



**Division of Local  
Government Services**

# Historic Preservation

**A Division of the New York Department of State**

# Historic Preservation

1. Why preserve?
2. What's historic?
3. National Register Designation
4. Local Regulation



# Only about the past?

Museums



History



Things no  
longer in use



# Or about the present and future

Continued use  
Adaptive reuse



# Preservation not always quantifiable

“The buildings, streets, parks, and monuments that we have inherited—and not merely the best of them, mind you, but rather the most characteristic—nourish us from one ordinary day to the next and so become indispensable to our well-being.”

— Brendan Gill



# Preservation and Sustainability

Donovan Rypkema:

- Sustainable development is crucial to economic competitiveness
- Sustainable development is more than just environmental responsibility
- “Green buildings” and sustainable development are not synonyms
- Historic preservation is sustainable development
- Development without a historic preservation component is not sustainable

# Preservation and Sustainability

- Small building demo = 1,344,000 aluminum cans
- Construction debris =  $\frac{1}{3}$  of all waste in US
- Embodied energy
- Green building construction
- Natural vs. synthetic materials



# Preservation and Local Economies

\$1 million and job creation:

- Manufacturing: 9.2 jobs
- New construction: 11.2
- Historic preservation: 14.6



# Preservation and Property Values

Values within historic districts appreciate at rates greater than the local market overall

Faster than similar, non-designated neighborhoods



# Preservation and Tourism

Heritage tourists spend 30% more than others and stay nearly twice as long



MAY 19 & 20, 2012  
[heritageweekend.org](http://heritageweekend.org)



# History of the Preservation Movement

Washington's Headquarters,  
Newburgh, 1850

Mount Vernon Ladies  
Association, 1853, 1860

Charleston, SC: Historic District  
Zoning, 1931, 1959

Stockade, Schenectady, 1962



# Pennsylvania Station, 1910 - 1963



# National Historic Preservation Act, 1966

- National historic preservation program
- Policies to protect historic and cultural resources
- Federal-state-tribal-local partnerships
- Section 106 Review
- Stewardship of properties



# National Register of Historic Places

- Honor, NOT restriction
- Associated with important events or persons
- Places embodying characteristics of period, method, or “master”
- Likely to reveal history about a place



# Eligibility, State, National Register

If determined eligible, then  
exempt from State Energy Code

If not eligible, local designation  
allows greater Uniform Code  
flexibility under Existing Building  
Code



# Appropriateness of Alteration



# Less historically appropriate



# More historically appropriate



# More historically appropriate



# Federal Investment Tax Credit

- 20% of rehab of NR-listed income-producing buildings
- Subtracted from owners' income taxes
- 5-year restriction for sale, alteration

<http://www.nysparks.com/shpo/tax-credit-programs/>



# NYS Credit, Commercial Buildings

- 20% credit on State taxes
- 30% for projects of less than \$2.5 million
- Eligible census tract (at or below state median income)
- Qualifying work
- Approved Federal Tax Credit Application



# Homeownership Tax Credit in NYS

- Owner-occupied
- 20 %
- Census tract at or below state median family income



# Homeownership Tax Credit in NYS

- Minimum investment: \$5,000
  - At least 5% exterior
- Tax credit cap: \$50,000
  - Credit, not deduction
- Preliminary SHPO approval



# NYS Historic Barn Tax Credit

- Barns built or in agricultural service before 1936
- Income-producing
- Rehab can't alter historic appearance
- Not for barns converted to residences



# Local Historic Preservation Regulations

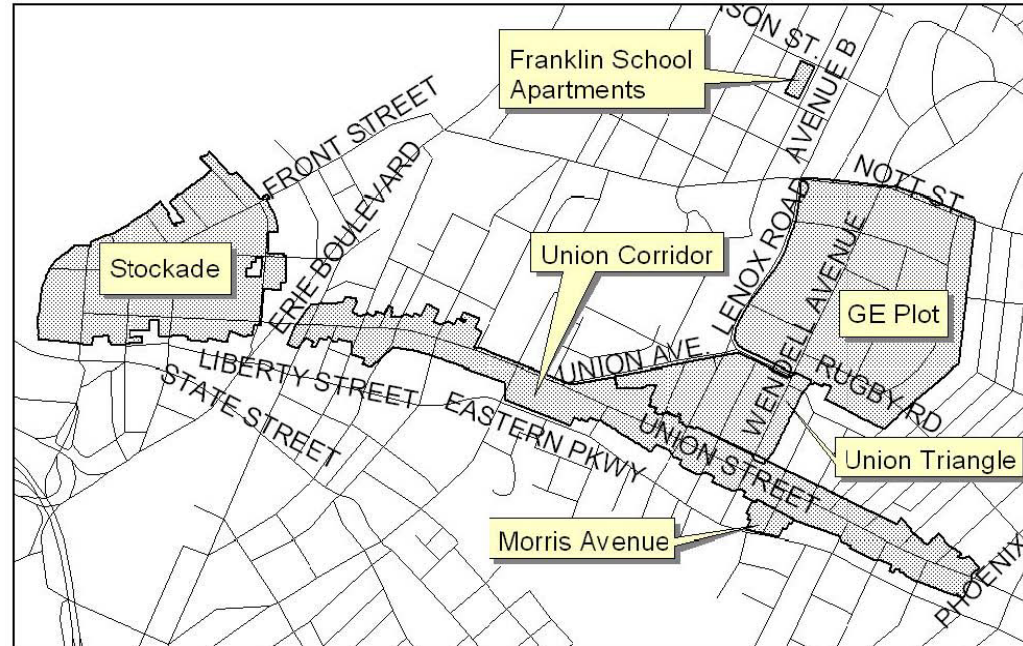
- Individual buildings or districts
- Often also listed on National Register
- Protection of structure and historic detail



# Methods of Regulation

- Zoning
- Overlay
- Landmark controls:  
GML §96-a and  
Article 5-K

City of Schenectady Historic Districts



# Methods of Review

- Planning Board
  - Site Plan Review
  - Special Use Permit
- Historic District Board  
(or Design Review,  
Architectural Review)
  - Referral
  - Binding

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STATE OF  
OPPORTUNITY.

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# Subject to Review

- Roofs and cornices
- Siding and foundation materials
- Porches
- Storefronts
- Windows and doors
- Lighting
- Additions
- New building infill



# Reasonableness of Regulation

- Historic preservation a legitimate government objective
- May not render property unsuitable for reasonable use and “take” value
- Reasonable conditions will be upheld



# Certified Local Government Program

- Local legislation, separate historic district review commission with qualified members
- Muni/SHPO partnership, muni reports its activities to SHPO
- Technical services
- Reimbursement grants
  - Training for commission members, public education
  - Public education
  - Surveys, NR nomination, historic structure reports, guidelines



# Real Property Tax Law §444-a

- Muni can delay increased tax assessment on rehabbed historic properties
- Exempt 100% increased value first 5 years; decreasing 20% over next 5
- For work approved by local historic district review boards



# Easements, Transfer of Development

- Article 5-K, General Municipal Law: munis may purchase or receive façade easements
- Transfer of development rights for historic properties



# Resources

NYS Division of Historic  
Preservation  
<http://nysparks.com/shpo/>  
518-237-8643

Preservation League of NYS  
[www.preservenys.org](http://www.preservenys.org)

National Trust for Historic  
Preservation  
[www.preservationnation.org](http://www.preservationnation.org)

Advisory Council on Historic Preservation  
[www.achp.gov/](http://www.achp.gov/)

National Alliance of Preservation  
Commissions  
<http://napc.uga.edu/index.htm>

Association for Preservation Technology  
<http://www.aptnet.org/>

# New York Department of State

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