

ISSUE PAPER SERIES

## Historic Preservation for Rural Local Governments

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NEW YORK STATE TUG HILL COMMISSION

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The Tug Hill Commission's Technical Papers and Issue Papers are written to help local officials and citizens in the Tug Hill region and other rural parts of New York State. Technical papers provide guidance on procedures based on questions frequently received by the commission. Issue papers provide background on key issues facing the region without taking advocacy positions. Other papers are available from the Tug Hill Commission. Please call us or visit our website for more information.



Osceola Library, 1882

## Introduction

The preservation of historic buildings and properties is a worthwhile local government endeavor for a variety of reasons. Economic, cultural, aesthetic, and environmental benefits can be garnered from the continued use of quality older properties. While interest has grown greatly since the historic preservation movement gained traction in the 1960s, rural areas often find preservation projects more difficult to accomplish than their urban counterparts. This is due to several factors, including lack of access to technical assistance and lack of funding for maintenance and rehabilitation. While big cities and growing areas tend to lose historic properties because they are ‘in the way’ of profitable new development, rural areas tend to lose them due to lack of markets for their use, followed by lack of upkeep – leading to unsafe conditions and forced demolition. Examples of this phenomenon are rural downtown ‘Main Street’ commercial buildings which struggle to find tenants and rural churches that have lost their congregations. Rural communities are sometimes forced to be creative in regard to prioritizing properties for preservation and finding funding for these projects.

## Why preserve and rehabilitate historic buildings?

- **Old buildings and properties tie us to our past.** There is a certain sense of awe people feel when they walk by or enter a building that stood during the Civil War or War of 1812 era.

This is especially true if an event of some significance occurred there. Historic properties lend a sense of permanence to our culture. For example, the Orwell Town Board meets every month in the same structure where the Boards that represented their great, great grandparents met.

- **Old buildings are a tourist draw.** Nantucket, Charleston, Savannah all attract millions of visitors each year solely because of their historic nature. Locally, Sackets Harbor has seen a complete turnaround in its local economy through the rehabilitation and restoration of its numerous historic resources.



*Orwell Town Hall, 1906-1909*

- **Old buildings are often designed and built better than their modern counterparts.** They are typically constructed with better materials, such as old growth lumber and lime plaster.

Cheaper construction labor generations ago also typically resulted in building with more detail – for example, Queen Anne style houses and their elaborate trim. Buildings that have survived 100 plus years have done so for a reason. They are either well-built or well designed and proportioned (or typically both).

- **Rehabbing old buildings creates local jobs.** According to noted preservation consultant Donovan Rypkema, “These projects are more labor-intensive than new construction, meaning more carpenters, painters, and electricians employed than for an equal amount of new construction expenditure. There are also indirect economic impacts such as the sales and jobs at the lumberyards where building supplies are purchased.



*Postcard of Boonville Historic District*

Importantly, those jobs have paychecks, and because the jobs are usually local, the workers who get those paychecks spend the vast majority of their income locally as well.”

- **Demolishing old buildings is a waste of resources.** Architect Carl Elefante coined the phrase, “The greenest building is the one that has already been built”. This is because, in old structures – the lumber has already been harvested and milled, the masonry materials have been quarried and shaped. These materials have what is known as ‘embodied energy.’ Replacing them wastes this energy and also fills landfills with unnecessary waste. A recent study from the National Trust for Historic Preservation examined the environmental impacts of building reuse. The study found the following: “Building reuse almost always yields fewer environmental impacts than new construction when comparing buildings of similar size and functionality.”

For more information on historic preservation in general, the National Trust for Historic Preservation ([savingplaces.org](http://savingplaces.org)) and the Preservation League of NYS ([preservenys.org](http://preservenys.org)) are great resources.

## What can rural communities do to preserve these assets?

The first step is to determine what is there – to find out what properties are worth saving. This is accomplished through the development of a ‘resource survey.’ Oswego County has completed such a survey. Published by the Heritage Foundation of Oswego, Inc., the survey “identifies the significant historic resources located within the county.” Resources listed include transportation features, parks,

buildings, and monuments. Grant funding is available to municipalities to complete such surveys (see page 7). An important place to include information from such a survey is in a community's comprehensive plan. The NYS comprehensive planning statutes (Town Law Section 272a and Village Law Section 7-722) specifically mention "consideration of agricultural uses, **historic and cultural resources**, coastal and natural resources and sensitive environmental areas" as key items for inclusion in municipal planning documents.

A next step in preserving properties is listing them on the National Registers of Historic Places. Established by the National Historic Preservation Act in 1966, the National Register is the official list of the nation's historic places worthy of preservation.

National Register properties can be listed individually or in districts. To be included, a property must be at least 50 years old (in most cases) and look substantially as it did in the past. Properties must also meet one of the following criteria:

- A.** they are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** they are associated with the lives of significant persons in our past; or
- C.** they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** they have yielded or may be likely to yield, information important in history or prehistory.

In addition to honorary recognition, listed properties gain the following benefits:

- *Consideration in planning for federal, federally licensed, and federally assisted projects.* Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties either listed in or determined eligible for listing in the National Register. Section 4(f) of the US Department of Transportation Act has similar (and slightly stronger) provisions.
- *Consideration in planning for state, state licensed, and state assisted projects.* Section 14.09 of the New York State Historic Preservation Act of 1980 requires that state agencies avoid or mitigate adverse impacts to historic properties either listed or determined eligible for listing in the National Register.

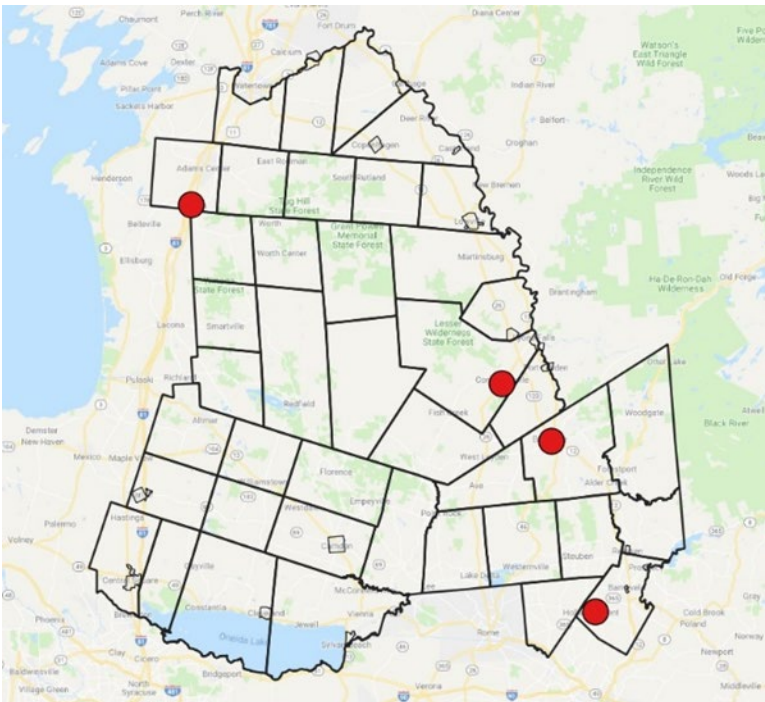
- *Special consideration under the NYS Environmental Quality Review Act (SEQRA).* Development projects that trigger review under SEQRA are more likely to receive a greater level of review if they are proposed near properties on the National Register.
- *Eligibility for certain federal tax provisions.* Owners of properties listed in the National Register may be eligible for a 20% investment tax credit for the certified rehabilitation of income-producing structures such as commercial, industrial, or rental residential buildings.
- *Eligibility for certain state tax provisions.* Owners of properties listed in the National Register may be eligible for a 20% investment tax credit for the certified rehabilitation of structures, regardless of use.
- *Qualification for grants for historic preservation, when funds are available.* Examples of these are the NYS Environmental Protection Fund and the New York Landmarks Conservancy Sacred Sites Program (see page 8).

Of these benefits, probably the most significant for owners of historic buildings are the 20% federal and state tax credits available to listed structures. To qualify for the federal historic tax credit, a building must be depreciable, which means used for business purposes or 'held for the production of income.' It cannot be purely residential in use. Rehabilitation project expenditures must be at least \$5,000 or 'the adjusted basis of the building and its structural components', whichever is greater. The National Park Service, who administers the program, defines the adjusted basis as "generally the purchase price, minus the cost of land, plus improvements already made, minus depreciation already taken." Expenditures can include construction materials and labor as well as architectural and engineering costs. In return for these benefits, work must be approved by the State Historic Preservation Office (SHPO) and follow the Secretary of the Interior (SOI) Standards for Rehabilitation. The owner also must not sell the building for five years or face penalties. If the tax credit received is greater than the recipient's tax burden, the excess credit can be sold through a variety of partnership arrangements. If the project is located in a census tract that has a median family income at or below the state median family income, it also qualifies for a 20% state income tax credit. As of 2017, the entire Tug Hill region lies within qualifying census tracts.

New York State also has a 'historic homeowner' 20% tax credit. To qualify for this credit, a building must be residential, owner-occupied and located in a census tract that has a median family income at or below the state median family income. Project expenditures must exceed \$5,000, with 5% of the total expenditure allocated to exterior work. All work must be approved by the State Historic Preservation Office and be in accordance with the SOI standards.

To have resources listed on the National Register, municipalities can work with consultants who have experience nominating properties. Properties cannot be individually listed on the National Register without their owners' consent. This is not required for property owners in National Register Historic *Districts*. Contrary to popular belief, listing on the National Register DOES NOT prohibit building owners from demolishing their properties or changing the use to which they are put. Only local preservation laws can regulate these actions. Currently, there are 44 properties in the Tug Hill region individually listed on the National Register. There are currently four historic districts in the region – they are located in the villages of Adams, Boonville, Constableville, and Holland Patent. The NYS Office of Parks, Recreation and Historic Preservation maintains a database of these sites on its website at: [cris.parks.ny.gov](http://cris.parks.ny.gov). For more information on the National Register of Historic Places, see: [nps.gov/subjects/nationalregister](http://nps.gov/subjects/nationalregister).

New York state also maintains a State Register of Historic Places, established by the New York State Historic Preservation Act of 1980. Requirements for listing on the State Register are very similar to



*National Register Historic Districts in the Tug Hill Region*

those for listing on the National Register. While properties listed on the National Register are automatically listed on the State Register, certain properties may only be eligible for State Register listing. Unlike the National Register, listing on the State Register does not require a property owner's permission. Benefits for properties listed only on the state register include: 1) Consideration in planning for state, state licensed, and state assisted projects; 2) Special consideration under the NYS Environmental Quality Review Act; 3) Eligibility for certain state tax provisions; and 4) Qualification for grants for historic preservation, when funds are available.

### Local Preservation Review

New York State municipalities have the option of adopting preservation laws that give them the power to review projects and require that they be in accordance with the SOI standards. This is by far the most powerful tool communities have. Local governments may regulate historic properties by their zoning laws or through separate landmark preservation laws authorized by General Municipal Law Section 96a. Properties regulated locally may or may not be also be listed on the State and National Registers. Local preservation laws typically regulate any exterior alteration, restoration,

reconstruction, demolition, new construction, or move of a structure designated as historic by the law. Laws, such as these, are the only mechanism through which the destruction of historic resources can be prevented.

The state incentivizes local preservation review by making communities that develop and adopt local review laws for historic structures eligible to become Certified Local Governments (CLGs). CLG status brings with it many benefits, including:

- Ongoing, focused support from SHPO;
- Technical preservation assistance and legal advice;
- Direct involvement in SHPO programs, such as identifying properties that may be eligible for listing in the State and National Registers of Historic Places;
- Training opportunities that increase the ability of communities to protect their historic resources and integrate them into short- and long-term planning initiatives;
- Grants designated exclusively for CLG projects; and
- Membership in statewide and national CLG networks.

As of 2018, 35 villages in New York State were certified local governments. The closest to the Tug Hill region are Sackets Harbor and Fayetteville.

### Design Standards

A relatively new tool used by local governments is the development of graphically illustrated building design standards which are adopted in conjunction with or separately from zoning laws. In New York State, these documents are typically created by architecture or planning firms for a fee. Grant monies are often used to fund their development. Design standards help to keep the integrity of historic structures intact. Typical standards include: massing and proportions, materials, window and door design, color, and signage.

Because administering design standards can be daunting, rural towns and villages may want to start with simple, clear cut ones, such as prohibiting vinyl siding in their downtown zoning districts. Another basic standard is prohibition of the reduction of glazing area on downtown building facades. Other, more complex standards can always be offered by municipalities as guidelines to be complied with voluntarily by landowners. Sometimes, just educating property owners on what is proper historic design is all it takes.

## Specific Preservation Projects

The best way to start a rehab or restoration project for an individual building is to have a building condition report or a historic structure report completed. Several Tug Hill towns, such as Constantia and Leyden, have hired consultants to develop such reports for their town halls. According to the NYS Preservation League, a building conditions report typically contains an analysis of the building’s overall current condition (interior and/or exterior); illustrations, either drawings (may include sketches and measured drawings) or photographs; prioritized recommendations for the building’s restoration, rehabilitation or treatment; and preliminary cost estimates. Historic structure reports are similar to building conditions reports, but include more research on architectural characteristics and a building’s history and significance, and construction chronology. Grant monies are typically available to municipalities to help fund these reports (see table below).

When it comes time to begin actual physical work on structures, a number of grant programs exist to help offset costs (see table below). It should be realized, however, that such funding programs typically are tied to strict rules and provisions regarding the nature of the work involved.



*The Hubbard House, Champion, 1820*

## Grants

Program	Eligible projects	Amount	Match
<b>Preserve New York (NYSCA/NYPL)</b> <a href="https://www.preservenys.org/">https://www.preservenys.org/</a>	<ul style="list-style-type: none"> <li>• Historic structure reports</li> <li>• Building condition reports</li> <li>• Cultural landscape reports</li> <li>• Cultural resource surveys</li> </ul>	\$3,000 - \$10,000	20%
<b>NYS Environmental Protection Fund</b> <a href="https://parks.ny.gov/grants/">https://parks.ny.gov/grants/</a>	<ul style="list-style-type: none"> <li>• Funding for acquiring, improving, protecting, rehabilitating, restoring historic structures</li> </ul>	Up to \$1 Million	50%



<b>National Trust Preservation Funds</b> <a href="https://savingplaces.org">https://savingplaces.org</a>	<ul style="list-style-type: none"> <li>• Historic structure reports</li> <li>• Historic landscape master plans</li> <li>• Design guidelines</li> <li>• Economic feasibility studies</li> <li>• Funding for community forums</li> <li>• Preservation education</li> </ul>	\$2,500 - \$5,000	100%
<b>Johanna Favrot Fund</b> <a href="https://savingplaces.org">https://savingplaces.org</a>	<ul style="list-style-type: none"> <li>• Sponsoring preservation workshops</li> <li>• Bricks and mortar restoration, rehabilitation, etc. of buildings</li> <li>• Bricks and mortar restoration, rehabilitation, etc. of archaeological and cultural landscapes</li> </ul>	\$2,500 - \$15,000	100%
<b>Cynthia Woods Mitchell Fund</b> <a href="https://savingplaces.org">https://savingplaces.org</a>	<ul style="list-style-type: none"> <li>• Interior restoration plans</li> <li>• Historic furnishings plans</li> <li>• Bricks and mortar restoration, rehabilitation, etc. of building interiors</li> </ul>	\$2,500 - \$15,000	100%
<b>Daughters of the American Revolution Special Projects Grants</b> <a href="https://www.dar.org/national-society">https://www.dar.org/national-society</a>	<ul style="list-style-type: none"> <li>• Restoration of historic buildings or sites (including bricks and mortar)</li> <li>• Preservation of documents or records</li> <li>• Conservation of cemeteries</li> <li>• Erection of historic site markers</li> </ul>	\$1,000 - \$10,000	?
<b>NY Landmarks Conservancy Sacred Sites Program</b> <a href="http://www.nylandmarks.org/">http://www.nylandmarks.org/</a>	<ul style="list-style-type: none"> <li>• Building conditions surveys</li> <li>• Architectural fees</li> <li>• Bricks and mortar restoration, rehabilitation, etc. of religious structures</li> </ul>	\$1,000 - \$70,000	400%