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SOME THOUGHTS ON OFFICIAL RECOGNITION OF LANDMARKS AND HISTORIC DISTRICTS

THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES

The National Register of Historic Places is the list of the nation's properties officially designated as worthy of preservation, including archeological or historical sites, districts, buildings, and objects that:

- a. are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. are associated with the lives of persons significant in our past; or
- c. embody the distinctive characteristics of a type, period, or method of construction, or which represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. have yielded, or may be likely to yield, information important in prehistory or history.

The list is maintained by the National Park Service under the U.S. Department of the Interior. This program is administered at the state level by the State Historic Preservation Office (SHPO). The SHPO also administers the State Register of Historic Places which uses the same criteria for listing as the National Register.

Having a property listed in the State and National Registers provides certain benefits. It recognizes that the property is of significance to the Nation, the State, and/or the community. Rehabilitation of listed income-producing properties which meet the *Secretary of the Interior's Standards for Rehabilitation* is eligible for tax incentives. Listing of an individual property or a district in the State and National Registers does not interfere with the owner's right to alter, manage, or dispose of the property; but it often enhances the way communities perceive historic resources, gives credibility to preservation efforts by private citizens and public officials, and is required for access to most historic preservation grants. This program was designed to help communities celebrate and document their heritage, history, and architecture. New York State has more than 75,000 buildings, structures, objects, and sites listed in the State and National Registers of Historic Places.

Listing provides some protection from State or Federally financed, licensed, or assisted projects. If a property has been determined eligible for listing or is actually listed, two separate laws apply: the National Historic Preservation Act and the New York State Historic Preservation Act. These laws come into play only if the property in question is being considered for funding from a state or federal agency, such as Community Development or HUD, or if the property owner is applying for a state or federal permit, such as a Department of Environmental Conservation or Army Corps of Engineers permit. In these cases the funding or permitting agency, by law, must ask the SHPO to determine if the project will have an impact on the historic property and, if it will, what steps can be taken to lessen the impact. (Neither of these two laws apply to locally issued or granted permits, such as building permits, local subdivisions, zoning variances or special use permits.)

Another law that may be triggered for projects having potential impacts on State/National Register listed properties is the State Environmental Quality Review Act (SEQR). Established in 1977, SEQR was designed to insure that a broad spectrum of environmental and community concerns were taken into consideration when any discretionary governmental action is taken. At the local level this law may be triggered when a community is asked to grant a discretionary action (an action requiring a judgement), such as a zoning variance or subdivision approval. This law does not come into play when a ministerial action (an action defined by law that does not require a judgement) is undertaken by a locality. A building permit is an example of a ministerial action. Routine building maintenance does not require review under SEQR. In brief, if the action the property owner is seeking does not require a local, county or state board approval, SEQR will not apply.

Preservation ordinances and architectural review boards are established by local laws (see Local Landmarks and Historic Districts below); they are not a part of the National Register program. For more information on the State and National Register programs contact the New York State Office of Parks, Recreation and Historic Preservation at (518) 237-8643.

LOCAL LANDMARKS AND HISTORIC DISTRICTS

More than 100 municipalities across New York State have adopted local preservation ordinances designed to prevent destruction or insensitive alteration of buildings and districts which have special historic, architectural or cultural character. Local preservation ordinances are administered by an architectural review board or historic preservation commission. Boards identify significant historic and architectural resources, designate landmarks and historic districts, and review applications for proposed exterior changes to buildings that are individual landmarks or located in a historic district.

Designation as a local landmark confers a certain amount of prestige to the property. There may also be some potential economic benefits. Local preservation ordinances may help to stabilize or increase property values.

Visible changes to local landmarks or buildings located in historic districts require a certificate of appropriateness from the review board. A certificate of appropriateness is usually granted if the reviewing board feels that a proposed alteration is compatible with the design, scale, texture and materials of the historic building. In a historic district, the proposed alteration must also be sympathetic to the character of surrounding properties. In general, new construction, demolition, or moving of a building, or any change in material or appearance of the exterior of a property that can be seen from a public-right-of-way requires a certificate of appropriateness.

Property owners should contact their town or village offices to find out if a local preservation ordinance has been enacted. If so, the architectural review board can provide more specific information on the ordinance, the designation procedures for landmarks and districts, and the responsibilities of historic property owners.