

Historic Preservation
New York Department of State
Division of Local Government Services

Slide 1

Historic Preservation

This is the New York Department of State's Local Government Training Course "Historic Preservation." It is hoped this course will increase the appreciation of local officials and the general public of the value of older and historic buildings in their municipalities and to inform them of some of the options available to maintain those buildings into the future. In addition, the course also explores some of the benefits to the economy and environment that can result from historic preservation.

Before you begin learning, there's a pre-quiz for you to gauge your knowledge of historic preservation. At the end of the course, you'll be asked to take another quiz of much the same content, and you'll be able to print the results.

Historic Preservation Pre-Quiz

(1) The National Historic Preservation Act was passed in

- a. 1776
- b. 1976
- c. 1966
- d. 2006

(2) True or False: There is grant funding through New York State for which anyone who owns a building more than 50 years old can apply.

(3) The agency in New York State that property owners must consult about National Register listing and historic preservation tax credits is the

- a. Department of State
- b. Department of Tax and Finance
- c. Office for the Aging
- d. Office of Parks, Recreation, and Historic Preservation

(4) True or False: A building, constructed in 1905, in which nothing ever happened to change history (as far as anyone knows, at the moment) and not designed by a famous architect but which retains its original façade material, room configuration, and doors and windows, is probably eligible for listing on the National Register of Historic Places.

(5) True or False: National Register of Historic Places designation provides greater protection than local regs can.

(6) Owners of single-family residences in New York State in certain areas that listed on the National Register who make qualified repairs and improvements could benefit from

- a. Local property tax rebates.
- b. State income tax credits for historic preservation.
- c. Federal income tax credits for historic preservation.
- d. All of the above.

(7) True or False: Historic preservation could be considered “green” building.

(8) True or False: Buildings in local historic districts often sell for less than similar buildings not in local historic districts, where other factors are also similar.

(9) Choose the best answer: what board can review proposed changes to properties in a local historic district?

- a. A special historic district review board.
- b. The planning board.
- c. The state review board.
- d. Either a special local review board or the planning board, depending on how the local governing board passes local regulations.

(10) True or False: Boards reviewing proposals under local historic preservation regulations have authority over only older buildings and may not review the design of new buildings in historic districts.

Slide 3

Why Preserve?

To start, a few historic preservation terms should be defined: literally, preservation means to stabilize a building in its current state. Restoration is to return a building to an earlier appearance or arrangement. For example, a new owner of a house built in 1910 with a front porch that was enclosed and made a three-season family room in 1970 might want to restore the porch and house to its 1910 appearance.

Most work performed on old buildings is more accurately described as “rehabilitation.” When discussing historic preservation, there’s a wide range appropriate rehabilitation that might include changes to the original building to make it more functional or to bring it into compliance with current building codes. These changes do not have to alter a building insensitively but can be undertaken in a way that is respectful to the design and historic integrity of the building. This course hopes to explain why there’s value in the effort to not only keep old buildings standing but to maintain their historic integrity and materials.

Slide 4

National Register of Historic Places

People often ask “what’s historic” or “what’s worth saving.” The National Register of Historic Places is a list of structures and places of historic or architectural significance as defined by criteria established by the US Department of the Interior. Buildings not listed on the National Register can be determined eligible for listing. There’s more discussion on the National and State Registers of Historic Places later.

Slide 5

Local Regulation, Appropriate Alteration

This course will also explain options for local officials to regulate historic properties or districts by local law or ordinance and explain what is generally appropriate and what would in most cases not be considered appropriate alteration for historic review purposes. The front door and windows on the house in this photo have been replaced—the windows more obviously than the door. The original wood windows in this house would have occupied the entire window openings, which the vinyl replacements don’t, and the original windows in this late 19th century house were probably single pane or two-over-two (which is a two-pane upper sash and a two-pane lower sash). The replacement windows have six artificial panes over six artificial panes—with a plastic grid between panes of glass—to create a historic character, but in this house that false history is inconsistent with the surrounding late 19th century detail. By the late 19th century it was possible to make bigger panes of glass, so builders wanted to show those off on the front of the house.

The original front door would have been a wood double door that filled the entire opening. The replaced steel door doesn’t fill the width or height of the opening, so that space has been filled with plywood. In a space as prominent as the front door, that alteration changes the appearance and the character of the building and detracts from its historic integrity.

Slide 6

The past

Some think historic preservation is only about the past, about what once existed, and keeping the details of history in a museum state.

Slide 7

Today

The term “historic preservation” significantly applies to keeping older buildings functioning, living history. Think of historic buildings that are the home of a favorite theater, restaurant, or school. Older and historic buildings nearly always meet or can be adapted to the contemporary functional needs for which they were built, and the experience of the theater, restaurant, or school is always greatly enhanced by character of the historic building. In addition, historic neighborhoods, in every aspect of their design, particularly the density of their development and their respect for the pedestrian realm, embody the ideals of smart growth.

Slide 8

Continuous use

A familiar cliché applies perfectly to historic buildings: “They don’t make them like they used to.” Not only do styles of buildings represent and define or celebrate periods of history, but some of the high quality materials and craftsmanship used in them are more expensive now and difficult to find. So to recreate these buildings with the same grade of materials and craftsmanship would now be prohibitively expensive. Another often repeated line is accurate for old buildings: “once it’s gone, it’s gone forever.” This is almost always true because decisions are often made to replace old buildings with new buildings rather than continuing to use or retrofit the old. The argument is sometimes that it is more cost effective to build new. But the new building in these instances is never a re-creation of the old; the new post office or school, for example, rarely if ever contains near the high grade stone and wood and the level of detail, craftsmanship, and other ornament found in the old.

Slide 9

Quantifiable?

Certain arguments for historic preservation are difficult to quantify. Many people are sentimental about community character and the high-style and sometimes even the relatively plain buildings that make the cities, towns, and villages we live in what they are and unique from others. Some municipalities prioritize preservation of the built environment in their comprehensive plans and have design standards that might include local historic district protections. Different communities define these priorities differently, but in many there’s general agreement on the value, not always easily translated into positive financial terms, of the sense of place and history those buildings represent and provide us.

Slide 10

Preservation and Sustainability:

There are also reasons historic preservation is beneficial to the environment and the economy that can be quantified. Donovan Rypkema is an economist and consultant to the National Trust for Historic Preservation who has studied and speaks frequently about the economics of historic preservation and the reasons historic preservation is “sustainable.” Sustainability refers to sound land use planning and the kind of development that can occur with minimal damage to the environment.

Slide 11

Rypkema argues that sustainable development is more than environmental responsibility, largely because it encompasses development as well as conservation. Rehabilitating older and historic buildings—in established cities, villages, neighborhoods, and hamlets—keeps those buildings in service, rather than replacing them with scattered development, more consumptive of land, and the fossil fuels needed to access that scattered development. Rehabilitation of those buildings conserves much of the construction waste demolishing them would produce. This benefits the environment, even if the old buildings that continue to be used are in

relatively rural areas. Denser development and conservation of open spaces are both elements of smart growth, and both are usually byproducts of historic preservation.

Slide 12

Rypkema's background in economic development informs his opinion that sustainable development of the downtown revitalization and historic preservation typify, is a key to economic competitiveness.

Slide 13

"Green buildings" and sustainably harvested materials are a significant part of sustainable development, but green buildings on their own are not all there is to sustainable development. The focus for green buildings is most often on how much energy is consumed to operate them, as opposed to older buildings, which, if they have older heating systems and lack insulation are often more expensive to heat and cool.

Slide 14

The LEED (which stands for Leadership in Energy and Environmental Design) for Neighborhood Development checklist is the measure for the integration of smart growth, urbanism, and green building. Although reuse of a historic building is itself worth only one point on the checklist, most of the other items on the list—conservation of imperiled species, wetlands, waterbodies, and agricultural land; and proximity to walkable streets, transit facilities, and mixed-use neighborhoods—are often satisfied in the process of rehabilitating a historic building.

Slide 15

Rypkema concludes that development without a historic preservation component is not sustainable. The following points illustrate why he holds this position.

Slide 16

A building of typical size in the downtown of a New York village or city neighborhood, if demolished, occupies approximately the same amount of space in a landfill as 1.3 million aluminum cans. While it is widely agreed that recycling is a sustainable practice, the demolition of that one building arguably cancels out a great deal of recycling efforts.

Slide 17

According to the Environmental Protection Agency, building construction debris accounts for one third of waste generated in the United States. Between 1970 and 2000, 6.3 million older and historic housing units were lost—some to fire and natural disasters, but many were demolished to make way for new development—or after having sat neglected to the point at which they were declared or perceived to be structurally unsound. That's more than 500 units a day, nationwide, every day, for decades. If only half of those units had not been lost, huge amounts of waste would not have been sent to landfills—and that much more housing might be available. The trend is expected to continue: the EPA also anticipates that more than 25% of existing buildings in the United States will be replaced by 2030.

Slide 18

The green building movement and anyone concerned about energy efficiency understandably determines the efficiency of a building by its energy consumption—what a building costs to heat and cool and, generally, to function. This is obviously a concern because those costs are fixed into the future. But the concept of embodied energy is often overlooked because it's more difficult to grasp than energy consumption. Embodied energy is the measure of how much energy was expended to construct that building and its parts. If a building is demolished, its parts are not retrofitted for greater energy efficiency: all of its embodied energy is lost.

Slide 19

The energy consumed in the construction of a new building is estimated to be 15 to 30 times that building's annual energy use. Arguably, therefore, the net energy savings of a replacement building shouldn't begin immediately after construction but 15 to 30 years after that building has been saving energy over the old one. Many buildings constructed today are only designed to have a 30-year useful life.

Slide 20

Another environmental advantage of older buildings to new is that historic building materials were less consumptive of energy to fabricate. Wood and stone were primary materials used in most buildings constructed into the 20th century. Those materials are found in nature, so to produce those building components from takes far less energy than producing synthetic contemporary building materials of plastic, steel, and vinyl.

Slide 21

Historic preservation has quantifiable economic benefits, as well. The Advisory Council on Historic Preservation cites numerous studies (several written by Donovan Rypkema) that estimate a million dollars invested in manufacturing creates nine jobs.

Slide 22

A million dollars invested in new construction creates eleven jobs; and a million dollars invested in historic preservation creates 14 jobs. The intensity of labor in historic preservation is responsible for most of that large multiplier effect. In rehabilitation and restoration projects, more of the investment is in labor and less in materials, so the financial benefit goes more directly to workers who are inclined to spend that money locally.

A recent editorial by Stephanie Meeks, president of the National Trust for Historic Preservation, cites a 2011 study by the Center for Urban Policy Research, at Rutgers University, that found rehabilitation of historic buildings created more than 145,000 new jobs nationwide in 2009 and 2010. The study, which focused on the federal historic rehabilitation tax credit, found that since 1978 the tax credit has helped create 2.2 million jobs and has encouraged almost \$100 billion in private investment.

Slide 23

Preservation and Property Values

In addition, much of that investment was made in lower income neighborhoods, and the investment helped the neighborhoods revitalize and become attractive destinations for tourists, new residents, and expanded economic activity. Comparisons of real estate sales have also found that values of buildings in historic districts appreciate at rates greater than similar properties outside of historic districts. Local historic district regulation gives a community a similar continuity of character and protection of property values as zoning does.

Slide 24

Adaptive Reuse

Among the economic benefits of historic preservation is the adaptability of historic buildings. Older buildings often sit vacant because they are no longer needed for their original intended use—armories, schools, and churches, for example—but can, with some creativity and investment, be adapted to different uses. Adaptive reuse projects are generally seen, particularly those respectful of the historic character of significant buildings, as positive examples of historic preservation and smart growth.

Slide 25

Heritage Tourism

Yet another way in which historic preservation contributes to the economy is in the fast growing sector of heritage tourism. Those who visit historic sites and areas where a great deal of historic preservation activity has occurred generally spend 30% more than other tourists and stay nearly twice as long.

Slide 26

Origins of Historic Preservation

The history of the historic preservation movement is widely thought to have begun in the mid-19th century, when a passenger on a ship on the Potomac River was shocked to see the deteriorated state of Mount Vernon, the home of George Washington, only fifty years after Washington had lived there. The Mount Vernon Ladies Association acquired the house several years later, restored the house, and opened it to the public.

At about the same time, the State of New York acquired the Hasbrouck House, in Newburgh, which was George Washington's Revolutionary War headquarters between April 1782 and August 1783, and created the first public historic site in the United States.

Slide 27

Across the country there were some examples of early local historic district regulation such as historic district zoning in Charleston, South Carolina, in 1931. During the 1960s, historic preservation in the United States turned an important corner. Many in New York State consider the demolition of McKim, Mead, and White's 1910 Pennsylvania Station,

modeled on the Roman Baths of Caracalla, a catalyst for policies for historic preservation, both on the local and national level.

Slide 28

When it was announced that the Pennsylvania Railroad would receive a new, underground station in New York City at no cost, in exchange for the air rights of the, by then, underutilized station, which would be demolished, arts groups, architects, and prominent New York citizens rallied against the proposal. But when the New York City Landmarks Preservation Commission was formed, it had no authority. The commission produced a list of 300 buildings “worthy of preservation” in July 1963. By then, it was too late to save Penn Station.

Slide 29

Demolition of Pennsylvania Station began on October 28, 1963, and the demolition would continue for three years. The New York Times editorial on October 30, 1963 read “Until the first blow fell, no one was convinced that Penn Station would really be demolished, or that New York would permit this monumental act of vandalism against one of the largest and finest landmarks of its age of Roman elegance. Any city gets what it admires, will pay for, and, ultimately, deserves. Even when we had Penn Station we couldn’t afford to keep it clean. We want and deserve tin-can architecture in a tin-horn culture. And we will probably be judged not by the monuments we build but by those we have destroyed.”

Slide 30

National Preservation Act, 1966

Many American cities have a story similar to that of Penn Station, in which a landmark without protection was threatened with demolition and was lost with the result being support for greater local protection of historic resources. The National Historic Preservation Act of 1966 captured that momentum on a national scale as a national historic preservation program took shape.

Slide 31

National Preservation Act, 1966

Among other things, the program articulated public policies to protect historic and cultural resources.

Slide 32

National Preservation Act, 1966

It established partnerships between federal, state, and tribal governments to fund and otherwise assist historic preservation.

Slide 33

National Preservation Act, 1966

And implemented protections at the federal level in the form of what’s known as Section 106 review—for Section 106 of the National Historic Preservation Act—in which, federal

agencies must consider the impact to historic resources that would result from any project undertaken by the federal government.

Slide 34

National Preservation Act, 1966

The act also laid out a procedure and policies for the stewardship of historic properties for the agencies controlling them, including making use of the historic properties available to each agency, to the extent feasible, before leasing or constructing new facilities.

Slide 35

National Register of Historic Places

Among the most significant aspects of the National Historic Preservation Act was the creation of the National Register of Historic Places, the nation's official list of properties worthy of preservation. Officials and citizens often speak of the need to determine what properties are "historic" and "worth saving." Eligibility for listing on the National Register of Historic Places is determined by an established set of criteria.

Slide 36

National Register of Historic Places

The National Register of Historic Places is primarily a recognition of historic value and significance to buildings 50 years old and older.

Slide 37

National Register of Historic Places

To be eligible for listing on the National Register, structures must be associated with important persons or events. For example, Cherry Hill, in Albany, is listed on the National Register in part because of its association with the Van Rensselaer family, which owned much of the upper Hudson Valley in the 18th century.

Slide 38

National Register of Historic Places

Other criteria by which a property can be found eligible for listing on the National Register of Historic Places include its design or construction being representative of a particular period or style, and/or the work of an important architect. Albany's Clinton Avenue Historic District's significance is its architecture and engineering practices characteristic of 19th century urban residential Greek revival and Victorian styles of the upper Hudson Valley.

Albany City Hall is also listed for architecture and engineering, though a large part of its significance is its architect, Henry Hobson Richardson, one of the most prominent American architects of the late 19th century.

Slide 39

National Register of Historic Places

National Register designation may apply to individual buildings, structures, or landscapes—or to a collection of eligible properties that contribute to a district.

Slide 40

National Register of Historic Places

The undertaking, funding, or approval of projects by government agencies that may affect properties listed on the National Register trigger Section 106 review for Federal projects and Section 14.09 for State undertakings. Those reviews are conducted by the State Historic Preservation Office, which in New York is part of the Office of Parks, Recreation, and Historic Preservation. If the actions affect historic properties, state historic preservation office staff recommends measures to first avoid adverse effects, and if that is not possible, mitigate those effects. Those actions must also undergo State Environmental Quality Review by the agencies involved in granting approvals for the project to move forward.

Slide 41

National Register of Historic Places

Listing a building on the National Register of Historic Places can create opportunities for government entities and not-for-profit organizations to receive grant funding, though contrary to what many people believe, there is relatively little grant funding available for historic properties. Grants are, with few or any exception, limited to government and not-for-profit agencies for public benefit. The most notable grant program for “bricks and mortar” historic preservation is New York State’s Historic Preservation Environmental Protection Fund Grant Program, which is administered by the New York State Office of Parks, Recreation, and Historic Preservation with money from the State’s Environmental Protection Fund.

Slide 42

National Register of Historic Places

Grant funding is almost never available to private property owners, but some owners of private property listed on the National Register of Historic Places can apply for tax credits on their investment in their historic commercial buildings and, in qualified census tracts, owner-occupied historic homes.

Slide 43

National Register of Historic Places

National Register listing places no restrictions on the use or ownership of the listed property—and the owner is not restricted from physically altering the building, unless the property has been the recipient of a tax credit, in which case alterations must be approved by the State Historic Preservation Office or SHPO for five years. In the case of properties where State grants have been awarded, a covenant is placed on the property and alterations must be approved by the State Historic Preservation Office, typically for 23 years.

Slide 44

National Register of Historic Places

Section 106 and Section 14.09 review, the requirement that properties listed on and eligible for listing on the National Register of Historic Places, include mitigation, and the need for SHPO approval of proposed tax credit work, provide some protection of the historic elements of National Register-listed buildings. The strongest protection for historic resources is through regulation at the local level by cities, villages, and towns.

Slide 45

Local Regulation

Local historic district and landmark regulation protects historic resources from demolition and places restrictions on the extent to which owners can alter those historic buildings, which includes removing historic material and constructing additions and new buildings in historic districts. Local laws and ordinances often regulate design and material details, such as roof, porch, siding, trim, window, and door materials, and sometimes color. For new construction in historic districts, regulations control massing, roof design and window and door arrangement as they relate to the appearance of the building from public rights-of-way.

Slide 46

Local Regulation

Local governments can enact their own historic preservation laws based on properties eligible for or listed on the National or State Register of Historic Places or for their local significance. Properties included in local historic districts are often also listed on the National and State Registers of Historic Places because the criteria for landmarks designation in many local regulations, including the Model Landmarks Preservation Local Law for New York State Municipalities, is similar to criteria for National Register designation. But it is important to understand that local landmark and district designation and National Register designation are separate and distinct processes that are not linked. There are properties and landmarks on the National Register that are not and might not ever be protected through local historic district regulations. Conversely, there are locally designated landmarks that are not listed on the National Register.

Slide 47

Local Regulation

Local historic preservation legislation can be incorporated into zoning by district, in which added protections and review are simply engaged when a property owner in certain zoning districts—the central business district, for example—applies for a permit for alteration.

Slide 48

Local Regulation

It's probably more common that local historic preservation legislation is enacted as an overlay, where added protections are applied across zoning districts, based on the age of the buildings and the significance of the architecture, rather than the uses of the

buildings. So the underlying zoning might be different across the local historic district: properties in the central business district, one of the mixed-use/neighborhood commercial districts, and a single-family residential district might have added local historic district protections on materials and design, while uses and bulk and area standards would remain different from one zoning district to the next.

Local historic review could even be incorporated into site plan reviews in municipalities that do not have zoning—if site plan review regulations specify that properties in the designated local historic district undergo site plan review and the site plan review regulations authorize the review board to evaluate design and material elements of an application.

Slide 49
Local Regulation

The enabling legislation in General Municipal Law Section 96-A and Article 5-K is an additional source of authority for local governments to protect historic resources, including, in limited circumstances, the interior of buildings, apart from the regulation of land uses. Designation of properties as landmarks or contributing to historic districts is generally the responsibility of the local governing board, which can authorize (as they often do) a review board to approve or deny applications. Landmark or historic district designation should follow a planning process in which a survey of properties is conducted and functions in a way similar to the comprehensive plan by highlighting the notable historic, architectural, or community-defining aspects of properties proposed for protection.

Slide 50
Local Regulation

The governing board generally authorizes either the planning board or a special historic district review board to oversee applications with landmark protection in the local historic district pertaining to the local historic preservation regulations. Among the advantages of a dedicated historic district review board is a requirement in the regulations that its members have expertise in the fields of architecture, design, history, or rehabilitation of older and historic buildings.

Slide 51
Review Authorization and Coordination

A benefit of giving the planning board authority to review historic district applications, particularly in smaller municipalities that might be challenged to find members with expertise to serve on a special board, is the efficiency of coordinated review for applicants that also require planning board and/or zoning board of appeals review. An applicant proposing construction of a new building in a historic district might have to appear in front of two boards, in that case, rather than three. In any event, boards must coordinate reviews for maximum efficiency. Often, but not necessarily, the historic preservation review, because it's most detailed, will be the final stage of review, after planning board and, if necessary, zoning board of appeals reviews.

Slide 52

Local Regulatory Authority

Grand Central Terminal, New York City's other major railroad depot, was at the center of the controversy that resulted in a milestone Supreme Court decision upholding the validity of local historic preservation legislation.

In the early 1960s, the New York Central Railroad, struggling financially, like its rival Pennsylvania Railroad, constructed an office tower above the back end of the station. What became called the Pan Am building opened just as Penn Station, several blocks south and west, was being demolished. The office tower was a profitable investment for the railroad, but not profitable enough to prevent its need to merge with the Pennsylvania Railroad, in 1968, two years after the New York City Landmarks Preservation Commission had designated Grand Central Terminal a landmark.

Slide 53

Local Regulatory Authority

The Commission denied an application by the new Penn Central Railroad to build a second tower, and the Railroad challenged the City's landmarks law, claiming the denial was a financial taking.

In early 1975, New York State's Supreme Court ruled in the Railroad's favor, stating that the landmark designation deprived the company of income. New York State's Appellate Division overturned the lower court's decision, and the Court of Appeals also upheld the validity of Grand Central's landmark designation.

The Penn Central Railroad brought the case all the way to the United States Supreme Court where, on June 26, 1978, that court also upheld New York City's Landmarks Law.

Slide 54

Reasonable Decisions

So local historic district regulation has been upheld as a legitimate governmental objective, but if found "unreasonable"—if it leaves the property with no reasonable economic value and can be considered a "taking"—the regulation can be invalidated.

Slide 55

In one case, *FGL & L Property Corporation v. City of Rye*, a local historic district was established for a single parcel, required that it remain in one ownership, and then, without an application, required the owner to restore the historic and architectural character of the property. The Court of Appeals invalidated the law, noting that the enabling legislation did not authorize municipalities to impose such requirements.

In another case, the City of Schenectady Historic District Commission's conditions that included the applicant's planting 38 arbor vitae trees to screen a proposed above ground swimming pool in a historic district, was upheld by the Appellate Division. More information on these cases and others can be found in the James A. Coon Local

Government Technical Series publication “Legal Aspects of Municipal Historic Preservation.”

Slide 56

Those taking this course should have some context for what is generally considered “appropriate” treatment of historic buildings in local historic districts and the nature of work that would be considered appropriate to receive historic preservation tax credits. This information also applies to keeping those properties eligible for listing on the National Register of Historic Places in municipalities that do not have local historic district regulations.

These examples are general and for discussion purposes only. Local officials should consider the information about these examples suggestions: what’s spoken of here as appropriate treatment shouldn’t necessarily be considered a guarantee of approval, and what suggested as inappropriate shouldn’t be precluded from the possibility of approval by a review board, or National Register listing or tax credit approval.

These two buildings were constructed as single-family houses on the same street in similar folk Victorian styles, probably between about 1875 and 1910. Both have been divided into multiple units, and both seem to be well maintained. The one on the right retains more of its original material and character, however, and would be more likely to be deemed eligible for listing on the National Register of Historic Places. Looking closely at some of the houses’ details should help reveal why.

Slide 57

First, and perhaps most obviously, the entrance on the house on the left has been changed dramatically; the entrance and porch on the house on the right look to be original. The houses were similar and never identical, but the entrance on the house on the left would likely not have extended beyond the front façade without a porch. Its porch was probably enlarged and enclosed. This and other alterations to be discussed shortly would probably not be considered appropriate if reviewed with a local historic preservation law in place.

Slide 58

The roofline on the house on the left has been altered, while that of the house on the right looks original. A roof on a Victorian country or suburban house of this style would not have been flat or truncate the left side of the gable roof.

Slide 59

The house on the left retains its molding detail above the windows on the right side of its front façade. The windows on the left side of the house on the left do not have that detail because the window openings on the left side (as well as all the windows in the house on the left) are new. The house on the right also retains its original molding, which is less ornate than that of the house on the left, but also its original window configuration and original windows themselves. The original windows are obscured

somewhat by exterior storm windows, added later, which protect the original window sash and add insulating value to those windows.

Slide 60

The commercial buildings in these photos represent a range of appropriateness of alteration of their original architectural integrity.

Slide 61

A storefront was probably added to this building a few decades after it was constructed in the late 19th century. The storefront might have been considered “historic” in its own right but was converted, for all intents and purposes, irreversibly, to residential use with disproportionately small windows and non-historic material.

Slide 62

This building might look like it was constructed in the 1950s or 60s, but a close look reveals clues indicating an older building beneath this façade.

Slide 63

The old cornice remains, but it’s difficult to know how much else of the old building is still there. This major alteration would probably make this building ineligible for individual listing on the National Register, and it might not even be considered contributing if those around it comprise a National Register district. If the alterations to the original building and the converted storefront in the earlier photograph were proposed in a municipality with a local historic district law, they would almost certainly have been denied.

Slide 64

Although this storefront appears to have been constructed relatively recently, it would likely have been found to be more consistent with the mid-19th century design of the building than the previous storefront examples and is probably close to the original in its scale, window proportions with transom windows, and recessed doorways.

Slide 65

This prominent Italianate mixed-use building, was probably constructed between the 1850s and 1870s. Characteristic of many upstate New York downtowns, it is almost completely intact historically on its exterior. The storefront windows might have been replaced and the door opening on the right to the upper floors has clearly been reduced in size, but the configuration of the façade is probably still as it was in the years just after this building was constructed.

Slide 66

What looks to be original transom glass remains with a new sign not consistent with the storefront design but probably easily reversible.

Slide 67

The original four-over-four window sash—distinctive to this style of building—remain, along with their well-maintained window and door lintels (the detail above the window and door openings) and window sills.

Slide 68

Local officials making decisions about applications for alteration to buildings in historic districts should appreciate the value of original material and buildings that have survived generations unaltered. If owners propose repairs to original material that do not change the appearance or historic integrity of the building, the work of the review board or municipal staff, as the case may be, might be relatively straightforward. If no removal of original material is proposed, review of work might even be by staff and not by the entire board. When alterations and removal of original material are proposed, members of review boards must use their local regulations to determine the extent to which the application complies with them. If members of the review board determine the proposal does not comply, they must deny the application or recommend modification to it.

Slide 69

All of the material on this Bungalow and on its accessory garage look to be original—the roof brackets, cedar shingle, and clapboard siding.

Slide 70

Original window sash and even the original wooden storm windows and screens remain on this house. The colors are likely chosen from a palette of colors appropriate to this style of architecture. Contrary to what critics of stringent local reviews charge, historic district review boards do not “tell you what color to paint your house,” but owners in districts in which regulations go so far as to regulate color must choose from a palette of color options.

Slide 71

This early 19th century commercial building might have been altered in the mid-19th century. Some of the features on the lower floors look to be earlier, but a gable roof might have been removed to expand the third floor and a Victorian Mansard roof with dormer windows put in its place.

Slide 72

Storefront window proportions, if not the glass itself, could be original, or original to very early modifications to this building.

Slide 73

Flushboard siding looks to be original, and slate fish scale shingles are likely original to the mid-19th century changes to this building.

Slide 74

Window sash are original to the building and, on the third floor, the mid-19th century “upgrades.”

Slide 75

Other façade details, including the sign, appear as they might have in the first decades of the 19th century, when this building came into service. The building’s colors are also probably similar to what they were soon after its construction.

Slide 76**Porches and Siding**

These buildings have undergone some alteration but maintain a good deal of their historic integrity. If they were ever eligible for listing on the National Register of Historic Places, they probably still would be.

Slide 77**Porches and Siding**

The steps, railings, and several other parts of this porch were replaced with similar material, and the design is probably close enough to the original that most review boards would have found it acceptable.

Slide 78**Porches and Siding**

Though aluminum siding was applied to this house years ago, its original façade configuration and doors and windows remain. The original wood shingles and/or clapboard siding are probably still under the aluminum. If this house were in a local historic district or its owner applied for a tax credit for historic rehabilitation and proposed removing the aluminum siding and replacing it with vinyl siding the application would likely be denied. If the application were for removing the aluminum siding and restoring the wood clapboarding, it would likely be approved. And if the owners chose to do nothing with the siding and maintained the property, the historic district review board, or state historic preservation office, in reviewing a tax credit application for other work, would not be able to compel them to remove the siding and restore the original siding—even though the aluminum siding is an aspect of the house that is non-historic.

Slide 79 (Interaction)**Original Material**

This early 20th century two-family house, along with many of its exterior details, appears to be quite intact and well-preserved. If it’s not currently listed on the National Register of Historic Places, it might be eligible for listing. Please click on each of the red circles for more information about the significance of these original materials that remain.

Shingles: The house’s original cedar shingles on the third floor and second floor porch, providing highlights to the house’s façade, are among the original details that remain.

Siding: The house's wooden siding, much or all of which is probably original, along with brackets, soffit, corner, window, and door molding detail that gives the house definition and texture, has not been removed or covered over with asbestos shingle or aluminum or vinyl siding.

Windows: The house's primary windows are original; the aluminum triple-track storm windows with screens are not. The house probably had removable wooden screens similar to those on the second floor porch and storm windows that fit into each window opening. It's possible those original screens and storms are stored in the attic or basement of the house if a future owner wants to remove the non-historic storm windows and give new life to the originals.

Screened Porch: Many second floor porches have been enclosed and re-sided and their original screens removed, but this one is close to what it looked like when the house was new.

Porch: The first floor front porch looks to have its original configuration, posts, railing, and ceiling. Front porches are often tempting for owners looking for more interior space to enclose, which dramatically alters the appearance of a building.

Slide 80 (Interaction) Non-Historic Materials

This duplex, which is probably not listed on the National Register or in a local historic district, is an example of a building with some historic features intact and some obvious changes that would be considered inappropriate if the house were in a local historic district.

Asbestos shingles: Asbestos shingles were the siding of choice for owners looking to reduce maintenance on the exterior of their buildings before aluminum and vinyl siding were available. The asbestos shingles don't alter the exterior appearance of the building in quite the same way vinyl siding does and because of the potential health hazards associated with handling them are very expensive to remove. They are generally unharmed if left in place and painted over.

Replacement window: Not only have the two windows in this view been replaced, the window openings have been made smaller and the style of window changed completely, which dramatically affects the appearance of this building—more so, maybe, than one would think what seems to be a small change would.

Window molding: Where original windows remain, so does the window molding, which is not ornate, but it gives definition to this building and makes the house more attractive than it would be without such detail.

Porch columns: The porch columns and other parts of the porches—railings and roofs, in particular—are intact and appear to be original. They give character to the building and have probably been enjoyed by generations of residents of the building.

Slide 81 (Interaction)

Original Material Removed

This house, which was probably built before 1900, was renovated extensively. In terms of saving an old building to capture its embodied energy, as was discussed earlier, the renovation saved many parts of the building from going to a landfill, and the building is still in use, which is good for several reasons. But in the process, the appearance and character of its exterior were altered dramatically, and its architectural details were removed. Compare this house with the duplex in the previous example. Moldings and other details defining the window and door openings and the roof and everything in between are gone. If this house had been eligible for listing on the National Register of Historic Places before this work was done, it would no longer be eligible with these alterations. And if the house had been in a local historic district, the removal of this original detail and introduction of non-historic materials would almost certainly not have been permitted.

Roof: This roof might have once had a more substantial fascia board or cornice just under the drip edge to give definition to the top of the façade, but those details have been removed.

Windows and molding: The windows have been replaced with non-historic, white vinyl replacement windows and their moldings removed, diminishing the definition of the front of this house. For the second floor windows, the size of the window openings looks to have been reduced in size. When original material, such as windows or molding, is entirely removed from a building, it becomes very difficult to re-create or restore those aspects of the character of the building.

Entrance and siding: The entrance door has been replaced, its molding or surrounds have been removed, and evidence of what might have been there has been sided over. Without a photograph of the house before this work was done, it's difficult to know if there was a small roof over the entryway, or if this house had a porch, similar to those in the previous examples. If there was any ornament or detail in the façade or corners of the house, it was removed before the house was sided with vinyl.

Slide 82

Federal Investment Tax Credit

The Federal Historic Rehabilitation Tax Credit is available to income-producing buildings—businesses or buildings comprised of rental residences—listed on the National Register of Historic Places.

Slide 83

Federal Investment Tax Credit

Property owners must consult staff of the state historic preservation office (SHPO)—in New York that's the Division for Historic Preservation at the New York State Office of Parks, Recreation, and Historic Preservation—about the tax credit process before work begins, to certify the work will be done according to the Secretary of the Interior's Standards for Rehabilitation.

Slide 84

Federal Investment Tax Credit

The credit can be taken for 20% of the qualifying expenses of the rehabilitation. Those expenses include those to repair structural and architectural features of the historic building and other elements essential to the building's operation. Expenses associated with acquisition, construction of additions to the original building, and landscaping and other site improvement costs are not eligible for tax credits.

Slide 85

Federal Investment Tax Credit

If owners sell the building for which they received the historic rehabilitation tax credit within five years of receiving the credit, they might have to forfeit all or a portion of the credit, based on a pro-rated schedule.

Slide 86

NYS Commercial Tax Credit

New York State recently enacted tax credit programs for historic rehabilitation. Owners of income-producing buildings can add to the credit they receive on their federal taxes a 20% state tax credit if the property is in an eligible census tract.

Slide 87

NYS Commercial Tax Credit

The State credit is similar to the Federal credit: 20% of qualifying work on the exterior and interior of the building consistent with the Secretary of the Interior's Standards for Rehabilitation, can be applied to the owner's state income taxes for work on income-producing buildings. As with the Federal credit, those buildings must be listed on the National Register of Historic Places individually or contributing properties in a National Register Historic District. Also, to qualify for the State credit—this is not a requirement for the Federal credit—the property must be in a census tract at or below the State median income. The building will then qualify for the credit if it has an approved Federal application. The maximum State credit is \$5 million.

Slide 88

NYS Historic Homeowners Tax Credit

New York's Historic Homeownership Tax Credit, enacted in 2007, applies to owner-occupied residences. There is currently no equivalent Federal credit for homeowners.

Slide 88

NYS Historic Homeowners Tax Credit

As with New York's commercial tax credit for historic preservation, the owner-occupied residence must be individually listed on the National Register of Historic Places (or a contributing property in a National Register Historic District) in a census tract at or below the State median household income. The credit can be used for rehabilitation costs of at least \$5,000. A minimum 5% of the work for which the credit is taken must be on the building's exterior. Owners should receive preliminary approval for the work they're considering from staff of the state historic preservation office before work commences to be sure the work they're contemplating is consistent with the Secretary of the Interior's Standards for rehabilitation and will be approved for the credit. The work should strive to preserve historic material, of course. Among the purposes of the credit is to encourage historic preservation and offset the sometimes higher cost of preservation of historic material over replacement with new parts.

The difference between credit and deduction is important to understand. The 20% credit means if the investment in a historic building were \$20,000, the credit would be \$4,000. That's not a \$4,000 income tax deduction; it's a \$4,000 state tax credit—a \$4,000 reduction on the homeowner's state taxes. If the credit amount exceeds the owner's state income tax for the year and the adjusted gross income is under \$60,000 it will be treated as an overpayment of taxes and refunded. The maximum credit the homeowner can claim is \$50,000.

Both the New York State Commercial and Homeowners' tax credits are currently set to expire at the end of 2019.

Slide 90

Farmers' Protection and Farm Preservation Act

The New York State Farmer's Protection and Farm Preservation Act, more commonly referred to as its Historic Barns Tax Credit program, went into effect in 1996 to save the state's assortment of distinguished and unique, though deteriorating, barns.

Slide 91

NYS "Historic Barn Tax Credit"

The 25% state income tax credit on the investment costs of rehabilitating historic barns requires that those barns are constructed before 1936 or have been in agricultural service since prior to 1936; they must be income-producing; the rehabilitation can't alter the historic appearance of the barn; and the work must be for the barn to remain a working farm building and not to be converted to a residence.

Slide 92

Certified Local Government Program

New York's Certified Local Government Program, administered by staff at the state historic preservation office, makes available to qualifying municipalities technical assistance and training for their historic district review boards.

Slide 93

Certified Local Government Program

Being a certified local government also opens up grant opportunities to pay for projects such as education of members of the public about historic preservation, and surveys for designation of expanded districts. These grants also support initiatives that build capacity for the review board and its local government to maintain an efficient process for applications and demonstration projects that are model approaches to preservation, applicable to communities statewide.

In becoming a certified local government, the municipality is entering into a partnership with the state historic preservation office. Among other things, the municipality must have a local historic district with a special historic district review board (as opposed to a planning board with historic review functions) with a membership that has demonstrated qualifications and interest in historic preservation. For more information about the Certified Local Government program, visit the website of the New York State Division for Historic Preservation. The information manual for New York State's Certified Local Government Program can be found on that website, and a link to it is in the resources section of this online course's webpage.

Slide 94

Real Property Tax Law Section 444-a

When buildings are rehabilitated, their value increases, and with that increase in property value property tax assessments nearly always increase as well. To hold off sudden property tax increases for those who just invested in and improved their buildings, the legislature, in the late 1990s, passed enabling legislation for municipalities with local historic districts to enact local regulations freezing assessments on improved properties in historic districts where work was approved by local historic district review boards. In the first five years following the completion of certified work the assessment increase can be exempted 100%--that is, the property's assessment can remain as it was prior to the rehabilitation work for those five years. In the sixth through tenth years following the work, local governing boards may allow a 20% increase in the assessment per year. In short, rather than increasing the rehabilitated property's assessment immediately, the municipality can phase in the new assessment gradually, over a ten-year period. This doesn't happen automatically, though. Municipalities with local historic district protection must adopt legislation to delay the increased assessments for rehabilitated historic buildings if they find it feasible and in the best interest of the municipality to grant owners that relief.

Slide 95

Easements, Transfer of Development

Local governments are given the authority in Article 5-K of New York State's General Municipal Law to acquire easements on historic properties. The easement could place restrictions on a building that are even stricter than the local historic district regulation, if there happens to be any in the city, town, or village in which an easement might be contemplated. Where easements are in place, the terms of the easement dictate what can be changed. Easements often apply only to front facades, but they sometimes extend to protect entire exteriors and even interior spaces. Usually, not-for-profit entities, such as preservation organizations or historical societies, hold easements, but local governments may also hold easements on historic properties, which are usually donated by a building owner to safeguard a building's historic attributes for the future.

Local governments may also establish transfer of development rights programs to exchange development rights—which, in the context of historic buildings in New York, have mostly been air rights in New York City. Transfer of development rights is a sophisticated tool that can be used to transfer development away from historic buildings and farmland, but it requires a complicated system of tracking and is not in wide use in New York State.

More information about the transfer of development rights can be found in the James A. Coon Technical Series publication “Transfer of Development Rights” on the Division of Local Government’s pages of the New York Department of State website. A link to the publication is on the resources tab and on this course’s website.

Slide 96

Resources

Local officials and others interested in learning more about historic preservation legislation, tax credits, and conservation technology are encouraged to check the websites of the agencies and organizations on this page. If you take the quiz that follows this slide, you’ll have the opportunity to print the results to present to your local government as evidence of your having taken this course. If you take the quiz but do not pass, you may re-take the quiz.

Historic Preservation Final Quiz

(1) The National Historic Preservation Act was passed in

- a. 1776
- b. 1976
- c. 1966
- d. 2006

(2) The agency in New York State that property owners must consult about National Register listing and historic preservation tax credits is the

- a. Department of State
- b. Department of Tax and Finance
- c. Office for the Aging
- d. Office of Parks, Recreation, and Historic Preservation

(3) True or False: Local landmark designation always leads to the listing of local landmarks on the National Register of Historic Places. And National Register listing always eventually results in local designation.

(4) True or False: A building, constructed in 1905, in which nothing ever happened to change history (as far as anyone knows, at the moment) and not designed by a famous architect but which retains its original façade material, room configuration, and doors and windows, is probably eligible for listing on the National Register of Historic Places.

(5) True or False: National Register of Historic Places designation provides greater protection than local regs can.

(6) Owners of single-family residences in New York State in certain areas that listed on the National Register who make qualified repairs and improvements could benefit from

- a. Local property tax rebates.
- b. State income tax credits for historic preservation.
- c. Federal income tax credits for historic preservation.
- d. All of the above.

(7) True or False: Historic preservation could be considered “green” building.

(8) Choose the best answer: what board can review proposed changes to properties in a local historic district?

- a. A special historic district review board.
- b. The planning board.
- c. The state review board.
- d. Either a special local review board or the planning board, depending on how the local governing board passes local regulations.

(9) True or False: Boards reviewing proposals under local historic preservation regulations have authority over only older buildings and may not review the design of new buildings in historic districts.

(10) How does historic preservation contribute to local economies?

- a. Private property owners accessing grant funding results in an infusion of cash to areas with many historic properties.
- b. Preservation work is more labor intensive than new construction, so a greater portion of the investment in older buildings goes directly to craftspeople and laborers than to materials.
- c. Heritage tourism attracts visitors who stay longer and spend more money at local businesses than do other types of tourist attractions.
- d. Both because preservation is more labor intensive AND because heritage tourists stay longer and spend more money at local businesses than do tourists seeking other attractions.

Slide 98

Thank you for completing the New York Department of State's online course "Historic Preservation." Please visit the Training and Technical Assistance webpages to see what other resources for local officials can be accessed online. And check the New York Land Use Training Network calendar for dates, times, and locations of on-site training.