State Certified Local Governments**

²³ Matter of 67 Vestry Tenants Ass'n, 172 Misc.2d at 223, 658 N.Y.S.2d at 810.

²⁴ Citineighbors Coal., 306 A.D.2d 113, 114, 762 N.Y.S.2d 59, 60 (1st Dept. 2003), *appeal dismissed* 2 N.Y.3d 727, 811 N.E.2d 2, 778 N.Y.S.2d 740 (N.Y. 2004).

²⁵ 6 NYCRR § 617.2(s) (2000).

CREATING A COMMISSION WORKBOOK

When CLG Coordinator Julian Adams first started visiting commissions in 2006, he noticed three things that concerned him. First, some commissions were not running their meetings in accordance with open meetings law, or even for that matter, Roberts Rules of Order. Second, many commissioners were not familiar with the local law that created the commission or board, adding to confusion on procedure and powers. Finally, decisions were being made without referring to designation criteria or review standards. Any one of these things can get a decision overturned or thrown out either by the local legislative board, or worse, a judge if a case were to go to court (earlier chapters in the *CLG Training Guide* address these issues).

Tying the issues together in a “workbook” or “handbook” for commission members can help all of the above. In such a book, the local enacting legislation will be right there, along with a guide to meeting procedure and etiquette, and review standards or guidelines; all then can be readily referred to. Sample resolutions and other resources can also be included to guide decision-making process. The end product can service not only new incoming commission members, but also those who have been on the board for some time. With everyone using the handbook, you can be assured that the commission is “coloring within the lines” in regard to operations and legal frameworks.

What follows is simply a recommended outline of what should be in a commission workbook. Your group may add some elements, but I would encourage you to include at least those listed.

Section 1: The Local Historic Preservation Law

The law may seem an obvious choice to include in a workbook, but when was the last time you actually read yours? Sometimes it is difficult for some commission members to locate a copy; some commission members I’ve met have never even seen theirs! The law is the document that sets forth the powers and duties for the commission and no one should make any action on a commission without understanding those key elements. Having the law in a workbook provides a ready and easy resource for answering points of procedure and purpose. Some commissions have taken the step of appointing a member to be the “point” person on the law, having them serve as the resident expert on its provisions. However, I believe that everyone should also have access to the law and be able to discuss it intelligently; even with one person serving as the “specialist” all members should have a copy readily available.

Section 2: Meeting Process

As a part of the local municipal government, it is important that you act accordingly. Your meeting is a function of the representative form of governance our country was established under and as such with any official actions and duties, there are requirements and expectations for how a meeting is to be run. First, you may wish to include the “Open Meetings Law” in your binder. This law is official New York State law for all public bodies, and sets forth requirements for meeting notification, decision making, and record keeping. A copy of it can be found at: <https://www.dos.ny.gov/coog/openmeetlaw.html>. It is not long nor is it difficult to understand.

Using appropriate meeting process ensures that everyone is treated fairly and that decisions are made appropriately.

Section 3: Designation Criteria

Although included in the law, I feel it is appropriate to have the designation criteria for historic properties also set into its own section. The appropriate criterion or criteria should always be stated whenever a property or district is designated, and having this list readily available can keep these crucial concepts in plain sight and familiar to commission members as well as easily usable.

Section 4: Review Criteria or Guidelines

Certificates of appropriateness must be decided using only the criteria given in the law, and these criteria should also be clearly referenced. Having them listed in their own section makes them easily referenced and clearly stated in records of decision. Decisions made on any other criteria run the risk of being considered arbitrary and capricious.

Section 5: Sample Resolutions

When making decisions, it is important to have them stated and recorded clearly, referencing criteria and spelling out the decision exactly. This prevents misinterpretations or other unintended consequences. Having a sample resolution that can be readily used for decisions is important to ensure that the appropriate language and form is used. A sample resolution for designation is included at the end of this article for your use or consideration. A companion resolution for making a decision on an application for a Certificate of Appropriateness follows. **Please note: the designation resolution may be slightly different if your commission or board only recommends designations rather than actually making them.**

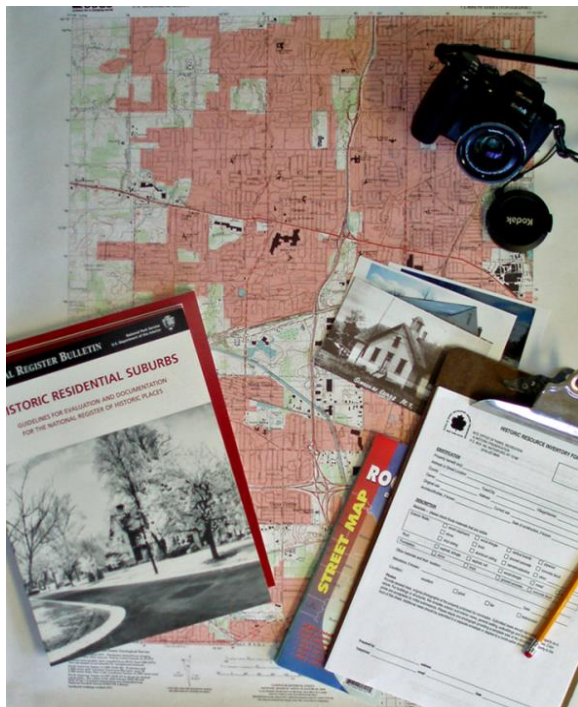
Section 6: Technical Materials

It is virtually impossible to know everything there is to know about how to treat historic materials, such as cleaning stone, repairing wooden windows, repointing masonry, replacing roofing. Questions of appropriate new design, infill construction, or additions to historic buildings can also be difficult to answer off the cuff. Even seasoned preservationist professionals use “cheat sheets”, so why shouldn’t your local commission? The best source of easy to read, well-illustrated information on historic buildings, materials, and design is the National Park Service’s Preservation Briefs series. While it might not be feasible to include every issue in a commission member’s binder, you might wish to include those issues that address issues that commonly come before the board. You can access (and print) the Briefs at <https://www.nps.gov/tps/how-to-preserve/briefs.htm>.

**Excerpted from *The Local Landmarker*,
Issue 6, December 2007, a publication for
New York State Certified Local Governments**

HISTORIC RESOURCE SURVEYS: A COMMUNITY PLANNING TOOL

Surveys are crucial to the life of a local preservation commission, since without that tool the commission is essentially blind to what historic resources exist, where to undertake education and outreach efforts, and prioritize designation efforts to protect potentially endangered resources. If you have never had a survey done, have one that is over 20 years old, or don't have all potential historic districts in your community surveyed, this chapter can help you towards fully understanding your community and how your commission can best do its job



Historic buildings, landscapes, objects, structures, and districts are integral components of communities that create a distinctive character and reflect history and architectural heritage on the local, regional, state and national levels. Surveys are an important first step in identifying properties worthy of preservation. Information provided by a well-planned survey report supports programs and initiatives dedicated to the preservation of New York State's historic built environment.

What is a Historic Resources Survey?

A Historic Resources Survey (HRS) is the principal tool for identifying historic properties and placing them in the local, state and/or

national historic context. Through field work, the survey team identifies an area's important historic resources – buildings, parks, structures, neighborhoods, monuments, and archaeological sites – that are located in a defined area such as a neighborhood, village or an agricultural region, or along a transportation route or watershed. Researching the properties' historical background reveals how they are connected with important local history themes, such as industrial development or the growth of residential suburbs. Further assessment leads to an understanding of which properties should be protected and how to incorporate preservation goals into community planning efforts. This knowledge is key to public and private decision-making about the protection and preservation of our heritage.

Who can sponsor a survey?

Anyone can sponsor a survey: local and state governments, historical societies, academic programs, and individuals. Local commissions can also sponsor a survey, and apply for CLG grants to support the work.

Why conduct a survey?

A survey is the foundation for all historic preservation planning. By defining the location and importance of historic resources, a survey enables planners to make decisions about which properties ought to be protected and where development should be directed. Surveys achieve the following objectives:

- Establish priorities for preservation projects;
- Identify historic properties that may benefit from local commission designation and/or National Register listing (which can qualify properties for certain tax credit and grant programs);
- Create a body of background information for local, state and federal project and land-use planning;
- Increase public awareness of and appreciation for properties that reflect local, state and national history, and
- Gather information for educational and promotional purposes, including tourism.

What are the types of surveys?

The essential first step in the survey process is defining the geographic or thematic area of the

survey. Subsequent steps include planning, research, fieldwork, data collection and organization, evaluation, and reporting.

Historic resources surveys fall into two general types: reconnaissance-level surveys and intensive-level surveys. A reconnaissance-level survey is the first step that identifies areas and properties worthy of further study. Reconnaissance surveys establish broad historic and architectural contexts that are necessary for understanding an area's past. Because reconnaissance-level surveys do not include detailed information on each property, they generally do not provide sufficient information for making informed evaluations of historic or architectural significance. Intensive-level surveys include historical research that provides the information needed for determining which properties are eligible for historic designation, either individually or as part of historic districts.

What are the products of a survey?

Surveys yield varying amounts of information depending on the level of survey (reconnaissance or intensive) and the intended use. A completed survey generally includes: a written report summarizing the history, development patterns and physical character of the study area; an inventory of historic properties accompanied by maps and photographs; and recommendations. Evaluation results are included in intensive-level surveys.

Are there Report Standards? YES!

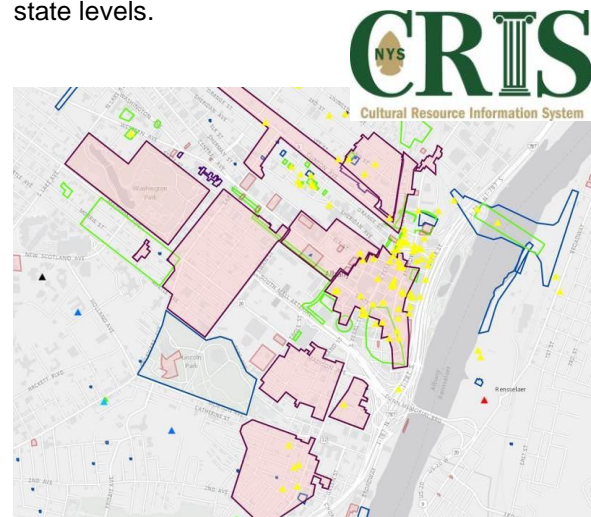
Before beginning a survey project, please contact your Survey and Evaluation representative at the SHPO. Contact information can be found on our website - <http://nysparks.com/shpo/contact/>.

Consultation is required for all projects receiving funding from the SHPO and for projects that lead to nominations to the State and National Registers of Historic Places.

The survey report must be prepared in accordance with the standards for recording properties in SHPO's new Cultural Resource Information System (CRIS) database, which can be accessed here -

<http://nysparks.com/shpo/online-tools/>.

This entirely new GIS-based system allows the public more access to the SHPO's records, remote entry of inventory data and paperless environmental review. Information about New York's historic and cultural resources will constantly be added, updated and mapped in the system, providing a valuable tool for a wide range of planning activities at the local, regional and state levels.



Excerpted and Edited from *The Local Landmarker*, Issue 18, Spring 2011, a publication for New York State Certified Local Governments

LOCAL HISTORIC PRESERVATION PLANS: PUTTING THE PAST TO WORK FOR THE FUTURE

**Amy Facca, Preservation Planner,
New York State Office of Parks, Recreation, and Historic Preservation**

The preparation of local historic preservation plans helps communities make their history, culture, heritage, and related assets strong building blocks for revitalization, improvement and growth. As has been widely noted, although many of New York's communities have suffered economic decline, population losses, and disinvestment for decades, their rich history, heritage, and highly desirable quality of life assets are largely intact. This is critically important because individuals, small businesses, and corporations are increasingly making decisions about where to live, go to college, raise a family, retire, travel, invest, or establish headquarters based on community character and quality of life. They evaluate communities on their authentic character, unique sense of place, safe and friendly neighborhoods, schools, health and human services, history, arts, culture, entertainment, recreation, overall vibrancy, and curbside appeal. They seek community engagement and places where their contributions and involvement will make a difference.

Historic preservation is a community catalyst and a powerful engine for economic growth. It stimulates pride and inspires residents to help themselves, brings neighborhoods and communities together, enhances community assets, attracts reinvestment, creates more jobs than new construction, and keeps labor earnings cycling through local economies instead of being reinvested outside the community. Its incremental, locally-oriented, and sustainable revitalization activities have been successful in good and bad economic climates in diverse communities across America for many years.

As our Certified Local Governments know, historic preservation encompasses the identification, protection, interpretation, enhancement and promotion of historic and cultural resources. Historic preservation tools include financial incentives such as grants, loans, and tax credits; legal tools such as façade easements, deed restrictions, local historic

districts and neighborhood conservation districts; improvement programs such as downtown "main street" revitalization, residential and commercial rehabilitation, and adaptive reuse to name a few. However, although the range, breadth, and flexibility of historic preservation tools is great, most communities fail to utilize all but a few of the existing tools. Historic preservation planning helps communities understand and implement the full spectrum of available tools to make the most of their history, heritage, and historic and cultural resources.

What is historic preservation planning?

Like other forms of planning, historic preservation planning is a proactive process of data gathering, analysis, information sharing, visioning, goal setting, and development of implementing actions. It enables communities to step back and evaluate historic and cultural resources as well as any existing historic preservation activities, programs and services being carried out by the public, private, and not-for-profit sectors of the community.

The planning process provides the time and space in which community members can gain a better understanding of their historic and cultural resources as well as how these resources can become building blocks for community rebirth and growth. It provides a systematic means of integrating historic preservation activities with other community endeavors as well as a forum for discussion and agreement about how best to move forward. The planning process also helps communities learn more about the various historic preservation tools and strategies and decide which will work best for them.

What is a historic preservation plan?

Historic preservation plans are to communities what historic structure reports are to historic buildings: they document history and existing conditions, identify problems and opportunities,

plot a course for future improvements, establish a solid foundation for decision-making and program development, and provide a framework and inspiration for strategic investment and growth.

Historic preservation plans are the end result of a community's historic preservation planning process. They provide a summary of preservation planning activities and a "blueprint" for implementing future historic preservation programs and services.

Historic preservation plans can be incorporated into other planning documents (such as a comprehensive plan, downtown improvement strategy, or waterfront revitalization plan) or developed as stand-alone plans. Historic preservation elements have been incorporated into funding-related planning documents such as Comprehensive Economic Development Strategies (CEDS), HUD Consolidated Plans, and similar documents when communities have been creative in seeking funding for the revitalization and reuse of older and historic buildings. There is really no agreement about which format is best. It really depends on what a community wishes to achieve by developing a historic preservation plan.

In most existing planning documents prepared by or for communities in New York State, there is generally very little mention of history, historic and cultural resources, historic preservation, or heritage. Therefore, unless an existing community plan contains a strong historic preservation element, it is probably more effective to prepare a stand-alone historic preservation plan which can dovetail with and build on existing planning documents. A separate historic preservation planning process and plan may also enable a community to focus more specifically on historic and cultural resources and historic preservation strategies.

Why prepare a historic preservation plan or a historic preservation component of another planning document?

A historic preservation plan is essentially a tool designed to help communities achieve the social, economic, and environmental benefits of historic preservation. Reasons for preparing historic preservation plans include:

- Articulating the community's historic preservation goals, establishing historic preservation policies, and building consensus regarding the identification, protection, enhancement, interpretation and promotion of historic and cultural resources.
- Strengthening understanding of and support for historic preservation activities as well as the potential economic, social, and environmental benefits they generate.
- Establishing a basis for adopting new – or strengthening existing – laws to protect and enhance historic and cultural resources and preserve community character.
- Integrating historic preservation with all aspects of community planning and development, including land use, transportation, housing, tourism, revitalization, growth, etc.
- To help prevent legal challenges and provide informed guidance for local officials, property owners, investors, and decision makers.

The plan's vision statement should be both realistic and inspiring in order to catalyze future action. It should give a sense of what the community is striving for and hopes to achieve. Goal statements should provide direction for achieving this vision.

The action plan should include clear implementing actions for each goal, as well as potential partners that can help complete the action, potential funding sources, and a time frame within which the action will be completed. Time frames generally include ongoing actions, as well as actions that will be completed in the short (one year), medium (3-5 years), and long (5+ years) terms. The more specific the action plan is, the more likely it is that the plan will be successful.

Who prepares a historic preservation plan?

A historic preservation plan or plan component should be prepared as part of a municipality's official planning activities, with the endorsement and participation of elected officials, staff, and any existing historic preservation organizations or historical societies. Plan preparation should be overseen by an advisory or steering committee appointed by the municipality's

executive officer (mayor, supervisor, etc.) with broad representation from various business sectors and neighborhoods in the community. The plan can be prepared by municipal planning staff with historic preservation experience, a preservation planning consultant, a historic district commission, or by a group of dedicated community residents, with support from a preservation planning consultant or municipal planning staff.

Who should be involved in the preparation of a historic preservation plan?

The effectiveness of a historic preservation plan generally depends on the extent to which the community has been aware of, and involved in, its preparation and implementation. The underlying goal of an historic preservation plan is essentially to “main stream” historic preservation tools and strategies, incorporating them more firmly into existing community and economic development activities. Ideally, the planning process helps diverse community stakeholders focus on how they can combine efforts and resources to protect community character and achieve the benefits associated with historic preservation.

In addition to the elected officials, municipal staff, and the usual history and historic preservation constituencies, it is important to

involve developers, realtors, bankers, community development and affordable housing organizations, educational institutions, religious organizations, local businesses and industries, and youth. When deciding who to involve, think in terms of who currently occupies older and historic buildings (or who might benefit from in doing so), what expertise and financial resources they might contribute to planning and implementation, and what might be achieved through collaboration with these individuals and groups.

When should a community prepare a historic preservation plan?

A historic preservation plan or component of a comprehensive plan can be a useful tool at any time. While historic preservation planning is often conducted in conjunction with the preparation of a comprehensive plan or similar planning documents, it may also occur in response to a specific crisis such as demolition of a much loved older or historic building or to address a specific community need such as downtown or neighborhood revitalization or redevelopment of an important, long vacant “anchor” building. Preparation of a historic preservation plan may also take place in conjunction with, before or after completion of historic resource surveys.

Excerpted from *The Local Landmarker*, Issue 19, Summer 2011, a publication for New York State Certified Local Governments

Sacred Places, Empty Space

This section addresses an issue we've heard about as well as seen all too much during our travels across the state, the growing number of abandoned or greatly underutilized religious buildings. These buildings, be they simple meeting-house types at rural crossroads or large cathedral-inspired structures that mark a skyline with their steeples and towers, are community landmarks, sometimes the largest and most ornate buildings in their communities or neighborhoods. Whatever the cause, the loss of these structures can damage a community's historic character, sense of place, and sense of itself.

However, there is hope. Creative thinking and creative partnerships can help these buildings either find a new life in the community or continue in their original function. Kimberly Kloch, an architect in the Albany-based firm of Mesick-Cohen-Wilson-Baker, has been studying the issue and writing and lecturing on this matter nationwide. Her article is the main focus of this section.

Neglect, deterioration, and abandonment are not terms that a community wants to use to describe its neighborhoods, and they are not terms often associated with religious properties. However, a problem that is growing throughout New York State, the United States, and the world, is houses of worship left vacant and deteriorating. Many communities that once relied on their places of worship as gathering spaces are now left with dark, hulking, and empty giants casting shadows over the streetscape or lonely buildings sitting dark at a rural crossroads.

You need look no farther than western New York for an example of how empty houses of worship affect a community. On July 1, 2007 Bishop Edward U. Kmiec announced that as part of the Roman Catholic Diocese's ongoing "Journey in Faith and Grace," a parish-based strategic initiative launched in June 2005, fifteen churches within the Buffalo city limits were earmarked for consolidation and closure by the end of the year. The promise that another round of closure announcements is due in September only adds to the anxiety. Neighborhoods once identified by their church buildings are left with the reality that in a very short time these buildings might not exist at all. This is indicative of the plight of historic religious structures throughout New York. Most hard hit are the rural upstate communities, where declining populations decrease already dwindling religious communities and make it difficult to determine a viable reuse.

How many memories are connected with these places? What if you were faced with the reality that the space that your great-grandfather helped to build, where your parents were married and your children were baptized would be closing its doors and possibly torn down? It's an unsettling prospect. From an architectural perspective, in many cases these buildings were built by master craftsmen using methods and techniques that are no longer used in modern construction. Some were designed by prominent architects. Others are decorated with frescos, stained glass, and ornament that are priceless and irreplaceable. Some represent the largest building in the immediate area, while others are small, simple, and elegant.

But there is hope for the future of these sacred but empty places. Throughout the world and here in the United States new uses have been found for these structures that can maintain their architecture and their splendor. Here are some success stories and suggestions about how you too might find a new purpose for an abandoned house of worship.

First, Be Realistic of the Challenge Ahead

There are a myriad of reasons why a house of worship may have closed its doors. As seen in Buffalo, declining religious service attendance is a big reason, but another major factor can be the structural and functional condition of the building itself. They are designed for a single purpose and often come with a large price tag on upkeep. Often the cost of daily operation over many years didn't leave much room in the budget for maintenance. After years of deferred upkeep, items that were once simple maintenance

issues can snowball into big headaches.

Whether the doors were closed last week or twenty years ago, the list of repairs might look the same; however, the buildings may differ in their various stages of decay and urgency.

Any reuse will come at a cost for the repair of the structure and its deficiencies but also for bringing the building up to code. Our constitution clearly defines a separation of church and state. Because of this, religious structures are not held to the codes as strictly as homes and businesses. Often municipalities only enforce the most important of life safety concerns. Therefore, any reuse taking the building out of religious use will need to address issues such as accessibility and fire protection.

Also, religious properties are not zoned. Once a religious property is transferred to a non-religious organization, the city, village, or town must then zone the building in a way that is best for the surrounding community. Many a project has been thwarted because viable uses don't match the designated zoning for the location. Rezoning may need to be explored, or requests made through the local zoning appeal board. This is an important factor to consider before undertaking any reuse project.

Finally, you've heard the saying "it takes a village"? This aphorism aptly describes the process of reusing a religious structure for another purpose. It will take hard work, community involvement, and dedication. Any intended purpose will be only as successful as the community's need for the service provided and its willingness to support it. It is also important to consider, especially in rural areas, how much visitor traffic comes to your area. In choosing a reuse, the function should be able not only to serve the community but also to attract the attention of visitors. In rural areas, a mixed-use function may be better suited to using the structure fully and giving it the best chance for financial success. Most people agree that these religious structures were built to serve the community and any new use that continues that purpose is preferred.

If your community is up for the challenge, some hard work and effort could pay off in a big way. Here are some options to consider.

Old Building, New Use

You might be amazed to learn the numerous ways that former religious structures are being reused throughout the world. You also might not agree with some of these reuses, but keep an open mind. If you are resolute in your determination to keep these structures in use, you have to be open to all possibilities. Some of the most common reuses may not be right for your community, or the local zoning laws might not allow them.

The most desirable reuse is obviously for a similar function by another religious organization. Almost as appropriate is development as a community center and multi-use facility. But if you don't have a demand or need for these, some of your other options include performance spaces, libraries, museums, residences, offices, restaurants, and even retail space. Residential is by far the most common reuse of churches. The most interesting reuse I've seen so far is a former church in Bristol, England that was reused as a climbing center. The height of the interior space was conducive to building tall climbing walls for recreational use.

To give you examples of some of the other possibilities, I've compiled a list of projects, mostly in New York or the surrounding states, that I have found in doing my research that show a wide range of possibilities.

Asbury United Methodist Church – Buffalo, New York

Built in 1874 and closed in 1995 because it was no longer safe for habitation. Reused in 2006 as a community arts space, flexible public performance and entertaining space, and corporate headquarters for a record production company. <http://www.thechurchbuffalo.com/>

International Institute of Culinary Arts – Fall River, Massachusetts

The former First Congregational Church is located in a state historic district. In 1997 it was purchased by a man with a dream to establish a culinary school. The church and its surrounding buildings have become the culinary school, a restaurant, and banquet facilities.

<http://www.iicaculinary.com/>

The Church Brew Works – Lawrenceville, Pennsylvania

Built in 1902 and closed in 1993, the former Catholic Church was purchased by a private investor who turned it into a microbrewery and restaurant. This project was highly controversial because after the fact the local Catholic diocese felt that the reuse was inappropriate. The diocese has since set strict guidelines for future sale of any religious property to ensure that the intended reuse meets its approval. <http://www.churchbrew.com/>

Kirkland Art Center – Clinton, New York

The Kirkland Art Center occupies a former church and barn on the village green. The center offers adult and child continuing education classes, traveling art exhibits, concerts, lectures, a coffee house, and a thrift shop. Support comes directly from the community, volunteers, the New York State Council for the Arts, and other funding sources. <http://www.kirklandartcenter.org/>

The Sanctuary for Independent Media – Troy, New York

This space offers media makers a place to meet, screen, produce, and perform all types of independent media, an unusual but creative use for a historic religious structure

<http://www.thesanctuaryforindependentmedia.org/>

Packer Collegiate Institute – Brooklyn, New York

Built in 1869 by Renwick and Sands, the closed church was purchased by the institute in 1969. It remained underutilized until 2004, when renovations were completed to accommodate the institute's middle school. A five-story independent structure was built inside the church shell to provide classroom space while preserving the original architecture. <http://www.packer.edu/>

Universal Preservation Hall – Saratoga Springs, New York

In what was truly a community effort, concerned local citizens banded together after this former Methodist-Episcopal church was condemned in 1999. They refused to see the structure torn down to become another paved lot. It is envisioned as a community space offering concerts, films, poetry readings, and lectures, as well providing space for corporate meetings and retreats and wedding receptions. A portion of the building remains a house of worship for the congregation, allowing it to remain an active part of the life of the community.

<http://www.universalpreservationhall.org/>

King Urban Life Center – Buffalo, New York

A broad-based group of concerned citizens organized to save the historic St. Mary of Sorrows Roman Catholic Church from the wrecking ball in 1985. After discussing such possibilities as a theatre, television station, and condominiums, it was decided to find a reuse that served to support and boost the economically depressed neighborhood surrounding it. The center draws from the educational resources of local colleges and universities to offer exceptional learning opportunities to K-2 students. The center's program includes technology based education as well as after-school programs. <http://www.kingurbanlifecenter.org/>

The Hotel Pharmacy, Inc. – Brattleboro, Vermont

A former Methodist church built in 1880, the building has seen various reuses over the years. Formerly a theatre with a tavern in the basement, the structure has since been divided longitudinally down the nave to form two commercial spaces. It is now home to Wildwater Outfitters, which left its interior space unchanged, and the Hotel Pharmacy, which has completely renovated its half of the building. <http://www.hotelrx.com/history.html>

What's Next?

You may already have a religious building in mind and a reuse that fits the needs of the community. The next step is to secure funding. When you are talking about deferred maintenance and costs for renovation and code upgrades, totals can rise into the millions and tens of millions. Believe it or not, there are quite a few options available to get you started.

Federal Funding Sources

- Save America's Treasures – A federal grant program available for “nationally significant” properties whose owners are not-for-profits, municipalities, or recognized tribes.
- <http://www.saveameericastreasures.org/index.html>
- Historic Rehabilitation Tax Credits –A 20% tax credit that can be taken for a rehabilitated income-producing historic property listed on the National Register of Historic Places. The work must be a “substantial rehabilitation” as defined by the program and must follow the Secretary of Interior’s Standards for Rehabilitation. Not-for-profits can utilize the credits through syndication, selling them on the market for direct capital.
<http://www.nps.gov/history/hps/tps/tax/implement/index.htm>
- New Market Tax Credits – The New Market Tax Credit (NMTC) program is a federal tax incentive program authorized by Congress in 2000 to help spur the investment of \$15 billion of capital into businesses that are located in low-income communities.
- Community Development Block Grants - This is a federal program earmarking 70% of its yearly funding directly to low and moderate income communities.
<http://www.hud.gov/offices/cpd/communitydevelopment/programs/>
- Community Reinvestment Act – Passed by Congress in 1977 and revised in 1995, this requires banks and lending institutions to help meet the credit needs of moderate to low income projects in their communities. <http://www.ffiec.gov/cra/>

Please note that some of the federal sources require a property to be listed on the National Register of Historic Places in order to qualify for the funding. National Register listing is an honorific program that recognizes historic properties and opens the door for various funding sources not available without that designation. Save America's Treasures and the Historic Rehabilitation Tax Credits are two programs directly linked to National Register listing. Some religious organizations have shied away from these designations due to the mistaken perception that such designation comes with limits on what kind of renovations can be done to the building. This is not true: National Register listing puts no controls on privately funded work on a listed building. However, public funding of National Register listed or eligible properties does require review by the State Historic Preservation Office (SHPO) under the appropriate regulations. Contact the New York State Historic Preservation Office for more information

New York State Funding Sources

- State Tax Credits – New York State has recently enacted state historic rehabilitation tax credits. The most useful for historic religious buildings would be the credit for income-producing properties, which is directly linked and calculated on the federal rehabilitation tax credit. Commercial properties that qualify for the federal credit are eligible for an additional state income tax credit, equal to 30% of the federal credit. This program is still in the development stage; check with the SHPO for more information and updates.
- State legislative member items – Legislators may have access to sources of funding through their ability to direct funds through line items. Be sure to check with your local representative to see what might be possible.
- State Grants – Currently there are several grant programs available.
- Environmental Protection Fund – A portion of these funds are set aside for historic preservation projects. The property has to be listed on the National or State Register of Historic Places and owned by a not-for-profit or a municipality in order to qualify. These grants are announced annually. You should check with the grants officer in your regional office of the New York State

Office of Parks, Recreation, and Historic Preservation for more information about schedules and applications. <http://www.nysparks.state.ny.us/>

- RESTORE - Restore NY is a program through the Empire State Development Corporation designed to encourage economic development and neighborhood growth by providing municipalities with financial assistance for revitalization of commercial and residential properties. <http://www.empire.state.ny.us/restoreNY/>

Local Funding Sources

- Tax Exemptions
- Budget Line Items
- Business Improvement Districts

Not-for-Profit Organizations

- National Trust for Historic Preservation: <http://www.nationaltrust.org/>
- Partners for Sacred Places: This national, non-profit organization is dedicated to the stewardship and active community use of America's older religious properties. <http://www.sacredplaces.org/>
- Denominational Administrative Bodies

Grants and Charitable Foundations

- The Chronicle of Philanthropy - <http://www.philanthropy.com/>
- The New York Landmarks Conservancy, Sacred Sites Program: This program provides financial and technical assistance for the maintenance, repair, and restoration of religious properties throughout New York State. <http://www.nylandmarks.org/>, click on "houses of worship"
- The Getty Foundation: The Getty Foundation awards architectural conservation grants to preserve buildings and sites of outstanding architectural, historical, and cultural significance. Planning grants assist in the initial development of an overall conservation plan. Implementation grants assist in the actual conservation of a building's historic structure and fabric. <http://www.getty.edu/grants/conservation/>
- Local Foundations: Many communities have local foundations that can assist in planning or implementation of work at historic religious buildings.

A more complete list of grants and other funding sources, along with links to their websites, can be found at: <http://www.preservenet.cornell.edu/links.php>.

Reusing a house of worship can be a challenging venture. These projects are already competing against other preservation projects for limited funding resources. It is not advisable to count on outside sources alone to fund the adaptive reuse project. Careful consideration should be taken to determine the costs associated with the renovations before asking for funding. Many grant programs require you to be very specific about how their money will be spent. Also, look to your local officials for help. They might be aware of funding available based on other projects undertaken in the area. They can also be very helpful in aiding you in understanding the processes involved in a reuse project.

A Vision for the Future

Historic religious structures are a part of our country's heritage, built and paid for by people who came to America to find a better life. It would be a shame to lose structures that were once the anchors of their communities, some of which exemplify types of construction rarely duplicated in modern high paced and cost driven construction industry. However, it is hard to imagine that every vacant religious structure will find a reuse. It is the harsh reality that some will be left to decay or fall victim to the wrecking ball. Nevertheless, these structures warrant the time and effort required to look into whether or not there are viable and applicable reuses available.

The need to find new uses for sacred places is gaining urgency with the acceleration of closings and consolidations. State and local governments are only now beginning to set up agencies to monitor the growing number of vacant religious structures in their areas and to set up plans for their care and reuse.

There are so many unknowns in this type of project that it is important to look at what others have done and ask questions of those who might assist you in making your goal a reality. However, know that while it is daunting, the effort you might be undertaking has been successful in cases where buildings had been left for dead, the community had lost hope, and no one thought it possible. Sometimes it took just one person to catch the vision and lead the way for others so that these landmarks could have active lives for the next century.

“The preservation of these structures is a responsibility we all share, to ensure that we pass on to future generations an understanding of our country’s great religious, architectural, and historical heritage.” - Rev. Thomas F. Pike from Common Bond, Volume 1, Number 1, Summer 1985.

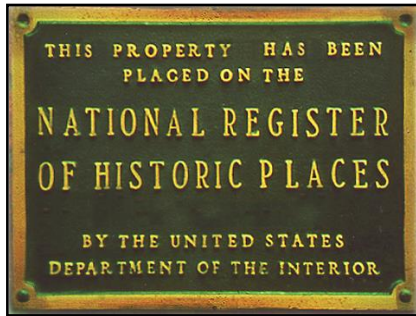
**Excerpted from *The Local Landmarker*,
Issue 5, September 2007, a publication for
New York State Certified Local Governments**



The King Urban Life Center in Buffalo. This view from above the main level shows the sensitive construction inserted so the building could serve the community in its new incarnation as a community educational resource.

NATIONAL REGISTER LISTING VS. LOCAL DESIGNATION

How many times have you seen such a marker but not fully understood what National Register listing means? Many people do not understand the difference between National Register listing and local landmarking or designation. This section will address the difference and meaning of both, and also address what it means to be individually listed or in a historic district for both National Register and locally designated buildings. Hopefully by the end you can answer any National Register or local landmarking question from a property owner, local government officials, or even other commission members.



The National Register of Historic Places

“The National Register of Historic Places is the official list of the Nation’s historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service’s National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”¹

The National Register is the nation’s official list of properties significant in history, architecture, engineering, landscape design, archeology, and/or culture within local, state, or national contexts.

These properties can be large, small, urban, rural, individual buildings, collections of buildings, archeological sites, structures, houses, boats, parks, cemeteries...as you can see the nature of what can listed is pretty wide. However, many people continue to be confused by what being on the Register means, and how it differs from being designated by a local preservation commission.

While it is a national level program, it is administered at the state level by each State Historic Preservation Office (SHPO). That means that the office works with interested individuals and groups in assisting people with developing National Register nominations.

The following sections are taken from our office’s *“Frequently Asked Questions about the National Register”*, developed from our experiences from answering inquiries about the National Register. For a program that has been around since 1966, there still remains a lot of confusion and misunderstanding about the Register, the nomination process, and what it means to be listed.

How are properties placed on the National Register?

To begin, an application must be submitted to the SHPO for evaluation. Typically, National Register staff at the SHPO has already been in touch with a nomination sponsor, which can be a property owner or an interested person or group, and has worked with them to determine the potential eligibility of a property or properties for the Register. If the property is determined eligible for listing, the nomination sponsor is then responsible for providing documentation that describes the property’s setting and physical characteristics, documents its history, conveys its significance in terms of its historic context and demonstrates how it meets the Register criteria. Staff then works with the nomination sponsor to ensure the completeness of the application. Once complete, the nomination is reviewed by the New York State Board for Historic Preservation. If the board recommends the nomination, the New York State Historic Preservation Officer (In New York, that is the Commissioner of the Office of Parks, Recreation and Historic Preservation) forwards it to the National Park Service for review and listing on the National Register

What kinds of properties can be included in the register ?

As noted above, many different types of historic resources can be listed on the Register. Buildings and structures such as residences, churches, commercial and mixed used buildings; sites such as

¹ “National Register of Historic Places Program: About Us,” www.nps.gov/nr/about.htm

cemeteries, landscapes and archaeological sites; districts or groups of buildings, structures or sites that are significant as a whole, such as farmsteads, residential neighborhoods, industrial complexes and cultural landscapes; structures such as water towers, bridges, fire towers, and in one listing, a radar antenna; and objects such as fountains and monuments.

What qualifies a property for listing?

The Register criteria recognize the value of all aspects of our state and nation's diverse culture. Properties must represent a significant historic theme (such as architecture, agriculture, industry, transportation) and retain sufficient physical integrity to illustrate their association with that theme. Using the Register criteria, a property or properties must possess integrity of location, design, setting, materials, workmanship, feeling and association. Typically, a resource must be at least 50 years old before it can be evaluated for eligibility. This time period is used to establish perspective and to provide for a more dispassionate evaluation of its eligibility. Properties less than 50 years of age are not typically considered eligible for listing, but exceptions can be made for recent properties of exceptional significance. A fairly recent example of this is the former New York State Pavilion that was constructed for the 1964-65 World's Fair. The Pavilion is significant for its association with the New York 1964-1965 New York World's Fair; it is a physical manifestation of the political, planning, and development interests of Nelson Rockefeller and Robert Moses; it is one of the most important and popular works of the modern architect Philip Johnson, and; it is an outstanding example of the innovative structural achievements of the firm of the engineering firm Lev Zetlin Associates. At the time of listing it was only 45 years of age, but its associations raise to the level of National Register listing.

What is a historic district?

A historic district is a group of buildings, structures, and sites related architecturally and/or historically. A district may include any number of properties, and can represent such things as a residential area that developed as an early streetcar suburb, a cohesive commercial "Main Street", a historic industrial area, or a rural area that has retained its historic use and agricultural land patterns. Proposed districts must retain integrity to their period of significance. Boundaries are established on the basis of significance and integrity. One of the more confusing things to people about historic districts is that within a district, there can be both contributing and non-contributing buildings and resources. Contributing resources are those that have integrity and contribute to the understanding of the district's "story". Non-contributing resources may be those that later buildings not associated with the original "theme", or older buildings were remodeled or altered in such a way as to impact their integrity. A "contributing" building or resource has the same status in the National Register as if it were individually listed.

Can an owner object to his or her property being listed on the register?

An individual privately owned property cannot be listed over the objection of its owner. Likewise, a proposed historic district cannot be listed over the objection of a simple majority (51%) of owners. However, it is the policy of the SHPO to work closely with nomination sponsors and communities to provide information about the registers program and opportunities for comment. We find that opposition is sometimes based on misconceptions or misunderstandings about what listing means, and that education can be key in resolving a property owner's concerns.

What are the benefits of being listed on the registers?

The National Register is a recognized and visible component of public and private planning. The register promotes heritage tourism, economic development and appreciation of historic resources. Some benefits of listing include:

- Official recognition that a property is of significance to the nation, the state, or the local community.
- Raising the community's awareness and pride in its past.
- Owners of historic commercial and rental properties listed on the National Register may qualify for a federal preservation tax credit. The Tax Reform Act of 1986 allows a 20 percent tax credit for the

substantial rehabilitation of income-producing historic properties. The work performed must meet federal preservation standards.

- There is also a 20 percent New York State Credit that is available for the rehabilitation of historic commercial and rental properties listed on the National Register
- There is a New York State tax credit for owner/occupants of historic residential buildings that are listed on the National Register and also meet other program criteria
- Not-for-profit organizations and municipalities that own listed properties are eligible to apply for New York State historic preservation grants. There are additional public and private grant programs that also use listing on the register as part of their criteria for application and award. .
- Properties that are either listed on the Register or are determined for the Register receive a measure of protection from state and federal undertakings. Under state and federal law, state and federal agencies must consult with the SHPO to avoid, minimize, or mitigate adverse effects to listed or eligible properties.

Will Register listing prevent an owner from undertaking alterations or changes?

Listing on the Register does not prevent a property owner from remodeling, altering, painting, managing, selling, or even demolishing a historic property. I've heard people say "don't put my building on the National Register – it will restrict my ability to do as I please with my property!" Restrictions on what an owner can do with when that is never an outcome of Register listing. Of course, if a property is locally designated, there may be such protections in place (see *How does National Register listing differ from local landmark designation?* below).

As noted above, however, if state or federal funds are used, or if a state or federal permit is required, and the property is determined eligible for National Register listing, or is listed on the National Register, any proposed work will be reviewed by the SHPO staff.

Must owners of listed buildings open their buildings to the public?

No. There is absolutely no requirement to open listed properties to the public. This is an old tale, told in almost every place I've lived. I'm not sure where it originated, but it certainly persists, and is continually making its reappearance.

Will a property owner be able to leave his property to his children or anyone else he/she wishes?

Yes. Listing on the registers in no way affects the transfer of property from one owner to another. As far as selling a house listed on the National Register, studies have shown that listing a house or a district on the National Register has had no impact on price or salability. In fact some studies suggest that the recognition given houses by being listed can actually be a successful marketing angle for a savvy homeowner or realtor. There always is a set of potential owners looking for a house with history or historic character.

Will listing on the National Register, either individually or in a historic district, affect local property taxes or zoning?

No. Listing has no direct bearing on any of these actions. All local property taxes and zoning matters are the exclusive reserve of the local government.

How does listing protect a building and its surroundings?

The registers are a valuable tool in the planning of publicly funded, licensed or permitted projects. Government agencies are responsible for avoiding or reducing the effects of projects on properties that are eligible for or listed on the Register. Listing raises awareness of the significance of properties, helping to ensure that preservation issues are considered early and effectively in the planning process.

How does National Register listing differ from local landmark designation?

As can be seen in the questions and answers above, National Register listing is quite different from local designation. National Register listing is an honorific that recognizes and officially records the architectural, historic, cultural, or other significant of an historic resource. It can provide an entrée into tax incentive programs, grants, or other such benefits, but otherwise, it does **not** place any obligations on the property owner, and in the event of a wholly privately funded project, prevent any alterations, or changes, up to and including wholesale demolition.

A municipality that has adopted the New York State Model Historic Preservation Ordinance, through its commission, can:

- Designate a local historic landmark or district that meets the criteria stated in the local law without owner consent, which differs directly from National Register Processes.
- Require the owner of a property locally designated as a historic resource to come before historic preservation review for any proposed work other than normal maintenance and repair, unlike National register listing, which has no such requirement
- Actively pursue surveys of local resources in order to ascertain those may meet local designation criteria, either as individual resources or districts.
- Through local designation, enable the use of a local property tax abatement program for designated properties (if it has adopted the state enabling legislation), but NOT the federal and state tax credit.

Other differences between National Register listing and local designation include the following:

- A local historic preservation law is a local action, decided upon and enacted (or not enacted) by a local government. It is not required or mandated by any other governmental body outside the municipality. The National Register was created by the United States Government as part of the National Historic Preservation Act of 1966, and is administered at the state level by the New York SHPO, and is independent of local governmental action
- Local designation does not trigger review by the SHPO when a federal or state funded, permitted or licensed undertaking (road widening, housing development, cell tower construction, etc.) occurs at or near a local landmark or landmarks. Only National Register listing or eligibility triggers those necessary reviews under the appropriate federal or state preservation law.

Does Local Designation lead to National Register listing, and vice versa?

No: Local designation does not necessary lead to National Register listing, and conversely, National Register listing may not lead to local designation. The two processes are separate and distinct, and are not linked. However, there is likelihood of some overlap, since the National Register listing criteria is reflected in the Model Law designation criteria. However, there are many properties on the Register than may never be locally designated, and likewise, there are many local designations that may never be listed on the National Register. This is an important point to consider. Recently we received a question about a local resource that is considered significant to a municipality's history due to local associations with industry, personages, etc. That same resource was reviewed by the National Register staff here at the State Historic Preservation Office due to state and federal funding, and determined non-eligible for listing on the National Register. This determination may be disappointing to friends and advocates of the resource, but in no way negates the possibility of it being locally designated as a local landmark. Local historic preservation is exactly that – local. A local preservation commission determines what is important to the municipality, and using the criteria in the local law, designates properties. As noted above, National Register listing and local designation are entirely separate and distinct.

Local Certified Districts: A useful but confusing similarity

Local designation in itself does not enable a property owner to take advantage of either state or federal tax incentive programs. However, there is a process wherein locally designated districts can be “certified”

by the National Park Service. At that point, the local district becomes a “Local Certified District”. This is recognition by the Park Service (who is ultimately responsible for the National Register) that the local district has been documented essentially to the same level as a nomination for a National Register District. Note that this is different and far beyond in format and backup materials of the process that typically happens for local designation only. **The main benefit of a Local Certified District is that it allows owners of properties within such a district to take advantage of the federal tax credit.** The regulations for the New York State Tax Credits are still being written as of this newsletter, but it is expected that properties within a Local Certified District will also be able to use those credits as well.

Why would a local municipality pursue such a district? As noted before, it allows the use of tax incentives for areas where a majority of property owners would have potentially opposed National Register listing. Since the New York State Model Preservation Law does not require owner consent for local designation, this is a way that a local commission can act for the good of property owners, enabling the use of incentives that might otherwise be blocked. This is also an example where misconceptions of the impacts of National Register Listing can act to deprive property owners of an important benefit of listing.

The New York State Register of Historic Places

In addition to the National Register, New York State maintains its own Register of Historic Places. This register was created in 1980 as part of the New York State Historic Preservation Act. It is largely analogous to the Nation Register, since it uses the same criteria. During the National Register process, once a nomination has been approved by the New York State Board for Historic Preservation, and signed by the State Historic Preservation Officer, it is placed on the State Register. The nomination then goes to the National Park Service for their concurrence review and listing of the property on the National Register.

The Final Word (And Words to Use)

Knowing the differences between local designation and National Register listing is important in talking to property owners about the benefits of either. We rely on our Certified Local Governments to be important sources of historic preservation information for their communities, to aid in correcting misconceptions about historic preservation and promoting programs of interest and benefit to property owners. Getting the nomenclature of each program right is important. There is a real difference between creating a local landmark or designation and listing a property on the National Register of Historic Places, and you should be careful to use the right terms. At SHPO, when we speak of a historic resource protected at the local level under local law, we typically say it is “locally designated”, or “locally landmarked”. A resource on the National Register is either “listed on the National Register”, or simply “listed”. These different terms help us keep the processes, benefits, and implications of the programs separate, and they may help your commission as well.

REMEMBER:

National Register Listing is a federal program operating under federal laws. The State Historic Preservation Office oversees the program at the state level, but it is ultimately the National Park Service that places a property on the Register. Register listing is an honor that recognizes and records the historic significance of a historic resource or collection of resources. It can provide access to funding or incentive programs, but does not provide any protection in the case of privately undertaken projects that could harm the architectural character of the building or its surrounding community.

Local Designation is the primary tool wherein local historic resources important to the character and wellbeing of a community are protected. The designation process is undertaken using a local law, and is a local program, overseen by a local preservation board or commission. The designation provides protection of character defining features and materials, regardless of the funding source. At SHPO we consider local historic preservation board and commissions the “front line” in the preservation of our shared historic heritage.

So, with that information in hand, be sure that as a commission or board member you are clear on the distinctions and differences between National Register listing and local designation. You are the first point of contact for most of your neighbors in matters regarding historic preservation, and can go far in helping them understand the tools and benefits available as you all work together to maintain your Village, City, Town, or County's historic resources and sense of place.

Excerpted from *The Local Landmarker*, Issue 14, Winter 2009-2010, a publication for New York State Certified Local Governments



This former bank building at 41 Broad Street in lower Manhattan. (constructed in 1928-29), has been converted to a school, using the Federal Tax Credit for Rehabilitation. The former grand banking hall now serves as the school's auditorium, and the cafeteria kitchen is in the former vault. New York City has been a CLG since 1996, but has had a local preservation law since 1965, sparked in part by the loss of Pennsylvania Station. New York City was party to the landmark 1978 Supreme Court ruling that determined that historic preservation was a legitimate use of local power (Penn Central Transportation Co. v. New York City, 438 U.S. 104), thereby opening the door to thousands of new local preservation commissions across the country.

THE NEW YORK STATE HOMEOWNER'S TAX CREDIT: AN IMPORTANT TOOL FOR YOUR COMMUNITY

One thing I always stress to members of local preservation commissions is that reviewing Certificate of Appropriateness applications is just one part of their job. Local preservation commissions should also serve as a resource on historic preservation information for their community, providing information about the benefits, how-to's, and local processes of historic preservation. This task can be done through workshops, publications, articles in a local newspaper or newsletter, or online through a link on their municipality's website. While some of those are "active" projects that may require an extra time commitment on the part of a commission member or entail the hiring of a consultant or project manager, there are several things that can be done as part of your regular working that can serve as both information and potential benefit to a property owner in your local historic districts.

One such thing would be to promote state and federal tax credit programs either available or potentially available to the applicants who come before your board. One such credit is The New York State Historic Homeowner Tax Credit Program. This program is administered by the SHPO, and is available to the owner of a "**Qualified Historic Home**" (more on that definition later).

Background on the Credit

At the time of the 2000 United States Census, New York State had the highest number of pre-1950 dwelling units in the country - a total of 3.3 million, which made up 43% of all existing dwelling units in the state. This number, which has not shifted significantly since that census, includes single family homes, multi-family buildings, apartment buildings, and cooperatives. Fifty percent of these units are in urban areas, which in New York State means two things: first, that they are in our historic cities, representing the architectural, social, and economic history of the Empire State, and; second, that being located in urban areas, they may also be located in concentrated areas of economic stress and disinvestment. Many of these urban areas are looking to spur reinvestment in their historic neighborhoods.

Also, New York State is a state with large rural areas, and these have villages and hamlets as their historic and traditional centers of commerce, social life, and concentrated housing. Many of these rural areas have seen a decline in agricultural use, and a loss of population. However, if they are within commuting distance from a larger urban population, they may be looking to attract people who are looking for a "small-town" living atmosphere, and many of these people may be interested in investing in a historic house. Some communities may also be seeing investment from "weekenders", and others yet may be simply looking to encourage investment from existing residents.

A federal rehabilitation credit for commercial properties (income producing) has been in place since the late 1970's and has a solid track record of attracting significant investment into historic buildings. This investment into historic commercial, office, and rental buildings might not have been made without such an incentive, and it has made a difference on historic main streets and other commercial areas. However, no such credit currently exists at the federal level for owner occupied historic homes, and that has been a sore spot for many years.

To address that oversight several states have, over the past decade, enacted credits available for owners of historic homes and as a result have seen significant levels of investment and rehabilitation in historic neighborhoods. Looking to these existing examples across the United States, New York State first enacted a Historic Homeowner's Tax Credit in 2006. Seen as a promising but not perfect bill, it was refined in 2009 creating the **Homeowner's Tax Credit** program that became effective January 1, 2010.

As currently enacted (bill references A.9023-Hoyt/S.6056-Valesky), the New York State Homeowner's Tax Credit provides a credit against state income taxes owed based on 20% of the cost of the rehabilitation. This credit is not "as of right", but as you would expect, has qualifications and rules governing its usage.

Location, Location, Location

First, let's break down what it means to be a "**Qualified Historic Home**", noted as a program requirement in the second paragraph above. As defined in the act that created the credit, this term means an owner-occupied residential structure (including condominiums and co-ops) that:

- Is listed on the State or National Register of Historic Places (NR) either individually **or** as a contributing building in a historic district; **AND**
- Is located in a Federal Census Tract that is at 100% or below the State Family Median Income level,

What does all this mean?

First, let's look at "*Listed on the State or National Register of Historic Places (NR) either individually or as a contributing building in a historic district.*" The Winter 2009-2010 Landmarker (Issue 14) discussed National and State Register listing and what those designations mean vs. local designation. You should be aware of the National and State Register listed districts and buildings in your community. If you don't, it is okay; the SHPO can help you get that information.

Next, there's "*Located in a Federal Census Tract that is at 100% or below the State Family Median Income level.*" This language can be a bit of a mystery to those not familiar with how government uses the United States Census. Federal and State governments typically use the information gathered during censuses to identify economic and social demographics within states, counties, towns, cities, and villages.

In essence, the Homeowner Tax Credit was created to assist owners of houses located within economically "distressed" neighborhoods, and the defined census tracts and "QCT"s are simply a way to geographically identify those areas that could best benefit from using the credit.

The State Historic Preservation Office website (<http://nysparks.com/shpo/>) has an "Online Tools" section that includes a link to our new Cultural Resource Information System (CRIS) that has this information as one of the available "layers". If you are familiar with GIS, you can use this tool to identify what areas of your community have what designation. Of course you can also simply call the appropriate staff contact (see "Contact" at the same website) and have them help.

Who can apply for the credit?

The applicant must be:

- A New York State taxpayer.
- The owner of a "qualified historic home" (as previously defined), **OR**
- The purchaser of a "qualified historic home."

The first qualifier for who can take the credit is pretty obvious, since as the credit is taken against New York State income taxes, there must first be New York State taxes owed. The meaning of "Qualified" historic home is discussed in the section above, and if the property meets the definition, then its owner is eligible to apply for the credit. Note that the owner must have whole or part ownership, and that he or she must reside in the house during the taxable year in which the credit is allowed.

The third is a bit more complicated. Of course, those rehabilitating a home they already own, or purchasing a home and then rehabbing it are eligible for the credit, but there is also another way to access the credit. If the taxpayer is the first buyer of a qualified historic home after it has been rehabilitated by the seller and the project was certified as meeting the established requirements, then they may be eligible to claim the credit. The purchase must occur within five years of the certification of completed work and the seller must not have already taken the tax credit.

The above simply means that someone who has rehabilitated a house under the Homeowner Credit program, applied for and received approval to take the credit, instead of claiming it themselves, sells the house to a buyer **with the credit, passing it through to the new owner.** The credit can only be passed through to a purchaser once, to the “first buyer” after the approved rehabilitation, and not passed through several sales.

The project must:

- Have qualifying rehabilitation costs that exceed \$5000
- Spend at least 5% of the total on exterior work.
- Receive preliminary approval from SHPO staff.
- Be completed after January 1, 2010. The program ends on December 31, 2014.

The program requires \$5,000 be spent on the rehabilitation. Typical work that qualifies for the credit includes repairs to walls, exterior masonry, wall finishes (interior finishes such as plaster or other such surfaces and exterior finishes such as clapboard, brick, stucco, etc.), floors, ceilings, windows, doors, chimneys, stairs (interior and exterior), and roofs. Components of central air conditioning or heating systems, plumbing and plumbing fixtures, electrical wiring and lighting fixtures, elevators, sprinkler systems, fire escapes and other components related to the operation or maintenance of the building. This list is not exhaustive; the last page of the homeowner credit application has a full list work items. Please note that projects such as landscaping, fencing, additions or other work outside the historic building generally **do not** qualify.

At least 5% of the project cost has to be spent at the building’s exterior, as this credit is the state “underwriting” work at a private residence, and as such the public should receive a benefit from the project. Asking that a part of the work be at the exterior ensures that rehabilitation work at a property also acts as an improvement to the immediate neighborhood, the streetscape, and by larger association, the entire municipality and state as well.

Like most rehabilitation projects administered by the SHPO, the work must meet the Secretary of the Interior’s Standards for Rehabilitation. Many commissions use the Standards as the guide for their review responsibilities, so you may be familiar with them.

SHPO staff review all work proposed (i.e. BEFORE work) at the project and help property owners determine the best approaches to rehabilitation objectives. This may require some “back and forth” between the property owner and the staff person to “fine-tune” the application and have it hew more closely to the Standards.

As with the projects you see in your reviews, in general, projects should strive to retain and repair original, historic materials. Information on the Standards can be found on page 31 of the *CLG Training Guide*.

Everyone loves a refund!

One aspect of the New York State Homeowners Tax Credit program that is unique to it is that there is the possibility of receiving a refund on any unused or unusable portion. If the allowable credit (again, based on 20% of the cost of the allowable work) exceeds your state income tax for the year and your adjusted gross income is under \$60,000, the excess will be treated as an overpayment of tax to be credited or refunded. You can either choose for the credit to applied to future returns or that the remaining credit balance be treated as a tax refund, returned to you.

Information from the New York State Department of Taxation and Finance

Since this is a “tax” program, it is also good to have access to that agency’s information as well. Information about the credit from the New York State Department of Taxation and Finance can be found at:

https://www.tax.ny.gov/pit/credits/historic_rehab_credit.htm.

What can you do to promote the credit?

As a member of a historic preservation commission, you are in a unique position to educate your community about this credit. Staff at the SHPO will be glad to work with you

and your commission to provide information about those areas of your community that can already use the credit so that you can get the word out. Also, we are ready to work with your commission to find areas of your community that may already be identified as eligible by economic measures, but not yet listed on the National Register.

This has already happened in several places across New York State. Several community and municipal efforts have nominated and listed a neighborhood or neighborhoods on the National Register as historic districts, allowing property owners access to the Homeowner's credit. The photograph below highlights the listed Chilton Avenue-Orchard Parkway Historic in Niagara Falls, placed on the Register for homeowners to access to the homeowner's credit.

These listings are strong tools as larger projects that look to stabilize these neighborhoods and strengthen home ownership and neighborhood economic and social value.

Remember, listing a district on the National Register is an eligible project under the CLG grants criteria, so we can cost share with the municipality in this type of undertaking.

The Homeowner's Tax Credit is an important historic preservation, economic development, neighborhood stabilization, and civic improvement tool. At one of your next Commission meetings, put it on the agenda and discussing how it might help your community

Excerpted and Edited from *The Local Landmarker*, Issue 20, Fall/Winter 2011, a publication for New York State Certified Local Governments



The Chilton Avenue-Orchard Parkway Historic District in the City of Niagara Falls. This historic district contains the last remaining contiguous and largely intact historic residential neighborhoods which represent the City's growth and prosperity at the turn of the 20th-century and before World War II. This district was listed on the National Register of Historic Place in 2010 to enable the property owners to utilize the New York State Homeowner's Tax Credit. Niagara Falls became a CLG in 2002.

LOCAL HISTORIC PRESERVATION: USEFUL WEBSITES AND RESOURCES

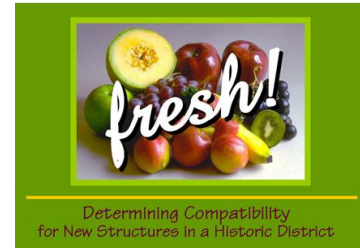
City of Boulder, Colorado – *Historic Building Energy Efficiency Guide*

<https://bouldercolorado.gov/historic-preservation/historic-building-energy-efficiency-guide>

This website is an excellent primer on treating your historic building as a system to be fine-tuned for efficiency, rather than looking to one or two items (such as windows) as stopgap measures.

Georgia State Historic Preservation Office – The Georgia SHPO has

developed a good set of guidelines for new construction in historic districts. They call it FRESH, which stands for **F**ootprint, **R**oofline, **E**nvelope, **S**kin, and **H**oles. The website takes the form of a slideshow with simple text and photographs that illustrate the points in each letter - http://georgiashpo.org/sites/uploads/hpd/pdf/FRESH_CLG.pdf.



Historic Eastfield Foundation - <http://www.historiceastfield.org/index.php?content=workshops> OR <http://www.greatamericancraftsmen.org/eastfield/eastfield.htm>.

Don Carpentier in Nassau, Rensselaer County, NY has an amazing collection of historic buildings, tools, artifacts, and a head full of information about traditional crafts. He holds an annual series of workshops at his site, Eastfield Village.

Institute for Local Self-Reliance - <https://ilsr.org/> and www.newrules.org/retail/

The Institute is a national, nonprofit organization founded to help communities address the challenges of sustaining the local-based economy in the face of “big box” and corporate developments. There are several publications and e-bulletins on topics such as big box development and strengthening local retail.

Kansas State Historic Preservation Office – The Kansas SHPO has produced a set of excellent window repair videos to inform the public on how cost effective and efficient it is to preserve, repair, and retrofit historic windows. Although we’re in the Northeast and they are the Mid-West, the lessons in these videos translate just fine - <http://www.kshs.org/p/window-repair-videos/14680>.



National Association of Preservation Commissions (NAPC) -

<https://napcommissions.org/>

NAPC provides resources and training for local historic preservation commissions. Members receive *The Alliance Review* and can participate in a national listserv for commission members and municipal staff. NAPC also has a number of online resources including a library of design guidelines.

National Main Street Center, Inc. – *Main Street Now* -

<http://www.preservationnation.org/main-street/main-street-now>

Main Street Now, the journal of the National Main Street Center offers a wealth of information, resources, case studies, and news on all aspects of commercial district revitalization.

National Endowment for the Humanities – *We the People Program*

<http://www.neh.gov/grants/interpreting-americas-historic-places>

Interpreting America’s Historic Places Implementation and Planning Grants can lead to the interpretation of a single historic site or house, a series of sites, and entire neighborhood, a town or community, or a larger geographical region. The place taken as a whole must be significant to American history, and the project must convey its historic importance to the visitors.

National Park Service - www.nps.gov

The "Illustrated" Standards for Rehabilitation:

<https://www.nps.gov/tps/standards/rehabilitation/rehab/>

The extensive list of *Preservation Briefs*, with advice and technical information on many preservation issues, including restoration advice on specific materials, design of components, handicapped access, etc.:

<https://www.nps.gov/tps/how-to-preserve/briefs.htm>

Helpful site with information on local districts, ordinances and building treatments:

<https://www.nps.gov/tps/education/workingonthepast/>

**National Trust For Historic Preservation - <http://www.preservationnation.org/> OR <https://savingplaces.org/>**

The Trust is a private, nonprofit membership organization based in Washington, D. C. that provides advocacy, technical assistance, and some funding. (The Northeast Regional Office based in Boston serves New York State.) There are various sections on fundraising, topical issues and public policy on the Trust's website.

Weatherization Guide for Older & Historic Buildings -

<http://www.preservationnation.org/information-center/sustainable-communities/buildings/weatherization/>.

New York State Historic Preservation Office (SHPO) - www.nysparks.com/shpo/

The State Office is charged with overseeing all state and federal preservation programs in New York State, including the National Register of Historic Places, federal and state project review, Certified Local Governments, Federal Rehabilitation Tax Credits and the Environmental Protection Fund program which supports preservation projects. A copy of the *New York State Historic Preservation Plan 2015-2020* is available to download as well.

North Bennet Street School - <http://www.nbss.edu/>

The North Bennet Street School is located in Boston, Massachusetts, and offers intensive, hands-on training in traditional trades and fine craftsmanship. Today, the school's reputation for excellence and value attracts students from around the world.

Preservation Action - <http://www.preservationaction.org/>

Preservation Action is a nonprofit organization created in 1974 to serve as the national grassroots lobby for historic preservation.

Preservation League of New York State - <http://www.preservenys.org/>

The League is the statewide, nonprofit membership organization. Staff provide assistance with a variety of preservation issues including legislation, public policy, technical issues and advocacy. There is a small grant program.

Preservation Trades Network - <http://ptn.org/>

The Preservation Trades Network is a 501(c)3 non-profit membership organization founded to provide education, networking and outreach for the traditional building trades. Their website has information about the organization, their events, and members.

Recent Past Preservation Network - <http://recentpast.org/>

RPPN focuses on resources that have not reached the 50-year threshold for National Register eligibility, but which are important to the country's cultural heritage.