
Historic Preservation Guidebook for the Western Erie Canal Main Street Program



February 2012



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Acknowledgements

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50 West Main Street, Suite 8107

Rochester, New York 14614

This project is supported by the New York State Department of State with funds provided under Title 11 of the Environmental Protection Fund and sponsored by the Board of Supervisors of Wayne County.

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I. EDUCATIONAL PRIMER

What is historic preservation?

“A nation can be a victim of amnesia. It can lose the memories of what it was, and thereby lose the sense of what it is or wants to be. It can say it is being “progressive” when it rips up the tissues which visibly bind one strand of its history to the next. It can say it is only getting rid of “junk” in order to make room for the modern. What it often does instead, once it has lost the graphic source of its memories, is to break the perpetual partnership that makes for orderly growth in the life of a society.”

– Sidney Hyman, *With Heritage So Rich*

Historic preservation is conviction, yet public policy; the ultimate recycling but sometimes mothballing; both process and product. It involves many steps for managing time and change that impacts the special places of a community’s history and culture—unique and irreplaceable places such as houses; neighborhoods; commercial, agricultural, religious, financial, cultural, industrial, educational and governmental buildings; and objects, archeological sites, districts, and structures. Through advocacy, survey and evaluation, planning and rehabilitation, the preservation of these special places can increase property values, stabilize business and residential districts, create more jobs than new construction, return vacant or underutilized buildings to productive use, and improve the quality of community life.

The *Historic Preservation Guidebook* for the Western Erie Canal Main Street Program is envisioned as a preservation resource for property owners, elected officials, bankers, chamber of commerce executives, economic development directors, business people, planning and zoning officers, real estate brokers, and taxpayers. It serves as a basic compendium of online tools, textual resources, definitions, graphs, maps, and interviews for any person who is interested in learning more about preserving our built heritage—especially in the role of business district revitalization.

Listed on the following pages are a few communities in the Western Erie Canal Heritage Corridor (WECHC) that have put historic preservation to work. Through ordinances, design review, grants, training for municipal officials, public education programs, and various volunteer efforts, the Villages of Brockport, Medina, and Palmyra have achieved success and continue to revitalize their historic commercial cores.

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WEHC Community	Historic Preservation Implementation Activities	Local Government Agency	Private	
			Groups	Individuals
Village of Brockport, Monroe County	Legal Tools	The Village of Brockport adopted a local historic preservation ordinance in 1990 and revised it in 1995. The ordinance includes criteria for landmark designation. The Historic Preservation Board has designated 102 buildings in the Village as local historic landmarks. The Main Street Historic District (with 49 contributing properties) and nine other properties are listed to the State/National Registers. When the owner of a historic property applies for a building permit, the board reviews it for appropriateness. This review process does not require funds. Plaques have been purchased for placement on local landmarks with Village funds and funds from a Walmart Foundation donation. The Village has also purchased custom wood signs to delineate the Main Street Historic District.		
	Government Programs and Expenditures	Besides programs for designation and nomination to the State/National Registers, the Village has offered the following: (1) two façade improvement projects for the historic district funded by the Community Development Block Grant (CDBG) program, with 11 buildings included in each program; (2) a historic home improvement program funded by Certified Local Government (CLG) funds, including 20 homes; (3) a Clinton Street Master Plan funded by Preserve America and CDBG funds; (4) two feasibility studies of a historic building funded by CLG; (5) two editions of a walking and biking guide funded by CLG and a third funded by advertising by local merchants; (6) feasibility study for loft apartments in the historic	The Western Monroe Historical Society has used funds from private donations and some small grants to restore and maintain a historic building that is listed to the State/National Registers. The Brockport Alumni Association has spent over \$500,000 restoring and maintaining a historic building listed to the State/National	Many property owners have spent significant amounts of their own resources restoring and maintaining their historic buildings. The owners of property in the historic district provided matching funds for the façade improvement program and will do so if the feasibility study for loft apartments leads to

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		district funded by CLG; (7) CLG-funded survey of the downtown as the basis for State/National Registers nomination; and (8) a windshield survey of the Village by an outside consultant funded by CLG.	Registers with alumni donations. The Greater Brockport Development Corporation has invested over \$100,000 acquiring and preserving a historic building listed to the State/National Registers with US Dept. of Housing and Urban Development (HUD) funds.	such conversions.
	Financial and Other Incentives	The Village enacted a tax abatement ordinance for the historic home improvement program and is in the process of adopting one for the loft apartments program. The Village is asking the school district, town, and county to adopt similar measures.		
	Property Owner Stewardship Actions	The Village undertook an adaptive reuse effort to convert a historic building from a former public library to the current Village Hall. The school district enlarged the Oliver Middle School in a manner compatible with its historic architecture resulting in its listing to the State/National Registers and receiving the 2011 "Good Stewardship" award from the Landmark Society of Western New York.	The Western Monroe Historical Society, the Brockport Alumni Association, and the Greater Brockport Development Corporation have all acted as good stewards in restoring and maintaining their historic properties.	Many private property owners have acted as good stewards in maintaining their property. The proof is in the reality that Brockport has more well-preserved and maintained private property than probably at any time in its history.
	Community Volunteers	The Village of Brockport has a vibrant volunteer community. Hundreds of residents are involved in volunteer activities related to historic preservation, including the members of the Historic Preservation Board, the Planning Board, and the Zoning Board of Appeals.		

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Village of Medina, Orleans County	Historic Preservation Implementation Activities	Local Government Agency	Private	
			Groups	Individuals
	Legal Tools	The Village of Medina has a local historic preservation ordinance and design standards enforced by the Planning Board, which issues Certificates of Appropriateness for exterior work. The Main Street Historic District is listed to the State/National Registers with 51 contributing properties. Additionally, the Village has a historic preservation tax exemption ordinance which applies to designated properties. Zoning allows upper floor residential with a special use permit, which provides some control over the nature and extent of residential uses. The Village also has an active Tree Board that works on community-wide urban reforestation and is a "Tree City USA" community.		
	Government Programs and Expenditures	In addition to the historic preservation tax exemption ordinance, the Village has a mixed use property tax exemption. Preservation activities and approvals are enforced by the Building Department.	Medina Business Association has installed a music system throughout the historic business district that plays music during the daytime.	
	Financial and Other Incentives	All tax moratorium programs have been adopted by the Medina Village Board, including a residential property exemption. The Village also offers a revolving loan fund that's been used for rehabilitation projects in the historic business district.		
	Property Owner Stewardship Actions		There are several active projects to place residential units on upper floors in the historic business district. The Shirt Factory Café is an example of a business that is named after the building's former use and promotes the history of the building through marketing and advertising efforts.	
	Community Volunteers	Several organizations promote historic preservation in the community, such as the Sandstone Society, Sandstone Trust, Orleans Renaissance Group, and Medina Business Association.		

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Village of Palmyra, Wayne County	Historic Preservation Implementation Activities	Local Government Agency	Private	
			Groups	Individuals
	Legal Tools	The Village of Palmyra passed a local historic preservation ordinance in 2007 that established a Historic Preservation Commission. The Palmyra Village Historic District is listed to the State/National Registers and includes the Market Street Historic District, the East Main Street Historic District, the Zion Episcopal Church, and an additional 164 properties. The Village has also recently adopted design standards.		
	Government Programs and Expenditures	A small amount from the Village budget is reserved for commissioner training, office supplies, and clerical assistance.		
	Financial and Other Incentives			
	Property Owner Stewardship Actions	The Village is in the process of building a reference library for public use, which includes The Secretary of the Interior's Standards for Rehabilitation, historic paint samples, NPS Preservation Briefs, etc. A speaker series has also been hosted on topics such as historic tax credits.		
	Community Volunteers	The Historic Preservation Commission is currently comprised of five volunteer commissioners with two open alternate spots. The Village Board liaison is very active with the group, as is the volunteer consulting architect. In establishing the ordinance, the Village had an active group of volunteers from both the Village and Town of Palmyra.		

This survey completed with assistance from Bill Andrews, Chair, Village of Brockport Historic Preservation Board; Andrew W. Meier, Mayor, Village of Medina; and Christine Daly, Village of Palmyra Historic Preservation Commission.

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How does historic preservation relate to the Main Street Approach to downtown revitalization?

Buildings located in downtowns across the country experienced severe degradation between the late 1940s and the 1970s when the automobile, interstate highway system, and subsequent growth in suburban communities changed the way Americans lived, worked, and spent leisure time. People found it easier to travel longer distances, leaving downtown businesses to close or to relocate to their competition—outlying shopping strips or the regional mall. Gradually streets became strewn with litter and storefronts were boarded-up, reinforcing the public’s perception that nothing was going on downtown and that nothing was worth saving there.

Downtown, commonly referred to as “Main Street,” is usually composed of commercial buildings such as hotels, luncheonettes and diners, movie theaters, stores, and business blocks. In the WECHC, Main Street is the commercial district that developed in historic settlements along the Erie Canal. These commercial districts feature a range of vernacular building design, from an intact nineteenth century façade to commercial cladding of the 1920s and 1930s to contemporary alterations. The western canal corridor is notable for its many commercial districts that retain their nineteenth century presence and orientation towards the Erie Canal. This is not the case for many communities outside the corridor that lost its relationship with the canal when it was reconfigured in 1862 and in 1918.

The WECHC, which includes the counties of Erie, Monroe, Niagara, Orleans, and Wayne, features the longest segment of the original Erie Canal (1817-1825) that is still in use as part of the New York State Canal System. The impact of the canal’s early years therefore can still be seen in the historic settlement patterns along this route. While each village and small city has evolved uniquely through each phase of canal development, the canal communities in the western canal corridor share a strong connection through their historic commercial districts and architecture.

The attractiveness of historic commercial districts created by the preservation of its architecture has been shown to result in certain economic benefits for both the private sector and the public. Randall Mason from the University of Pennsylvania provides research in a paper prepared for The Brookings Institution’s Metropolitan Policy Program entitled, *Economics and Historic Preservation: A Guide and Review of the Literature* (September 2005). While a range of questions still exist, including overarching gaps and variation within the data, studies have broadly shown that historic preservation is a sound investment. The most prominent results have been articulated by the direct investment of preservation activities to the state and federal economy, calculations for new construction versus rehabilitation, and the positive effect of historic districting on property values.

*Economics and Historic Preservation:
A Guide and Review of the Literature*
is available for download at
The Brookings Institution website
(<http://www.brookings.edu/>) under
PROGRAMS ➡
Metropolitan Policy Program.

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The National Trust for Historic Preservation's Main Street Program embodies the integration of historic preservation and downtown revitalization. Main Street is a grassroots-based revitalization program tailored to meet local needs and opportunities in four broad areas:

- design (enhancing the historic business district's physical appearance),
- organization (building community consensus and cooperation),
- promotion (marketing the district's unique characteristics and assets), and
- economic restructuring (diversifying the district's economic base).

Today, more than 2,000 state, regional, and local programs utilize the Main Street strategy. The approach to revitalizing areas by capitalizing on the unique physical and social identities of each place has achieved greater success than the grandiose urban renewal programs that were applied between the late 1940s and the 1970s that sought to homogenize places of commerce and housing. Historic preservation generally and the Main Street program in particular embody the positive incremental neighborhood by neighborhood and downtown by downtown strategy. The theme of historic preservation that is applied in the National Trust for Historic Preservation's Main Street Program is an important component of this current and successful model of revitalization.

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What are the effects of historic preservation as an economic development tool?

Historic preservation tends to yield significant benefits to the economy, whether through direct, indirect, or induced effects. Services and materials purchased specifically for the preservation activity are the direct impacts, while indirect impacts include spending by industries that provide preservation services or materials. Purchases made by the households of the service workers, such as masonry restoration, or the material supplier, such as the local hardware store, are the induced impacts. Using available data sources and a Preservation Economic Impact Model (PEIM) developed by Rutgers University's Center for Urban Policy Research (CUPR) for the National Park Service (NPS), historic preservation activity annually contributes \$9.6 billion directly to the New York State economy. This investment generates 138,000 jobs, both part- and full-time; \$11.6 billion in output (the value of shipments, which is reported in the Economic Census); \$5.9 billion in wealth (the value added, which is equivalent to the subnational level of gross domestic product (GDP) or, at the state level, commonly called the gross state product (GSP); \$4.1 billion in income, which includes wages, salaries, and proprietors' income; and \$2.1 billion in taxes. Nationally, preservation spending in New York State produces 165,500 jobs, \$15.9 billion in output, \$7.7 billion in GDP, \$5.2 billion in income, and \$2.5 billion in taxes. And more than three quarters of these benefits remain in New York State. The \$9.6 billion dollar figure originates from two preservation activities—rehabilitation of historic properties and heritage tourism—and does not figure in those direct, indirect, and induced effects.¹

The *Preservation Economic Impact Model 2.0* can be downloaded from the **National Trust Community Investment Corporation** website (<http://ntcicfunds.com/>) ⇒ **PEIM MODEL SOFTWARE**. The software, with step-by-step directions, helps calculate the economic benefits of historic rehabilitation projects in addition to forecasting the economic benefits of heritage tourism, Main Street Programs, and historic sites.

On the national level, an article from the Fannie Mae Foundation's *Housing Policy Debate* (1998) written by David Listokin, Barbara Listokin, and Michael Lahr compares the measurable economic impacts of \$1 million investment in the residential rehabilitation of historic properties versus equal investments in book publishing, pharmaceutical production, and electrical component production. In every way the impacts are measured—generation of jobs, income, state and local tax revenues—historic preservation exceeds the other sectors. In another analysis, when comparing \$1 million spent on nonresidential historic rehabilitation to \$1 million spent on new nonresidential building, the nonresidential historic rehabilitation generates 2.2 more jobs, \$79,000 more in income, \$111,000 more in GDP, and \$13,000 more in state and local taxes. The reason historic preservation is the better investment than similar new construction is its reliance on craftsmanship. Rehabilitation activity often requires a higher degree of craftsmanship, such as plastering

¹ Greg Donofrio et al., *Economic Impacts of Historic Preservation in New York State* (Cornell University: May 2005), 4-5.

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or timber framing. Rehabilitation also requires the production of unique materials. This greater degree of craftsmanship creates more labor-intensive activities than others typically routinized in new construction. Thus, labor winds up substituting for materials and other supplies. Since construction labor is composed almost exclusively of U.S. workers, and capital can be imported, the economic effects from rehabilitation are less likely to “leak out” of the national economy when labor substitutes for capital. As a result, investment in rehabilitation of historic properties produces great multipliers—those direct, indirect, and induced effects.²

The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States (October 2011), prepared for The National Fish and Wildlife Foundation, refers to a recent study commissioned for the U.S. Cultural & Heritage Tourism Marketing Council that found 78% of national vacationers who participated in heritage and cultural activities accounted for 90% of the economic impact of domestic tourism. Heritage travelers traveled more frequently than other types of travelers and spent an average of \$1,050 per trip—contributing more than \$203 billion annually to the U.S. economy. Natural Heritage Areas are also proven to draw visitors and their dollars to surrounding communities. In one referenced study (2003-2004), it was found that 25,000 visitors in seven National Heritage Areas spent an average of \$123—adding up to \$3.1 million locally, which supported 51 jobs, \$960,000 in earnings, and \$1.5 million in indirect taxes, profits, and rents.

Economic impact studies further define the impact historic preservation activity has on the economy of a particular region. These studies ask the question, “Does preservation pay?” on more than a project-by-project basis. The economic impacts of historic preservation in New York State are assessed in a 28-page, illustrated report, *New York: Profiting Through Preservation* (2000). The report is available for download at: <http://www.placeeconomics.com/pub/PlaceEconomicsPUB2001.pdf>.

Lastly, there are many studies and reports that show the positive effect historic designation of a landmark or district typically has on property values—regardless of whether it’s a National Register listing or as a local landmark. Free publications can be found on the Advisory Council on Historic Preservation’s website under “Economic Issues in Historic Preservation.” Others can be purchased for a small fee on the National Trust for Historic Preservation’s website under “Preservation Books.”

In order for villages and small cities in the WECHC to be attractive and vibrant places, there must be a certain amount of value placed on their historic character. Historic architecture and the community’s development pattern must be thought of fundamentally as a scarce resource—a western canal community is a special place because its buildings and layout cannot be reproduced or recreated.

² Michael Lahr, David Listokin, and Barbara Listokin, “The Contributions of Historic Preservation to Housing and Economic Development,” *Housing Policy Debate* Volume 9, Issue 3 (1998): 457-459.

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One way to quantify the value of historic villages and small cities is by evaluating Census data with historic preservation tools such as local landmark preservation laws and State and National Register historic districts. The chart in Appendix B provides Census data on housing values and vacancy rates for the sixteen villages and small cities located in the WECHC. Comparing this chart with a western canal community's local laws or ordinances, such as zoning to preserve historic resources and local historic preservation legislation, in addition to the presence of State and National Register historic districts is one way to track and evaluate how historic preservation activities and efforts may affect property values and vacancy rates. This method may not be a reliable preservation indicator for some, however.

In the *Finger Lakes Open Lands Conservation Project* (September 2010) conducted by Genesee/Finger Lakes Regional Planning Council (G/FLRPC), property values were found to be more stable in villages and small cities in the Genesee-Finger Lakes Region that protect their historic resources than villages and small cities that do not. Historic preservation was also found to reduce vacancy. One of the drawbacks in using decennial Census data is that properties listed as landmarks or located in a historic district are not separated from properties located elsewhere in the village or city. The best that can be done to quantify the value added to a community by its historic buildings and the quality of that architectural preservation is to research what the local preservation tools are and whether State and National Register historic districts exist in the municipality. Then, compare this local research with the U.S. Census Bureau's median housing values and vacancy rates to come up with generalized economic data for the local area. It's the sum of the properties in the village or city that is used to identify whether local preservation tools and/or State and National Register historic districts are stabilizing or increasing property values and encouraging reinvestment that supports lower vacancy rates. The third section of this Guidebook, IMPLEMENTATION, discusses how municipalities can utilize landmark preservation laws or ordinances, design review boards, site plan review, and zoning to protect historic resources.

Unlike the big-box and national chain developers, preservationists often do not have the hard numbers. Communities must begin collecting the economic benefits of historic preservation using Census data, sales tax reports, local heritage tourism spending, and building rehabilitation activity.³ Having a central gathering point for this kind of information is important. The National Trust Main Street Center tracks detailed statistics of Main Street-related activity, such as net gain in jobs, businesses, and total public and private reinvestment.

Finger Lakes Open Lands Conservation Project is available for download at G/FLRPC website (<http://www.gflrpc.org/>) under **PUBLICATIONS**
⇒ Section 3: Villages and Micropolitan Centers, 3.7: Historic and Cultural Capital.

³ Rehabilitation data collected through the US Bureau of the Census, Building Permits ceased in 1994.

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What can I do in my community to promote historic preservation?

The saying goes, “All historic preservation is local.” It begins when an elected or appointed official is faced with the demolition of an old building or a group of buildings to prepare for new development, such as a big-box store or chain drugstore, and the community mounts an emotional protest. What usually guides the decision-making process during such controversies are a community’s comprehensive plan and zoning ordinances. Little guidance is often provided about historic preservation in these documents, however. Preservation planning is key to establishing policies, procedures, and strategies to help prevent the loss of a community’s historic resources. While the following sections in this Guidebook, ORGANIZATION and IMPLEMENTATION, provide ideas on how to lay the groundwork for a well-conceived preservation planning process, below are helpful hints for how community residents, business owners, and elected officials can get involved with historic preservation right now.

Learn about planning in your community.

- ☒ Learn how your community plans for growth and development, land use, housing, the environment, transportation, tourism, and other efforts that shape your community’s future.
- ☒ Learn how historic preservation issues and concerns can be integrated into those planning efforts.
- ☒ Familiarize yourself with how planning, zoning, and the development review process works. Get to know staff in city or village hall and in the planning and/or building department.

Get involved in the planning process.

- ☒ Attend public meetings and workshops to share information about historic resources that are important to the community and how they can be preserved.
- ☒ Consider how land use and comprehensive planning impacts historic buildings, districts, objects, sites, and structures in your community.

Encourage others to get involved.

- ☒ Sponsor a community meeting to discuss and learn about preservation and planning topics.
- ☒ Invite municipal officials and staff to share information about their activities.
- ☒ Develop networks among residents, business owners, Main Street programs, preservation organizations, and local government.

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Inventory the special places in your community.

- ☒ Recognize that historic resources cannot be preserved if their existence and importance are unknown.
- ☒ Identify the places and characteristics that make your community special.
- ☒ Volunteer with local preservation groups to conduct a survey of the important historic resources in your community.
- ☒ Collect photos, maps, and other historic records to document what changes have taken place.
- ☒ Assist your municipality to integrate the results of survey efforts into the local planning process.

Know and educate your elected and appointed officials.

- ☒ Recognize that elected and appointed officials ultimately make the decisions about the preservation of historic resources.
- ☒ Get to know the support staff that provides guidance to the elected and appointed officials.
- ☒ Explain to staff and local officials why it's important to protect your community's historic resources.

Serve on boards and commissions.

- ☒ Understand how members of boards and commissions are appointed by local elected officials.
- ☒ Learn how these bodies make a valuable contribution to the local decision-making process by providing opportunities for the public to share their views and by evaluating input from the public and staff to develop recommendations for action.
- ☒ Volunteer to serve on your local historic preservation commission, planning board, Main Street program, or other similar body to make sure that preservation issues are addressed effectively in the decision-making process.

Understand the trends affecting your community.

- ☒ Learn how changes in economic conditions and demographic trends influence your community's character and vitality.
Understand how historic preservation can help meet the goals of business district revitalization, tourism, economic development, affordable housing, and open space protection.
- ☒ Explain these relationships to elected and appointed officials, community leaders, and planners.

Develop community leadership.

- ☒ Look for leadership programs offered by local colleges, Main Street programs, chambers of commerce, and other organizations.
- ☒ Participate in these programs and encourage others, especially young people, to do the same.

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Get to know your local media.

- ☒ Become familiar with your local newspaper, radio, and TV reporters who regularly cover history, archaeology, historic preservation, land use planning, the environment, and other related topics.
- ☒ Provide local media sources with accurate and interesting stories about your community's heritage and efforts to protect it.
- ☒ Write articles for newspaper, radio, or TV programs.

Celebrate successes.

- ☒ Celebrate historic preservation in your community by organizing and participating in special events such as a history fair, an award ceremony, a public lecture series, school poster contest, and other activities that get people involved.⁴

⁴ National Park Service, US Department of the Interior, "Historic Preservation Planning for Local Communities," Heritage Preservation Services – Historic Preservation Planning Program, <http://www.nps.gov/history/hps/pad/LocalPresPlan/intro.html> (accessed 29 December 2011).

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II. ORGANIZATION

Who is involved with historic preservation?

Various agencies and organizations at the federal, state, and local levels have distinct roles, responsibilities, or interests with regards to the protection of historic resources. Historic preservation involves federal, state and local governments, numerous related public, private and not-for-profit public agencies and organizations, professionals in specialized fields such as history, architecture, planning, archeology, engineering, and landscape architecture as well as interested individuals.

A comprehensive report entitled, *With Heritage So Rich*, was undertaken by the Special Committee on Historic Preservation of the U.S. Conference of Mayors with a grant from the Ford Foundation in 1966 to address the substantial loss of historic and cultural resources taking place across the nation by postwar urbanization. A national plan of action for historic preservation was the key recommendation from this report along with state and local goals and international cooperation. The National Historic Preservation Act (NHPA) of 1966, which authorized a State Historic Preservation Officer for each state and created the National Register of Historic Places, became the core mechanism for carrying out those goals. The New York State Historic Preservation Act (NYSHPA) of 1980 complimented the federal legislation and established historic preservation as a state policy.

The significance of a historic property is recognized through listing on the State or National Register of Historic Places. The National Park Service (NPS) is a bureau of the U.S. Department of the Interior and administers the National Register of Historic Places, in addition to managing 394 units of the National Park System and other programs such as the National Heritage Areas, National Center for Preservation Technology & Training, National Historic Landmarks, and Heritage Documentation (i.e. Historic American Building Survey). The Commissioner of the NYS OPRHP is the State Historic Preservation Officer and oversees both programs in New York State. Listing on the National Register of Historic Places is an important recognition of a property's historic and cultural significance. The nomination of properties to the State and National Registers is a cooperative effort between a sponsor such as the owner of the property and the staff of the SHPO. Designation makes the property eligible for grants, loans, and possibly federal tax credits. It also means that any federal action that might impact the property must undergo a special review by the Advisory Council on Historic Preservation (ACHP), an independent federal agency established by the NHPA. ACHP is responsible for balancing historic preservation concerns with federal project requirements. Other national preservation activities in accordance with and guided by the NHPA are led by the National Conference of State Historic Preservation Officers, National Trust for Historic Preservation, and the National Preservation Institute.

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Similarly, listing on the State Register of Historic Places means that state agency actions that affect a designated property are subject to review in order to protect the property's integrity. NYSHPO, housed within the Field Services Bureau of the NYS OPRHP, conducts environmental review in compliance with NHPA Section 106, NYSHPA Section 14.09, and other federal and state environmental laws such as the State Environmental Quality Review Act (SEQRA). New York State currently features more than 90,000 properties on National Register of Historic Places through more than 5,300 listings, whether publicly or privately owned.⁵ NYSHPO includes professional and support staff people with expertise in history, architecture, archeology, planning, and landscape architecture and is organized into five units: National Register, Survey & Evaluation, Technical Assistance & Compliance, Archeology, and Community Outreach. The Bureau of Historic Sites (BHS) is also part of NYS OPRHP and provides preservation assistance, materials conservation, and interpretive support to 37 state historic sites and 178 state parks. Nearly all of the state historic sites have been listed in the National Register and more than half are National Historic Landmarks (NHL), which is the highest level of (national) distinction a historic property can achieve. Archeological research is conducted by the New York State Department of Education (New York State Museum, Archives, Library, and State Archeologist) and all state agencies, such as the New York State Department of Transportation, designate "agency preservation officers" to coordinate the review of agency actions that may have an affect on historic and cultural resources. Federal agencies also have Agency Preservation Officers.

Other historic preservation efforts in New York State are led by the Preservation League of New York State (PLNYS), a not-for-profit membership organization, and the New York State Council on the Arts (NYSCA). PLNYS was incorporated in 1974 as the private, state-wide, grass-roots preservation organization that enhances the programs and services of the NYSHPO. The organization provides legal and technical services, advocacy and public policy, preservation awards, education and training programs, research, publications, and an endangered properties awareness program. Working in conjunction with many partners, the PLNYS has spearheaded a number of major successes, including passage of the NYSHPA of 1980; passage of the Environmental Quality Bond Act of 1986; passage of the Clean Water/Clean Air Bond Act; and expansion of the NYS Rehabilitation Tax Credit. Preserve New York is an exceptional grant program that provides modest "seed" funding for preservation projects such as cultural resource surveys, historic structure reports, and historic landscape reports. This program is administered by PLNYS with funding provided by NYSCA.

Historic Preservation at a Crossroads: The 2009-2013 New York State Historic Preservation Plan provides a thorough description of historic preservation at the national, state, and local levels.

The plan is available for download at the
NYSHPO website
(<http://nysparks.state.ny.us/shpo/>) ⇒
PRESERVATION PLAN.

⁵ NYS OPRHP Commissioner Rose Harvey, letter on behalf of National Trust for Historic Preservation Conference, 19 October 2011.

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Established in 1960, NYSCA is “dedicated to preserving and expanding the rich and diverse cultural resources that are and will become the heritage of New York’s citizens.” Some of NYSCA’s earliest projects were architectural surveys and traveling exhibitions designed to raise awareness about the historic architecture of New York State. These projects eventually led to the creation of the Architecture, Planning and Design program in 1973 that continues to provide regular, unrestricted operating funds for not-for-profit, staffed historic preservation organizations across New York State. Exhibits, publications, and other projects for public programs are also eligible for funding.

*National Professional Organizations Associated with
Historic Preservation*

- ▶ American Institute of Architects
- ▶ Society of Architectural Historians
- ▶ American Planning Association
- ▶ American Society of Landscape Architects
- ▶ American Society of Civil Engineers
- ▶ Archaeological Conservancy
- ▶ American Association for State and Local History

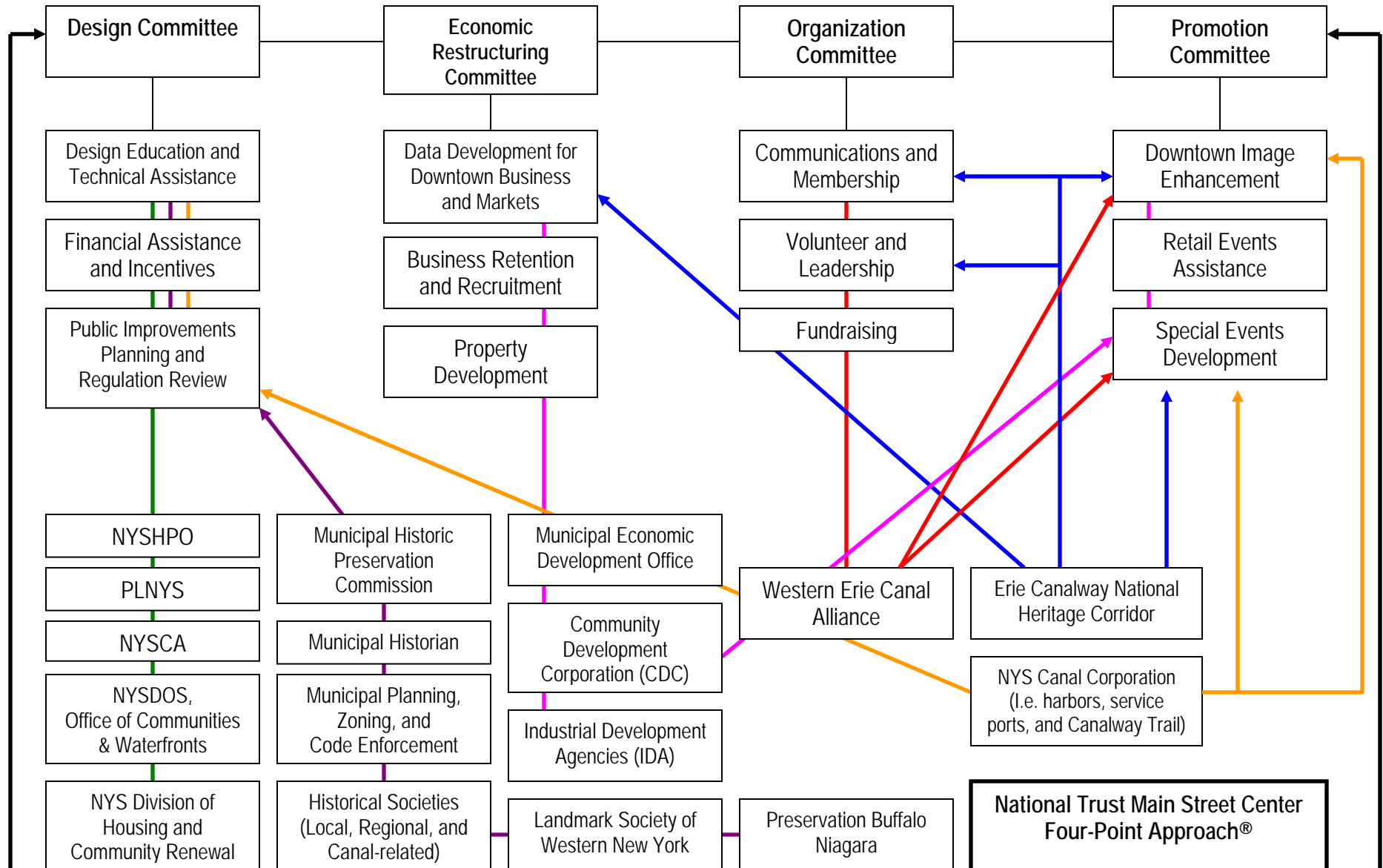
With NYSCA funding, the PLNYS has also organized many of the regional and local not-for-profit preservation organizations into a group known as the “Preservation Colleagues.” The Preservation Colleagues meet at least twice annually for workshops, educational site visits, and information exchange. Among the regionally focused groups located in the western canal corridor are the Landmark Society of Western New York and Preservation Buffalo Niagara.

Local preservation activity varies considerably from community to community across the state. In general, most efforts are led by an extensive network of regional and local not-for-profit historic preservation organizations and historical societies. Some communities are Certified Local Governments with qualified historic preservation commissions. Others utilize planning boards,

architectural review boards, and municipal historians to promote and protect their historic, architectural, and cultural resources. Municipalities may also invigorate neighborhoods and downtowns using their economic development offices. Community Development Corporations (CDC) also offer a range of social services in addition to developing affordable housing, commercial investment, and job creation. More information about municipal historic preservation efforts can be found in this Guidebook’s third section, IMPLEMENTATION.

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How does a local Main Street program in the WECHC work with its preservation partners?



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III. IMPLEMENTATION

What are New York State and National Heritage Areas?

The New York State Heritage Area System is a grassroots partnership with state and local government, non-governmental organizations, and the private sector to preserve, develop, and promote areas that encompass the state's most significant natural, historic, and cultural resources. The program was created by state legislation in 1982 originally as the Urban Cultural Park System and delegated to the NYS OPRHP. It has expanded to include 20 heritage areas and corridors, the most recent addition being the Niagara Falls Underground Railroad Heritage Area in 2008. Each Heritage Area is required to develop a comprehensive management plan that focuses on four heritage goals:

1. Preservation of significant resources;
2. Education that interprets lessons from the past;
3. Recreation and leisure activities; and
4. Economic revitalization for sustainable communities.

There are 18 heritage areas with approved management plans. The Lake Erie Concord Grape Belt Area Management Plan was most recently approved by NYS OPRHP in 2010. Niagara Falls Underground Railroad and the Michigan Street African American Heritage Corridor are still working on their management plans.⁶ NYS OPRHP ended its staff support for the New York State Heritage Area System in 2009. Although the agency is not currently providing technical support to the program, questions and assistance are attended to as necessary. The contact for the Heritage Area Program is the Deputy Commissioner for Historic Preservation. The single best source of funding for the New York State Heritage Area System remains the Environmental Protection Fund of 1993 (EPF). Funds can be used for acquisition, development, and improvement of parks, historic properties, and Heritage Area resources and are allocated every year as part of the annual state budget.

In 2011, the EPF was placed in the NYS Consolidated Funding Application (CFA) process. The application guidelines for the Heritage Areas System have not changed significantly, but the rating system was revised for all NYS OPRHP EPF grant programs to now include input from ten new Regional Economic Development Councils as part of Governor Andrew M. Cuomo's historic

⁶ Marcia Kees, e-mail message to author, 23 January 2012.

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initiative to stimulate job creation and economic growth. Once the CFA is submitted by the applicant, it goes to the local Regional Council to be reviewed and ranked as part of its strategic planning process.⁷

The *Heritage Development Resource Guide* was created in celebration of the 25th anniversary of the New York State Heritage Area program to outline brief profiles of the organizations and agencies that work on heritage-related issues and programs. Each organization lists primary programs and key issues or needs in the field of heritage development.

The guide is available for download at the **NYS OPRHP** website (<http://nysparks.state.ny.us/>) ⇒ **HERITAGE AREAS**.

The National Heritage Area program is similar to the New York State Heritage Area System in that it utilizes public-private partnerships to support historic preservation, natural

resource conservation, recreation, heritage tourism, and educational projects. It is a program managed by the NPS, similar to the National Register of Historic Places and National Historic Landmarks. National Heritage Areas (NHAs), however, are not parks owned or managed by the NPS; they are living landscapes connected by nationally significant natural, historic, and cultural resources that further the mission of the NPS through community-driven stewardship. The first designated NHA was the Illinois and Michigan Canal National Heritage Corridor in 1984.

NHAs are designated by Congress, as New York State Heritage Areas are designated by the New York State Legislature, and are similarly required to develop a comprehensive management plan that focuses on the distinct qualities that make their region special. The NPS is a partner and advisor to communities and helps connect local citizens to the preservation and planning process through technical assistance and matching federal funds from Congress to NHA entities.

The WECHC was designated as a New York State Heritage Area in 1999 along with an 18-member planning commission assigned with the responsibility to develop a heritage corridor management plan. The commission completed its work in 2004 and the *Western Erie Canal Heritage Corridor Management Plan* was approved by each of the five county legislatures, with final approval from the NYS OPRHP one year later.

The Erie Canalway National Heritage Corridor (ECNHC) is among the largest of the

*Erie Canalway National Heritage Corridor
Preservation and Management Plan*
integrates the cultural and historic treasures
of yesterday's working canal system with the
strength of the communities it connects
today and tomorrow.

The plan is available for download at the
ECNHC website
(<http://www.eriecanalway.org/>) under
ABOUT US ⇒ Preservation and
Management Plan.

⁷ Marcia Kees, e-mail message to author, 15 November 2011.

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49 NHAs and spans through a section of the WECHC. While the WECHC is a countywide designation that includes the 136-mile section of the Erie Canal, the ECNHC spans New York State from east to west for 524 miles, encompassing all 234 municipalities linked by the Erie, Champlain, Cayuga-Seneca and Oswego Canals, and Cayuga and Seneca Lakes. Altogether this waterway is known as the New York State Canal System. In 2000, the ECNHC's authorizing legislation established a 27-member federal commission and required the development of a comprehensive management plan. The *Erie Canalway National Heritage Corridor Preservation and Management Plan* was approved by the Secretary of the Interior in 2006 and received the American Planning Association's Highest National Award for a Comprehensive Plan in 2008.

The logo for the Alliance of National Heritage Areas, featuring the text "Alliance of National Heritage Areas" in a serif font, with "Alliance" and "Areas" in a larger size than "of National Heritage".

Alliance of National Heritage Areas

Both the WECHC and ECNHC have management entities that provide technical, planning, and limited financial assistance to communities within their respective heritage corridors. Western Erie Canal Alliance (WECA) is the non-profit corporation formed in 2006 to implement the *Western Erie Canal Heritage Corridor Management Plan*. WECA is currently governed by an 8-member Board of Directors and maintains an office. Limited staff assistance is available to communities within the WECHC.

Membership organizations such as ANHA can be useful to raise awareness, provide a forum for exchange, foster educational opportunities, and fundraise on behalf of heritage development.

ECNHC is managed by the Erie Canalway National Heritage Corridor Commission, with staff support from the NPS located in Waterford, NY. Opportunities for the public to get involved throughout the canal corridor are available through an arts forum, annual awards program, economic revitalization, heritage tourism, historic preservation, interpretive signs and orientation, Trails & Rails Program, and various workshops and trainings. The Erie Canalway National Heritage Corridor also provides limited funding for projects that help to achieve the goals set forth in the *Erie Canalway National Heritage Corridor Preservation and Management Plan*. For example, a limited number of \$500 sponsorships for festivals and events that promote or celebrate the distinctive historic, cultural, scenic, or recreational resources of the canal corridor are available each spring. This program, Erie Canalway Festival and Event Sponsorships, encourage "sense of place" events such as the New York Heritage Weekend and Canal Splash. Another source of funding is the Erie Canalway Grant Program. This competitive grant program is administered by the Erie Canalway Heritage Fund (ECHF) in partnership with the Commission. The ECHF is dedicated to charitable, educational, and civic purposes within the confines of the ECNHC.

Explore the ECNHC's list of upcoming federal, state, and foundation grant opportunities that support some of the targeted areas of the *Preservation and Management Plan*. The compilation of grants is available for download at ECNHC website (<http://www.eriecanalway.org/>) under **GET INVOLVED** ⇒ Grants and Funding.

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What types of funding are available through New York State and Federal preservation programs?

Several grant programs have been mentioned in previous sections, such as Preserve New York, the EPF, and the Erie Canalway Grant Program. The most well-known funding programs for historic preservation projects are available through NPS and NYSHPO, however. The NPS administers the Historic Preservation Fund (HPF). The program is currently authorized at \$150 million per year and is funded by Outer Continental Shelf oil lease revenues. The program was established in 1977 as a matching grant program, with subsequent amendments to the Act in 1980 that created the Certified Local Government (CLG) program and in 1992 that established Tribal Historic Preservation Officers.

An annual appropriation is provided to State and Tribal Historic Preservation Officers to assist in their efforts to protect and preserve their historic resources as required by the NHPA. Preservation activities may be carried out directly by states, or in the form of subgrants and contracts to public and private agencies, nonprofit organizations, educational institutions, and individuals. SHPO responsibilities on Indian land are assumed by HPF grants to Indian Tribes.

Funding is used by states and tribes to fund HPF eligible preservation projects, including: survey and inventory, National Register nominations, preservation education, architectural planning, historic structure reports, community preservation plans, and bricks and mortar repair to buildings. The HPF allows each state the flexibility to shape a program according to its needs, as long as they are meeting the overall responsibilities outlined by the NHPA. Ten percent of each SHPO's allocation must be subgranted to assist CLGs. To date, 75 municipalities are CLGs in New York State.⁸ The CLG program is discussed in greater detail in the following subsection.

Show Me the Money! **Tapping Federal Funds for Historic Preservation** (October 2011) is available for download at:

<http://www.nps.gov/history/hps/hpg/downloads/Show-Me-the-Money-Oct2011.pdf>

The *National Trust for Historic Preservation* (NTHP) also offers financial assistance and resources for other funding programs. See the **NTHP** website (<http://www.preservationnation.org/>) under **RESOURCES** ⇨ Find Funding.

With SHPO making the final decisions, CLG project grants can range from municipal training and public education programs, surveys and designations undertaken as part of a comprehensive plan, correction of deficiencies in CLG performance, and demonstration

⁸ NYS OPRHP Commissioner Rose Harvey, letter on behalf of National Trust for Historic Preservation Conference, 19 October 2011.

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projects on critical issues, such as compliance with state building and fire codes. All HPF assisted projects must follow *The Secretary of the Interior's Standards for the Treatment of Historic Properties*.

The Secretary of the Interior's Standards for the Treatment of Historic Properties

Preservation – reflects a building's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

Rehabilitation – emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work.

Restoration – focuses on the retention of materials from the most significant time in a property's history, while permitting the removal of materials from other periods.

Reconstruction – establishes limited opportunities to re-create a non-surviving site, landscape, building, structure, or object in all new materials.

The Federal Historic Preservation Tax Incentives program is one of the federal government's most successful and cost-effective community revitalization programs. The program is jointly administered by the U.S. Department of the Interior and the Department of the Treasury. The NPS acts on behalf of the Secretary of the Interior in partnership with each State Historic Preservation Officer. The Internal Revenue Service (IRS) acts on behalf of the Secretary of the Treasury.

A tax credit is different from an income tax deduction in that it lowers the amount of tax owed, not the amount of income subject to taxation. Until 1976, the tax code in the United States favored new construction. The 1976 Tax Act introduced some historic preservation-supportive measures. Five years later, a three-tier historic preservation investment tax credit was introduced. The two current federal historic preservation tax incentives are:

- a 20% tax credit for the certified rehabilitation of certified historic structures and
- a 10% tax credit for the rehabilitation of nonhistoric, non-residential buildings built before 1936.

The two federal rehabilitation tax credits are mutually exclusive.

The 20% rehabilitation tax credit applies to any project that the Secretary of the Interior

"Nationally, the federal tax credits returned more than \$22.3 billion in federal tax dollars since 1978 on \$17.5 billion in tax credits – a return of 27.4% from every dollar invested. This activity had an annual average impact on U.S. economic output of \$6.6 billion, supports 61,200 jobs and generated \$935 million in tax revenues."

The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States, page 20.

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designates as a “certified rehabilitation” (complies with *The Secretary of the Interior’s Standards for Rehabilitation*) of a “certified historic structure.” The “structure” must be a building—not a bridge, ship, railroad car, or dam. The credit applies only to buildings rehabilitated for commercial, industrial, agricultural, or rental residential purposes—not an owner’s private residence. Property owners unsure whether their building is listed in the National Register or located in a National Register or certified State or local historic district should contact the NYSHPO.

The 10% rehabilitation tax credit applies only to nonhistoric buildings first placed in service before 1936 and rehabilitated for non-residential uses, such as a hotel. Buildings listed in the National Register of Historic Places and those located in National Register listed historic districts or certified State or local historic districts are presumed to be historic and are therefore *not eligible* for the 10% credit. A building that was moved after 1935 is ineligible for the 10% rehabilitation credit (although a moved “certified historic structure” may still be eligible for the 20% credit). The rehabilitation must be substantial, exceeding either \$5,000 or the adjusted basis of the property—whichever is greater—and the property must also be depreciable.

To find out if your commercial, office, industrial, or rental residential building qualifies for New York’s tax credit—or if you’re a private homeowner, go online to the NYSHPO website.

Select **Online Tools**, then **Geographic Information System for Archeology and National Register (GIS)**. Click on **Zoom To Location**, then select **MUNI** for your county and municipality from the drop down menus. After clicking **SUBMIT**, use the **Zoom** and **PAN** tools to find your location. If your property appears in a **RED** striped area, it’s located in an eligible historic district or as an individually listed building.

Remember, buildings eligible for inclusion on the state or federal registers qualify as well, so be sure to check with NYSHPO staff!

There are processing fees and many IRS requirements to satisfy in order to receive approval for the historic preservation tax credit. Therefore, wait to begin work and consult with the NYSHPO as soon as you can.

Information about the Federal Historic Preservation Tax Incentives program is available for download in an easy to use brochure, available at: <http://www.nps.gov/tps/tax-incentives/taxdocs/about-tax-incentives.pdf>. For more specific information about rehabilitating a Main Street building, access the NPS’s guide for owners of a commercial building located in a historic district available at: http://www.nps.gov/hps/tps/tax/download/intro_main_street.pdf.

The New York State Historic Preservation Tax Credit Program was expanded in 2010 to include a 20% credit for certified commercial properties and a 20% credit for certified, owner-occupied properties. The commercial tax credit is available for income producing properties located in: 1) a census tract with a median income at or

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below the State Family Median Income level, 2) a Qualified Census Tract (QCT) Section 143 (J) of the Internal Revenue Code, or 3) in a state Area of Chronic Economic Distress. These areas generally have median incomes of less than \$67,040.00. If a project qualifies for the 20% federal rehabilitation tax credit, the building is located in an eligible census tract, and a state tax credit fee is paid (a fee schedule for processing applications for the state tax credit went into effect on March 23, 2011), then it automatically qualifies for the state tax credit. The state tax credit **must** be used in conjunction with the federal credit. The cap for commercial projects is \$5 million and the credit must be taken in the year that the building is placed into service. Unused credit may be carried forward indefinitely.

Preservation League of New York State features a revolving loan fund called the *Endangered Properties Intervention Program* that was established with New York State funds to foster the revitalization and protection of historic resources and neighborhoods throughout the state.

The homeowner tax credit is subject to the same census tract boundaries as the commercial program. The residential cap per project is \$50,000. If the taxpayer's adjusted gross income is under \$60,000, the homeowner credit is refundable; if over \$60,000, the ability to apply current tax credits against taxes due in future years is unrestricted. The minimum expenditure for work must be \$5,000—5% must be spent on the building's exterior. See Appendix C for several maps that display the eligible census tracts in the WECHC for the rehabilitation tax credit.

Both state tax incentive programs will expire on December 31, 2014. At this time, the program will default back to the New York State Rehabilitation Tax Credit Programs established in 2006. The 2006 Historic Commercial Properties Tax Credit Program equals 30% of the federal credit value, which translates to a 6% tax credit (i.e. $30\% \times 20\% = 6\%$), and is capped at \$100,000 per project. The state tax credit cannot be transferred (or "syndicated") to a third party. The 2006 Historic Residential Properties Tax Credit Program can only be used by buildings located in distressed census tracts, which varies by definition year-to-year. Any unused credit may be carried forward to future years, but cannot be received in the form of a tax rebate.

Under the 2010-2011 New York State budget, state rehabilitation credits earned between 2010 and 2013 over \$2 million in value are deferred for payout between 2013 and 2015.

Use the **National Trust Community Investment Corporation's** interactive *Historic Tax Credit Guide* and the *Tax Credit Calculator* to learn if historic tax credits can benefit your project!

Available at: <http://ntcicfunds.com/tax-credit-basics/historic-tax-credit-guide/> and http://ntcicfunds.com/calculator/tax_credit_calculator3.html

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What are the tools used to protect historic resources at the local level?

In order to plan for the preservation and enhancement of a community's historic environment, it is important for a local government, historical society, professional group, and/or interested individuals to undertake an inventory of historic resources. A historic resource survey gathers information about a community or particular area. This data can be the foundation for establishing policies,

- 🏠 National Register Bulletin 24 – *Guidelines for Local Surveys: A Basis for Preservation Planning*
- 🏠 National Register Bulletin 39 – *Researching a Historic Property*
- 🏠 Preservation Brief 17 – *Architectural Character - Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*

Here are some basic resources to help conduct a historic resources survey. They are available for download at the **National Park Service** website (<http://www.nps.gov/index.htm>) under **DISCOVER HISTORY** ➡ Publications.

procedures, and strategies for those places and characteristics that the community believes are worth preserving for the benefit of future generations. One of the first tasks assigned to the design committee of a local Main Street program is to conduct and maintain an inventory of downtown properties. This inventory can be the basis for a historic resources survey, with additional research likely needed on the area's historical and architectural development.

Once resources have been identified through the survey and documentation process, deciding on goals and priorities can be guided by National Register Bulletin 15 – *How to Apply the National Register Criteria for Evaluation*. Every historic property that is nominated to the National Register of Historic Places is judged by these criteria. It can also serve as a tool when evaluating properties purely of local historic interest. When the community decides which resources are most significant and worthy of preservation, a historic preservation policy should be established to formally recognize the resources and afford protection against degradation or destruction.

The first level of recognition can be achieved through the adoption of a local historic preservation law or ordinance. This law or ordinance enables the community to designate individual properties as local historic landmarks or groups of properties as local historic districts. The legal concepts of the “police power” and “home rule power” provide New York State municipalities with the authority to regulate historic resources because they are part of a community's physical and visual environment. General Municipal Law §96-a and Article 5-K provides specific authority to a city, town, village or county to protect and enhance historic resources. More than 200 local governments in New York State have established local historic preservation commissions or have designated local historic landmarks or districts.⁹

⁹ NYS Office of Parks, Recreation and Historic Preservation, “2009-2013 New York State Historic Preservation Plan” (pre-publication)

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A local preservation law or ordinance must specify the process for landmark designation and the criteria to be used. The historic resources survey, which the local law or ordinance seeks to implement, will provide a good foundation for decisions on landmark designations. Such a local law or ordinance is also likely to provide standards for the protection and treatment of those landmarks, and many municipalities choose to administer *The Secretary of the Interior's Standards for the Treatment of Historic Properties* locally. The historic preservation law or ordinance should also contain a clear description of the actions which will require municipal review. A qualified design review board, or Historic Preservation Commission, is usually granted the power to designate historic landmarks and historic districts in addition to the review of certain actions, such as the exterior alteration, demolition, new construction, or the relocation of designated historic properties. Some communities take a positive step forward and create design guidelines so that members of the review bodies have guidance on acceptable design features and standards for review.

Local Municipal Financing Tools

Business (or other special) improvement district – a geographic area in which commercial property owners pay an assessment on their property taxes in order to make improvements in that area.

Ithaca Law – a local law that authorizes a partial exemption from real property taxation for the restoration or rehabilitation of locally-designated landmarks. The program enables municipalities to gradually phase in the increased assessed value that results from rehabilitation work on historic buildings over a ten-year period. Values are frozen at pre-rehabilitation assessments for five years after work is completed and are then phased in over the next five years.

Tax increment financing – a geographic area in which the property tax valuation is frozen at existing levels. The municipality continues to receive that constant level tax, but any future increase in the valuation (the increment) is then captured in a pool of funding dedicated to the improvement of that designated area.

Sometimes the actual designation of a historic landmark is a legislative act by a Common Council or Board of Trustees under the local law or ordinance. A local preservation law or ordinance should at least allow the Historic Preservation Commission to nominate a property for designation to the local legislative body, however. Also, some municipalities hesitate to give the Historic Preservation Commission the power of municipal review and create a local law or ordinance that allows the Historic Preservation Commission to provide guidance only on design issues to other boards, such as the Planning Board or Zoning Board of Appeals. If a municipality wishes to participate in the Certified Local Government (CLG) program, however, it must enforce appropriate state and local preservation legislation. A CLG maintains a qualified Historic Preservation Commission that performs duties as delegated to it by the NYSHPO under the NHPA, such as the power to designate landmarks and historic districts and the review of exterior alterations, restorations, reconstructions, demolitions,

final plan approved by National Park Service on 3/27/09,” <http://nysparks.com/publications/documents/NewYorkStateHistoricPreservationPlan.pdf> (accessed 29 December 2011), 73.

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new constructions, or the moving of a landmark property within a historic district. A CLG must also provide adequate public participation in its activities and maintain a system for the survey and inventory of historic properties consistent with guidelines provided by the NYSHPO. Some benefits of being a CLG are legal and technical assistance provided by the NYSHPO and exclusive grant opportunities, as mentioned in the previous section on funding programs.

A municipality can also utilize its zoning enabling statutes to protect historic resources. Land use plans, zoning laws, and site plan review are just a few tools that can protect historic properties by regulating the aesthetic impact any new construction or alteration may have on surrounding buildings of historic or architectural value and overall impact on the character of the neighborhood or community. The two local legislative mechanisms are fundamentally different, however. The purpose of a local preservation law is the protection of a community's resources. Zoning helps to preserve historic resources through the regulation of land uses, such as siting, orientation, density, height, and setback within a municipality's zoning code, and design elements that include façade, roof lines, windows, architectural detailing, materials, and color. See Appendix A for various online tools and articles that assist with local preservation planning efforts.

What is a Historic Preservation Plan?

A historic preservation plan is a statement of the community's goals for its historic properties and the actions it will take to reach those goals. A local preservation plan is usually prepared by the local preservation and/or planning staff with the involvement of the Historic Preservation Commission and broad public participation. Communities may also contract with consulting firms to prepare local preservation plans. Typically there are three types of preservation plans:

- stand-alone plans,
- elements in comprehensive plans, and
- district or neighborhood plans.

Local preservation plan examples can be found on the **Historic Preservation Planning Program of the National Park Service** website (<http://www.nps.gov/history/hps/pad/>) under **LOCAL HISTORIC PRESERVATION PLANNING** ⇒ Local Plan Examples.

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Local Historic Preservation Planning Tools

Architectural Design Control – the municipal review of a building's architectural design within a specific geographic area. The Architectural Review Board usually offers design guidance to other boards, such as the Planning Board or Zoning Board of Appeals.

Cluster Development – a subdivision review technique that allows flexibility in the design and subdivision of land by concentrating the overall maximum density allowed on the property to the most appropriate area.

Comprehensive Plan – a blueprint for a community's housing, transportation, educational, historic and cultural, commercial, agricultural, recreational, and natural resource goals and objectives. Once adopted, land use regulations must be consistent with it.

Demolition Law – requires a delay before the demolition of a historically significant building occurs. The time allows the community to examine alternatives to demolition, such as purchase of the property by a governmental entity or qualified nonprofit organization.

Incentive Zoning – a type of zoning that permits flexibility in the dimensional, density, or other limitations of the zoning district in return for providing certain benefits or amenities to the municipality.

Local Environmental Law – municipalities have the authority to add onto the State's lists of Type I and Type II actions as part of the State Environmental Quality Review Act (SEQRA) review process.

Overlay Zoning – a common set of standards that may cut across several different conventional or "underlying" zoning districts. The standards of the overlay zone apply in addition to those of the underlying zoning district.

Preservation Easement – a legal tool that allows the owner of a historic property to continue to own the property but transfers a specific set of rights to a governmental entity or qualified nonprofit organization for the purpose of protecting its preservation values.

Site Plan Review – the arrangement, layout, and design of the proposed use of a single parcel of land. Uses subject to review may be: (1) identified by the zoning district in which they are proposed; (2) identified by use, regardless of the zoning district or proposed location within the community; or (3) located in areas identified as needing specialized design restrictions by way of an overlay zone approach.

Transfer of Development Rights – a growth management technique that allows landowners to retain their land but sell the development rights for use on other properties.

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New York's Success Stories

The Partnership for Community Development (PCD), a nonprofit community development corporation between the Village of Hamilton, Town of Hamilton, and Colgate University. Since 1999, PCD has been strengthening economic development and community vitality to the Village and Town of Hamilton and the surrounding areas. Past initiatives include an economic development plan for the Greater Hamilton area; façade and renovation improvements through a \$200,000 2006-2007 New York Main Street Grant; restoration of the Village green; small business technical assistance and specialized workshops; and streetscape improvements on the corner of 12B and Lebanon Street.



Once known as Hotel Maxwell, 10-14 Utica Street (*right*) in Hamilton, NY features an ice cream shop and confectionery and a newspaper company on the first floor and professional offices on the second and third floors. *Photographs courtesy of PCD.*

Positively Auburn, Experience Corning NY, and Downtown Syracuse. Commonly known as social media, these groups utilize internet-based communication between organizations, communities, and individuals to promote special events, new projects and opportunities, community leaders, and the benefits of living and doing business in their historic communities.

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A Row House in the Pottery District: Before and After. *Photographs (above and right) courtesy of Amy E. Facca, NYSHPO.*

The Pottery District along Fourth Street south of Ferry Street in the City of Troy. The neighborhood of modest brick and timber framed dwellings has been home to stoneware potters for over 70 years. Today it represents a small group of citizens who are dedicated to the revival of the city and improving their quality of life by purchasing and rehabilitating some of the abandoned or neglected houses in the district.

Harmony House Marketplace (*right*), a commercial building located in historic downtown Cohoes with a traditional storefront design that features products from across New York State. The business owners, who began renovation in spring 2006 and opened



with a specialty New York State wine shop several months later, has expanded to include a bakery, cheese shop, a custom screen printing company, studio apartments, and a caramel apple confectionary.

The American Hotel, a circa 1847 grand hotel purchased and rehabilitated in 1996 by two civic-minded individuals and put back into productive use as a hotel and restaurant. The rehabilitation has ushered in new excitement in Sharon Springs, with new local businesses opening up and restored cultural interest throughout the Leatherstocking Region.

A collection of preservation success stories exclusive to Western New York is available for download at the **NYSHPO** website (<http://www.nyspark.com/shpo/>) under **PRESERVATION SUCCESS STORIES** ⇨ Western New York Project Portfolio.

The **National Trust for Historic Preservation** also features community preservation projects, programs, and strategies from across the country on their website (<http://www.preservationnation.org/>) under **RESOURCES** ⇨ Case Studies.

BIBLIOGRAPHY

Donofrio, Greg et al. *Economic Impacts of Historic Preservation in New York State*. Cornell University, May 2005.

Lahr, Michael, David Listokin and Barbara Listokin. "The Contributions of Historic Preservation to Housing and Economic Development." *Housing Policy Debate* Volume 9, Issue 3 (1998): 431-478

Mason, Randall. *Economics and Historic Preservation: A Review of the Literature*. University of Pennsylvania, September 2005.

Western Erie Canal Heritage Corridor Planning Commission. *Western Erie Canal Heritage Corridor Management Plan*. May 2004.

Websites

Erie Canalway National Heritage Corridor. "Grants and Funding." http://www.eriecanalway.gov/get-involved_grants-fund.htm (accessed 29 December 2011).

Erie Canalway National Heritage Corridor. "What is the Erie Canalway National Heritage Corridor?" (accessed 29 December 2011).

National Park Service, US Department of the Interior. "Historic Preservation Planning for Local Communities." Heritage Preservation Services – Historic Preservation Planning Program. <http://www.nps.gov/history/hps/pad/LocalPresPlan/intro.html> (accessed 29 December 2011).

National Park Service, US Department of the Interior. "NPS Overview." http://www.nps.gov/news/upload/NPS-Overview-2011_5-20.pdf (accessed 29 December 2011).

National Trust for Historic Preservation. "State Tax Credits for Historic Preservation." http://www.preservationnation.org/issues/rehabilitation-tax-credits/additional-resources/state_tax_credits-chart-5-20-2011-2.pdf (accessed 29 December 2011).

National Trust Main Street Center. “About Main Street.” <http://www.preservationnation.org/main-street/about-main-street/> (accessed 29 December 2011).

NYS Office of Parks, Recreation and Historic Preservation. “2009-2013 New York State Historic Preservation Plan” (pre-publication final plan approved by National Park Service on 3/27/09). <http://nysparks.com/publications/documents/NewYorkStateHistoricPreservationPlan.pdf> (accessed 29 December 2011).

NYS Office of Parks, Recreation and Historic Preservation. “Tax Credit Programs.” <http://nysparks.com/shpo/tax-credit-programs/> (accessed 29 December 2011).

Western Erie Canal Alliance. <http://eriecanalheritage.com/>

Mission Statement

The Genesee/Finger Lakes Regional Planning Council (G/FLRPC) will identify, define, and inform its member counties of issues and opportunities critical to the physical, economic, and social health of the region. G/FLRPC provides forums for discussion, debate, and consensus building, and develops and implements a focused action plan with clearly defined outcomes, which include programs, personnel, and funding.

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David Zorn, Executive Director

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GENESEE/FINGER LAKES
Regional Planning Council

APPENDIX A – Preservation Planning Toolbox

National Alliance of Preservation Commissions, Online Design Guidelines

<http://napc.uga.edu/resources-links/online-design-guidelines/>

National Conference of State Historic Preservation Officers, Best Practices: Ordinances, Executive Orders and Protections

www.ncshpo.org/current/bestpractices/protection.htm

National Park Service, Certified Local Government Program, CLG Contacts

http://grants.cr.nps.gov/CLG_NEW/CLG_REVIEW/search.cfm

National Park Service, Heritage Preservation Services, Planning for Specific Situations

www.nps.gov/hps/pad/plancompan/specifsit/index.html

National Park Service, Heritage Preservation Services, Public Participation in Historic Preservation Planning

www.nps.gov/hps/pad/plancompan/PublicPartic/index.html

National Park Service, Historic Preservation Planning Program, Publications

www.nps.gov/history/hps/pad/planpubs.htm

National Trust for Historic Preservation, Center for State and Local Policy

www.preservationnation.org/resources/public-policy/center-for-state-local-policy/

National Trust for Historic Preservation, Local Preservation Laws

www.preservationnation.org/resources/legal-resources/understanding-preservation-law/local-law/

National Trust for Historic Preservation, Teardowns and McMansions Resource Guide

www.preservationnation.org/issues/teardowns/resource-guide.html

NYS OPRHP, State Historic Preservation Office, Certified Local Government Listings
<http://nysparks.com/shpo/certified-local-governments/listing.aspx>

U.S. Environmental Protection Agency, Smart Growth and Sustainable Preservation of Existing and Historic Buildings
www.epa.gov/smartgrowth/topics/historic_pres.htm#resource

Articles

PlaceEconomics, *The Economic Effect of National Register Listing*
www.placeeconomics.com/pub/placeeconomicspub1994.pdf

PlaceEconomics, *The (Economic) Value of National Register Listing*
www.placeeconomics.com/pub/placeeconomicspub2002.pdf

PlaceEconomics, *Culture, Historic Preservation and Economic Development in the 21st Century*
www.placeeconomics.com/pub/placeeconomicspub1999.pdf

National Park Service, CRM Online, *Preservation Planning: Ensuring a Future for Our Past*
<http://crm.cr.nps.gov/issue.cfm?volume=23&number=07>

- Preservation Planning – Ensuring a Future for Our Past
- Preservation Planning in Annapolis – A Community Commitment, A Community Task
- Community Consensus Planning for Battlefield Preservation
- Taking America's Past into the Future – Prescott, Arizona, Plans for the Future of Historic Preservation
- Geographic Information Systems and Prescott's Historic Preservation Master Plan
- Cottage Grove – Heritage Preservation Planning in a Suburban Community
- Planning and the Local Preservation Review Commission
- A Tale of Two Communities – Community Involvement in Preservation Planning
- Partnership Planning – Involving Partners in Meaningful Ways
- Planning for and Preserving Cultural Resources through National Heritage Areas

(continued, next page)

- Pennsylvania's Historic Preservation Plan – Partnerships and Public Outreach
- The Kaho'olawe Use Plan – Non-traditional Planning for Traditional Use
- Tribes Working with Agencies to Protect Resources
- Whither Historic Contexts? – Their Role in 21st-Century Planning

National Park Service, *Cultural Resources Partnership Notes Series*

www.nps.gov/history/hps/pad/partnership/index.htm

- Issues Paper: Conservation Districts
- Local Preservation Reference Shelf, An Annotated Historic Preservation Bibliography
- Subdivision and Historic Preservation
- Zoning and Historic Preservation
- Law and the Historic Preservation Commission: What Every Member Needs to Know

National Park Service, History E-Library, *History on the Line: Testimony in the Cause of Historic Preservation*

www.cr.nps.gov/history/online_books/hp/longstreth.pdf

National Trust for Historic Preservation, *Breaking the Codes:*

How State and Local Governments are Reforming Building Codes to Encourage Rehabilitation of Existing Structures

www.preservationnation.org/issues/transportation-livable-communities/additional-resources/building-codes.pdf

National Trust for Historic Preservation, *Protecting Potential Landmarks through Demolition Review*

www.preservationnation.org/issues/teardowns/additional-resources/demolition_review.pdf

APPENDIX B – Housing Values and Vacancy Rates for Villages and Small Cities in the Western Erie Canal Heritage Corridor

MUNICIPALITY	2000 Census Median Housing Value	2006-2010 ACS Median Housing Value	Census 2000 ACS 2006-2010 Difference	Census 2000 ACS 2006-2010 % Difference	2000 Vacancy Rates	2010 Vacancy Rates	2000-2010 Difference	2000-2010 % Difference
Albion, Village of	66,700	65,400	-1,300	-1.99%	259	202	-57	-28.22%
Brockport, Village of	84,700	108,400	23,700	21.86%	190	151	-39	-25.83%
Clyde, Village of	55,700	65,100	9,400	14.44%	108	112	4	3.57%
Fairport, Village of	126,600	163,100	36,500	22.38%	62	98	36	36.73%
Holley, Village of	68,700	84,800	16,100	18.99%	58	77	19	24.68%
Lockport, City of	69,900	78,500	8,600	10.96%	882	939	57	6.07%
Lyons, Village of	54,600	66,600	12,000	18.02%	168	195	27	13.85%
Macedon, Village of	91,000	117,000	26,000	22.22%	22	32	10	31.25%
Medina, Village of	61,300	68,500	7,200	10.51%	229	278	49	17.63%
Middleport, Village of	68,800	78,600	9,800	12.47%	72	103	31	30.10%
Newark, Village of	71,800	89,200	17,400	19.51%	247	256	9	3.52%
North Tonawanda, City of	82,000	95,000	13,000	13.68%	754	753	-1	-0.13%
Palmyra, Village of	78,400	88,300	9,900	11.21%	94	129	35	27.13%
Pittsford, Village of	145,600	219,300	73,700	33.61%	19	21	2	9.52%
Spencerport, Village of	112,000	131,500	19,500	14.83%	40	61	21	34.43%
Tonawanda, City of	73,400	88,400	15,000	16.97%	378	392	14	3.57%

** Not adjusted for inflation. Sources: Median Housing Value: Profile of Selected Housing Characteristics: 2000 and Census 2000 Summary File 3 (SF 3) - Sample Data; Median Housing Value 2010: Selected Housing Characteristics: 2005-2009 and Data Set: 2005-2009 American Community Survey 5-Year Estimates American Community Survey; and Vacancy Rates: General Housing Characteristics: 2000 and 2000 Census Summary File 1 and General Housing Characteristics: 2010 and 2010 Census Summary File 1.

APPENDIX C – Tax Credit Qualifying Tracts in the Western Erie Canal Heritage Corridor

Images courtesy of the New York State Historic Preservation Office:

Map 1: Qualifying Census Tracts & National Register Listed Properties within the Western Erie Canal Heritage Corridor

Map 2: Qualifying Census Tracts & National Register Listed Properties within Erie County, NY

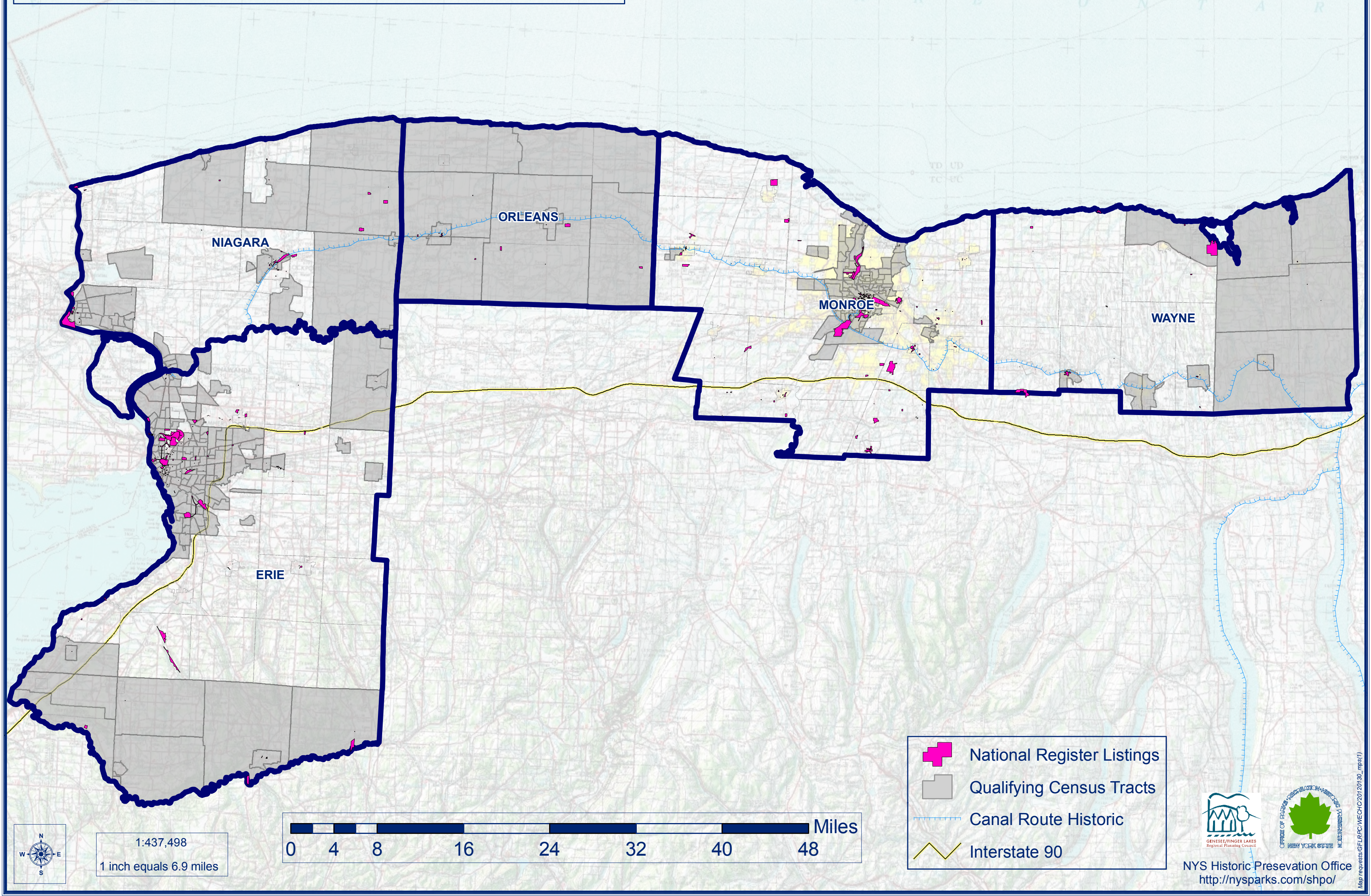
Map 3: Qualifying Census Tracts & National Register Listed Properties within Monroe County, NY





Map 4: Qualifying Census Tracts & National Register Listed Properties within Niagara County, NY

Map 5: Qualifying Census Tracts & National Register Listed Properties within Orleans County, NY

Map 6: Qualifying Census Tracts & National Register Listed Properties within Wayne County, NY

**Qualifying Census Tracts & National Register Listed Properties
within the
Western Erie Canal Heritage Corridor
February 2012**



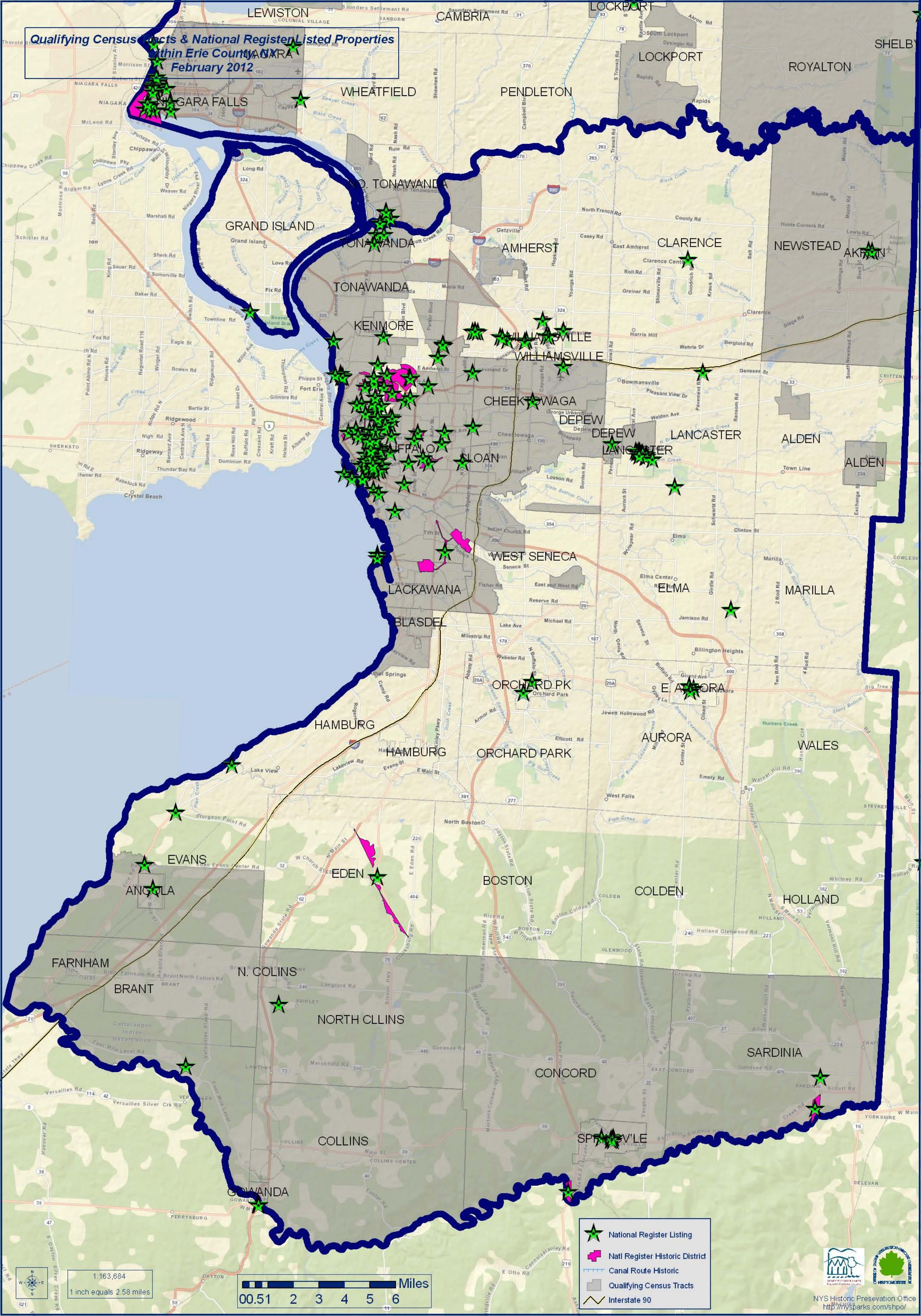
-  National Register Listings
-  Qualifying Census Tracts
-  Canal Route Historic
-  Interstate 90



NYS Historic Preservation Office
<http://nysparks.com/shpo/>

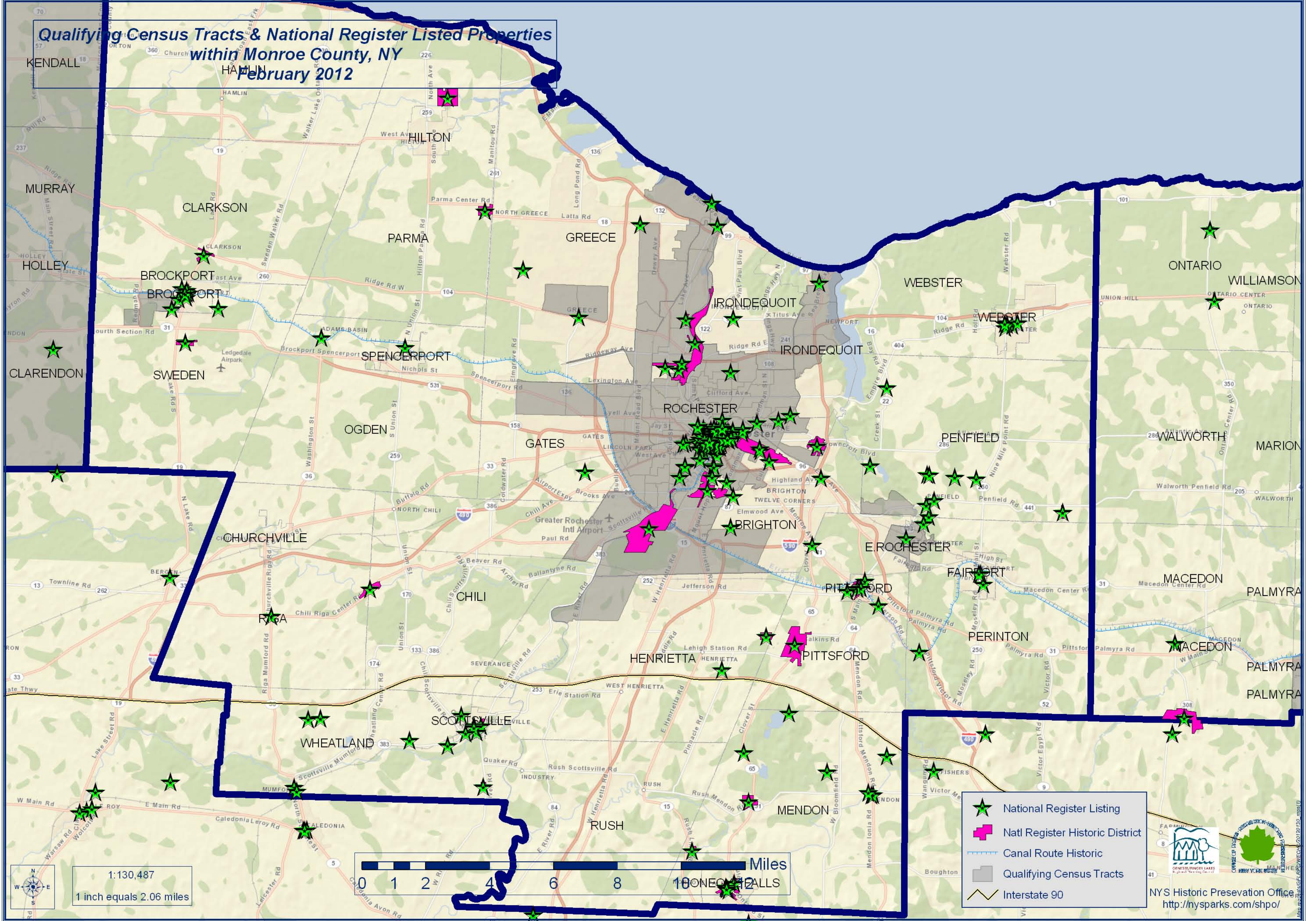
Map requests/GFLRPC/WECH/20120130_mps(1)

**Qualifying Census Tracts & National Register Listed Properties
within Erie County, NY
February 2012**



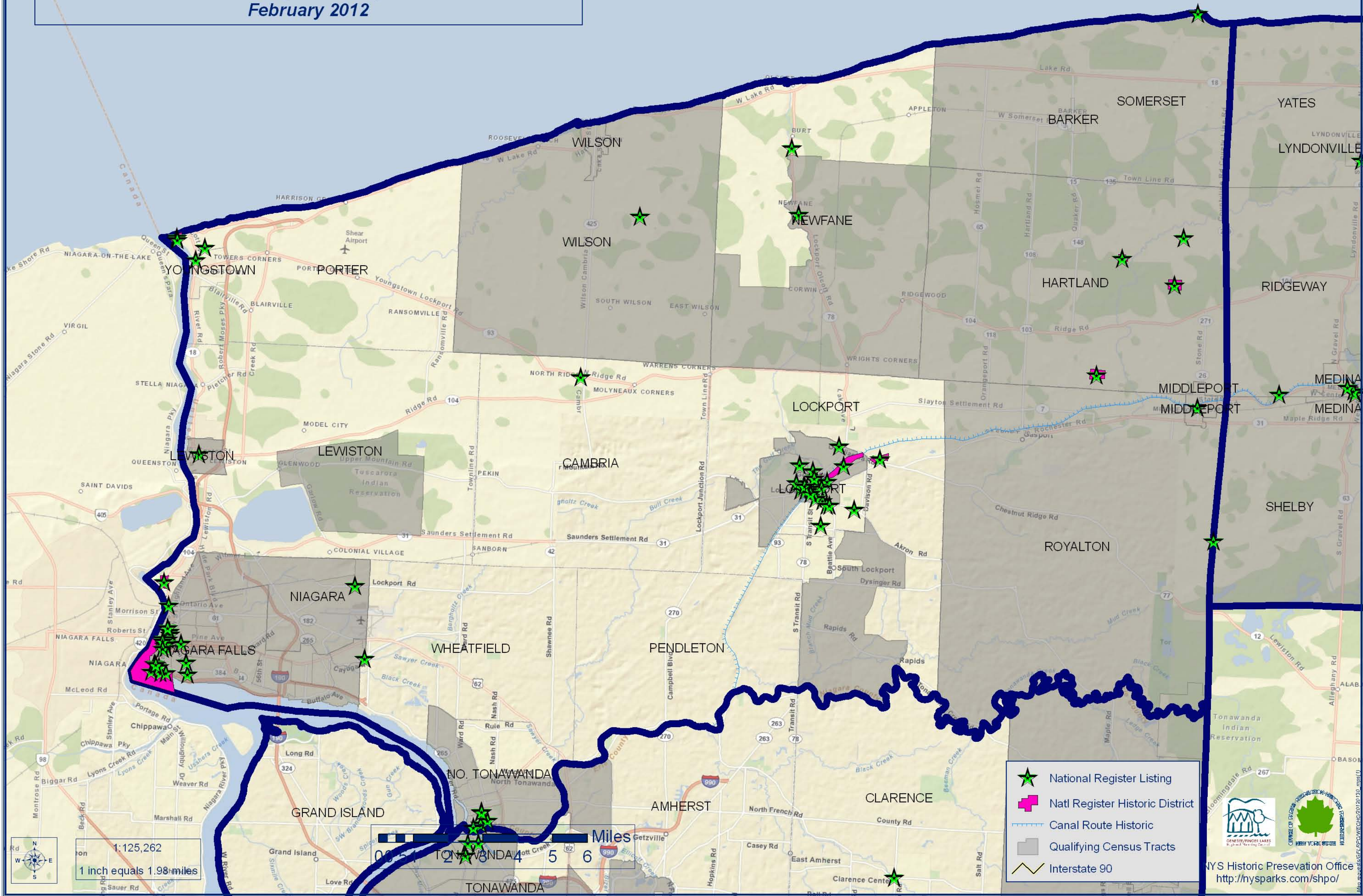
- National Register Listing
- Natl Register Historic District
- Canal Route Historic
- Qualifying Census Tracts
- Interstate 90

Qualifying Census Tracts & National Register Listed Properties within Monroe County, NY
February 2012



- ★ National Register Listing
- Natl Register Historic District
- Canal Route Historic
- Qualifying Census Tracts
- Interstate 90

Qualifying Census Tracts & National Register Listed Properties
within Niagara County, NY
February 2012

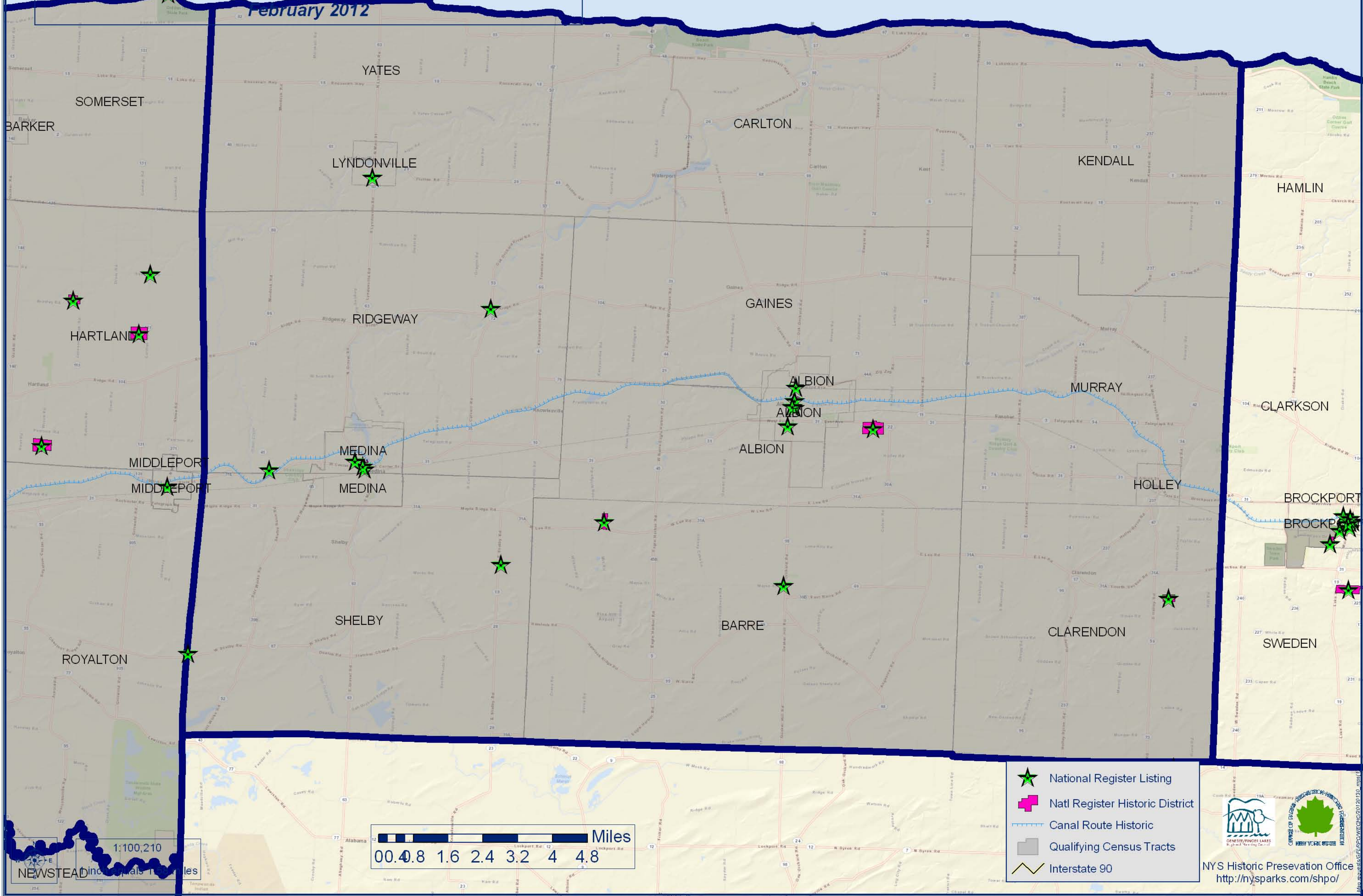


- ★ National Register Listing
- Natl Register Historic District
- Canal Route Historic
- Qualifying Census Tracts
- Interstate 90



NYSP Historic Preservation Office
<http://nyspark.com/shpo/>

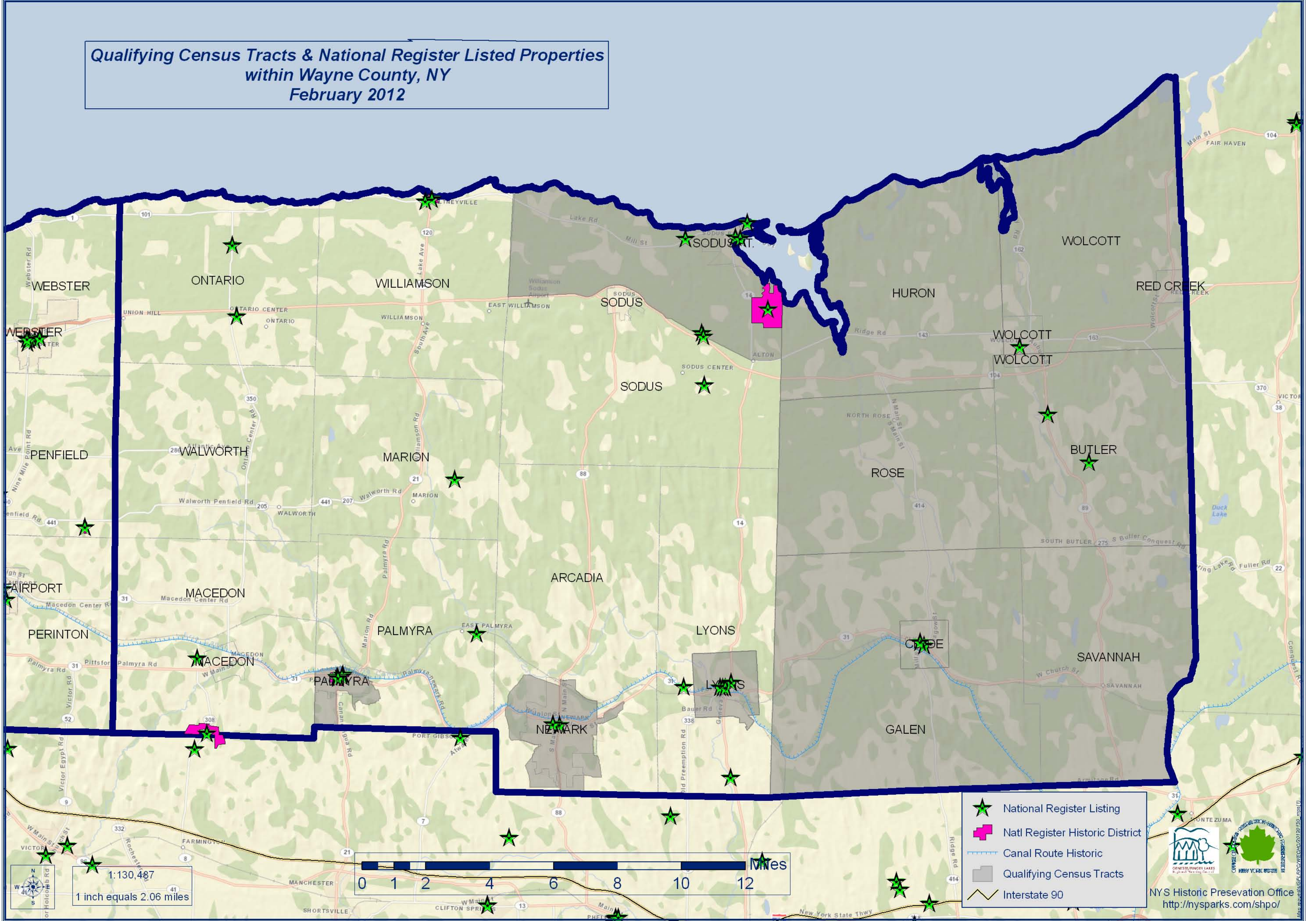
**Qualifying Census Tracts & National Register Listed Properties
within Orleans County, NY
February 2012**



-  National Register Listing
-  Natl Register Historic District
-  Canal Route Historic
-  Qualifying Census Tracts
-  Interstate 90



**Qualifying Census Tracts & National Register Listed Properties
within Wayne County, NY
February 2012**



- ★ National Register Listing
- Natl Register Historic District
- Canal Route Historic
- Qualifying Census Tracts
- Interstate 90