

## FOLLOW UP Fw: Heritage Working Group - Agenda & Materials.

Sally Baker <info@PBINC.ORG>

Wed 11/17/2021 10:50 PM

To: Tobi Farley <library@philmont.org>; Shawn Jennings <jennings\_shawn@yahoo.com>; KING ARTHUR <arthuroking13@gmail.com>; Sarah Barton-King <sarahbartonking@gmail.com>

 2 attachments (1 MB)

CLG Introductory Packet and Regulations Jan 15.pdf; CLG rules and regs 2002.pdf;

Hi everyone, - good and thoughtful meeting tonight. Some good insights input.

Quick recap of what actions were covered in tonight's meeting and homework.

### Objectives we're aiming to achieve:

1. Proposal to the Village BOA Grant Committee with recommendations & procedure
2. Draft of next water bill flyer (due for mailing in 1st week January by Village)
3. Date in February to be organized for a Village Hall presentation (date to be included in Jan flyer)

Looking at the timeline again - these tasks need to be accomplished by end of November. The flyer needs Village Board approval - so must be presented in November for approval by December 13th VB. That means we should aim to get the proposal submitted to the BOA Grant Committee at the same time.

### Homework to be achieved to meet these objectives:

1. Sally to send CLG information for folk to read. - **Attached**
2. Sally - draft one page proposal for group to edit and add comments (by next week)
3. Sally - draft of next flyer - aimed at announcing Village Hall presentation for February.
4. Sarah to see if she can make contact with the person from Ancram with the idea of engaging to help us with the presentation in February by sharing experiences of Ancram's process getting to a Nomination.
5. Sarah - to email materials she found for Ancram.

I took notes in our meeting - most of those points I will include in the proposal for your review, and will include, among others,

- methods to increase members and people with professional experience for preservation and reaching a Nomination,
- the process of selection of members involving approval by the BOA Grant Committee,
- comparison of Village undertaking applying for CLG or not

Please keep your eyes open for email from me next week - we're on a tight schedule to get all of the above accomplished by the end of November.

Sally



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**Project Addresses**

The Kitchen at Philmont - 116 Main St

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**CERTIFIED LOCAL GOVERNMENT PROGRAM**  
**FIELD SERVICES BUREAU**  
**DIVISION FOR HISTORIC PRESERVATION**  
NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

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Dear Colleague:

Thank you for your recent inquiry concerning the Certified Local Government (CLG) program in New York State, administered by the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP), also known as the State Historic Preservation Office (SHPO). The program's primary goal is to encourage municipalities to develop and maintain community preservation efforts in coordination with local land use planning and improvement activities. Participation in the CLG program allows municipalities to partner with the state and federal governments throughout the processes of identifying and evaluating community resources and protecting historic properties.

There are over 70 communities in New York State's Certified Local Government Program, ranging from rural villages to large cities. The benefits of the program include access to SHPO staff for technical assistance and training, participation in an online network with other CLG communities, a quarterly newsletter on topics critical to local preservation and the opportunity to apply for small grants to support local preservation and educational activities. CLG funding has enabled communities to conduct historic resource surveys, produce publications, undertake planning studies, and present training programs.

This introductory packet will help educate community leaders about the responsibilities and functions of an historic preservation commission working within the CLG program. Included is a model ordinance that should be used as the basis for your local law. SHPO staff provides assistance with the creation or revision of an ordinance, which meets the standards. Many of these documents can also be found online at:

<http://nysparks.com/shpo/certified-local-governments/>

The main step towards CLG certification is the adoption of a local preservation ordinance that meets state and federal requirements for designation of historic resources, composition of commission, and review processes. If a community has already adopted a local preservation ordinance that requires minimal revisions, the approval process for the CLG program can take two to four months. If, however, a community is at the beginning stages of developing an ordinance, the process can take six months to over a year, depending upon the local procedures for creating and adopting new legislation. Compared to the State and National Register of Historic Places, a local preservation ordinance provides the strongest protection for a more broad range of historic resources, including private property. Accordingly, the CLG requirements ensure that the local historic preservation program is operating under "best practices," is effective, and that actions are legally defensible.

*Continued*

Once a local ordinance is passed, the municipality will submit an application, which is first reviewed and approved by SHPO, and then sent for final approval and certification by the National Park Service. Please note that the CLG application process in New York State is relatively informal, and requires submission of several documents rather than a standard application form.

Your application packet should contain the following materials:

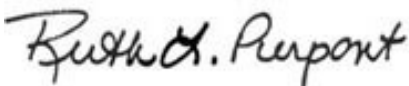
- A letter from the chief elected official expressing commitment to the program.
- A copy of the local preservation ordinance.
- An explanation of the commission member selection process.
- Resumes of commission members with a brief explanation of how they meet the CLG program qualifications.
- A description of adopted guidelines for the identification and inventory of local historic resources.
- Descriptions of strategies for public participation in local preservation programs.
- If available, copies of your community's historic preservation plans and objectives.

Submit the packet to:

Julian W. Adams  
CLG Program Coordinator  
New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island, PO Box 189  
Waterford, New York 12188-0189

We encourage you to pursue CLG status for your municipality. Your community's rich heritage and collection of historic and cultural resources have the potential to help advance a variety of community development and enhancement efforts. By becoming a CLG, a community strengthens its abilities to make important decisions about local preservation, development, and planning issues. We look forward to working with you in preserving New York State's historic and cultural resources.

Sincerely,



Ruth L. Pierpont  
Deputy Commissioner for Historic Preservation



# Introduction to the New York State Certified Local Government Program

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## Contents

### ***Establishing a CLG***

CLG Program Criteria Summary .....	4
Benefits of Participation in the CLG Program .....	5
Sample Certified Local Government Program Grant Projects.....	7
Qualifications for Commission Members.....	10
Job Description for Commission Members .....	11
National Association of Preservation Commissions (NAPC) .....	12
Code of Ethics for Commission Members and Staff	
Why Worry About Process? A Guide to Conducting Preservation Commission Meetings .....	16
Running a Smooth Commission Meeting .....	18
What Are Standards, and Why Use Them? .....	20
Local Historic Preservation: Helpful Websites and Resources .....	24
List of New York State Certified Local Governments .....	25
Sample Application for Commission Members .....	27
Information and Regulations Regarding the Certification Process .....	28

### ***Technical Guidance***

Restoring Our Appreciation of Historic Wood Windows: Making a Case for Restoration Versus Replacement.....	38
Window Project Review Guide .....	44
When is Window Replacement Okay?.....	45

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*The New York State Office of Parks, Recreation and Historic Preservation oversees the Certified Local Government program. This office receives federal funding from the National Park Service. However, the contents and opinions contained in this publication do not necessarily reflect the views or policies of the U.S. Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the U.S. Department of the Interior.*

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## Summary of the Certified Local Government Program Framework

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The overall objective of historic preservation is to ensure that historic resources continue to have an active use within a community while retaining their historic and architectural integrity. This means that historic resources are not frozen in time, but that proposed changes are carefully considered to avoid a constant erosion of historic character. The power and duties, structure, membership and decision making procedures of a historic preservation commission in the Certified Local Government program allow them to take a long-term approach by focusing on architectural merit and historic significance of properties. Adherence to these requirements distinguish those municipalities from others that have enacted local preservation legislation, but whose ordinances do not meet the Certified Local Government guidelines. See also the complete “Information and Regulations Regarding the Certification Process” near the end of this packet.

### **The Historic Preservation Commission or Board must be a unique entity**

Historic Preservation legislation must establish a separate historic preservation commission that operates independently from any other board or commission.

### **Commission or Board members must be qualified to serve**

As part of its establishment and continued operation, the commission must be made up of members who are qualified to carry out the required decision making. Commission members must have a demonstrated interest in historic preservation, and must participate in training that will enable them to carry out their duties. They must also abide by rules of conduct that ensure the legality of any decisions made by the commission.

### **The commission must have the authority to either directly designate landmarks and historic districts or recommend designations to the governing municipal board or council**

The CLG program takes a long-term approach to the survival of resources by isolating designation and project review from other factors. The designation and review processes should operate free from any undue political influence.

### **Owner consent for designation is not allowed with the CLG program**

While some communities allow an owner to block designation of a property, this is not acceptable under the CLG program. Preservation ordinances are in line with other legislation enacted for the “public good.” Therefore, the designation and review processes assess the property for its importance to the general community. An owner can present information during the designation process, but cannot “veto” the designation.

### **Financial constraints are only considered when a “hardship” occurs**

The financial status of a property owner is never a factor in determining whether a property is worthy of designation. Instead, accommodation of financial situations is only taken into account when a property owner files a Hardship claim in a procedure entirely separate from any COA determination.

### **A CLG must actively identify and document historic resources**

Working in partnership with SHPO staff, the municipality must establish and maintain a system by which historic resources are identified.

### **Public participation is important for the success of the CLG program**

The process of designating landmarks and historic districts must provide for public participation, and commission meetings must follow New York State open meeting law. Property owners and other stakeholders must have an adequate opportunity to present information as part of the Certificate of Appropriateness review. In addition, the commission is charged with undertaking public education efforts outside of meetings and hearings.

### **The municipality is entering into a partnership with SHPO**

Commissions must submit a report on their activities at the end of each Federal fiscal year which runs from October 1 to September 30.



## Benefits of Participation in the Certified Local Government Program

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### Technical Assistance

SHPO staff work directly with local commissions and municipalities to support historic preservation efforts. During the application process, staff provide guidance on the development of the local preservation ordinance. As a member CLG, communities are able to contact SHPO with questions about procedures or particular local issues. Staff may attend a general community informational meeting to talk about the benefits of the program, visit a commission to assist in review or process issues or present training sessions.

There is a quarterly newsletter for CLGs, *The Local Landmarker*, that addresses issues of interest to local historic preservation commissions. Past issues of the *Landmarker* are available at:

<http://nysparks.com/shpo/certified-local-governments/>

Commission members also have access to an Internet discussion group established specifically for NYS CLG communities. Commission members and municipal staff can communicate directly with other CLGs, share information, announce events and compare best practices. SPHO staff also use the listserv to distribute materials and publications.

### CLG Grant Program

The CLG program offers financial assistance to help communities move their local preservation programs forward. Past grants have supported projects that address the goals of identifying, evaluating, nominating, and protecting a community's historic and cultural resources. Some examples of eligible projects are local historic resource surveys, National Register nominations, preservation training for municipal officials, and public education programs and publications. Commission training and public education and awareness programs have also been funded.

New York State is required to set aside 10% of its federal historic preservation allocation every year for grants to Certified Local Governments (CLGs). The total amount of available funding varies each year according to the level of SHPO's annual federal allocation. Past grants have ranged from \$1,200 to \$28,000, with most awards falling between \$4,000 and \$10,000. Although there is no requirement for match, applicants are strongly encouraged to contribute at least 40% of the project cost through cash or in-kind contributions. There may be instances where a grant provides 100% support. SHPO makes every reasonable effort to distribute the annual CLG share among the maximum number of CLGs and balance the distribution among urban and rural areas.

The application process is a competitive one, and funds are awarded on the basis of merit and need. Application forms are distributed in the early winter, the deadline is usually in January, notification of awards is usually in May. Grant projects must be completed in the federal fiscal year following the fiscal year the grant is awarded. (for example, a grant awarded for fiscal year 2015, which runs from October 1, 2014 through September 30, 2015, would need to be completed by September 30, 2015.) The grant is distributed as a reimbursement after the CLG submits products that are reviewed and approved by SHPO staff along with documentation for completed work and total expenditures.

*Continued*



**Benefits of Participation in the Certified Local Government Program, *continued***

The following project categories qualify for CLG funding:

- A. **Commission Training**: Projects designed to expand commission members' knowledge and expertise concerning historic preservation. Within this category, the highest funding priority is sponsorship of a statewide or regional conference for CLG commissions. Other training projects will be ranked according to the numbers of commission members served and the degree to which the training satisfies a demonstrated need or deficiency. Jointly-sponsored projects, such as shared consultants, and projects that benefit multiple CLGs are encouraged.
- B. **Public Education**: Information and outreach projects where there is a **demonstrated need**. Examples are publications, workshops, and other such projects designed to raise public knowledge and acceptance of local historic preservation programs. Within this category, projects will be prioritized according to the degree of need, and the extent to which the project will address that need.
- C. **Survey and Designation**: Only projects showing evidence of a comprehensive long-range approach to survey and designation, or projects that include the development of such an approach will be considered. Funding cannot be guaranteed for subsequent phases; however, Selection Criteria 2 and 3 strongly favor multi-phase projects showing long-term CLG commitment. Fundable projects include (in priority order):
  - 1. New reconnaissance-level survey where none exists;
  - 2. Comprehensive new intensive level survey or updating to bring existing survey within state standards;
  - 3. Intensive level survey or designation, including National Register (NR) and other projects following a comprehensive plan
  - 4. Intensive level/local designation/NR projects taken out of sequence where an immediate threat or need can be demonstrated.
- D. **Demonstration projects on Critical Statewide Issues**: Projects designed to provide model approaches to statewide preservation issues such as heritage tourism, economic revitalization, affordable housing, protection for historic landscapes and farmlands, identification of resources associated with minority populations, and comprehensive land use planning. Acquisition, pre-development (plans, specifications, historic structure reports) and development costs are eligible expenses where demonstration projects will preserve key historic resources in the community. Projects in this category will be prioritized according to their potential usefulness to communities statewide.
- E. **Local Capacity-Building**: Initiatives that will improve the municipality's ability to work with property owners throughout the review process, including support for the development of new administrative tools or application documents, training for municipal staff or seed money for new commission staff.

In addition to considering the types of projects proposed, SHPO staff evaluate how the project fits within the context of each community. The project should increase the capability and effectiveness of the CLG in addressing historic preservation issues, and have the support of other community groups, including planning agencies. Applicants need to demonstrate that they have carefully planned the project by including a clear description, scope of work and a detailed budget. Finally, SHPO staff assess whether the community has the personnel, fiscal and administrative resources required to undertake the work as planned.





## Sample Certified Local Government Program Grant Projects

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### FY 2013 Awards

**Albany, Albany County, Updated Reconnaissance Level Survey of Washington Park Historic District**. The project will create a building list of the 225 existing buildings in the Washington Park Historic District, approved in 1978, update photographs and property status descriptions and produce a spreadsheet of the information to be used in the nomination of an expanded district. (\$4,632)

**Brockport, Monroe County, State and National Register Nominations**. Nominations to the State and National Registers of Historic Places will be prepared by a paid consultant for properties in the Park Avenue and State Street areas, the freight depot of the old NYC&HV RR, the College at Brockport's Hartwell Hall, and Brockport Village Cemetery., (\$3,980)

**Town of Clarence, Erie County, Reconnaissance Level Survey of Barns and Agricultural Structures**. At one time, Clarence contained some of the most prominent examples of early barns and agricultural outbuildings still intact within the western NY region. In recent years the suburbanization of the Town and widespread development of existing farmland has resulted in the loss of a great number of original farmsteads, barns, and associated outbuildings. The project would undertake an intensive level survey of existing agricultural farmsteads, barns, and associated outbuildings. The work is a significant component of a larger effort toward designating these structures as local historic landmarks. The long term goal is to couple the local landmark designation program with the efforts of an existing (\$12.5 million land preservation program to create marketable sites that would be desirable for start-up business looking to sustain our historical commitment to agricultural production and service., (\$9,000)

**Elmira, Steuben County, Engineering Study of Maxwell Place Fire Station**. The City is seeking CLG grant funds to complete an Engineering Study of the Maxwell Place Fire Station which will document existing conditions and provide an objective view of the property's condition by a qualified engineering firm experienced in working with historic structures. This study will examine the feasibility of options related to the future of this historic structure by providing a report that provides conceptual level designs for alternatives and cost estimates. (\$6,500)

**Fairport, Monroe County, Updating 1976 Historic Resources Survey**. The Village of Fairport will develop an updated inventory of historic resources, using the 1976 Landmark Survey as a base. The work will involve a review of existing materials, an updated assessment of the 240 properties previously surveyed and a reconnaissance survey of around 1470 additional properties. The commission will work with a consultant to identify those sites which should be surveyed at the intensive level. Results from the survey will guide the commission in designating properties at the local level., (\$10,000)

**Kingston, Ulster County, Midtown Intensive Level Historic Resources and Building Survey Project**. The City of Kingston Historic Resources and Building Survey Project will evaluate past historic resources surveys, undertake new documentation and develop recommendations for designating resources at the local level and nominating properties to the State and National Registers of Historic Places. With support from a consultant, the work will support the City's comprehensive planning efforts, the development of an interpretive plan, the Historic Landmark Preservation Commission's (HLPC) Certificate of Appropriateness (CoA) reviews, and the HLPC's active participation in survey efforts. Project goals are to assist property owners in preservation efforts and to contribute information to the development of a citywide interpretive plan in order to create a compelling experience that will lead residents to take great pride in their city and attract new residents, visitors, and investors. (\$10,000)



**Village of Lancaster, Erie County, National Register District Nomination.** The Village of Lancaster will retain a consultant to complete National Historic Register district and property nominations for eligible portions of and properties within the Village. Much of the Village of Lancaster is located within an income-eligible census tract, and an important objective of this project is to list eligible properties on the National Register so that homeowners and businesses can participate in the New York State Rehabilitation Tax Credit programs. (\$10,000)

**Lockport, Niagara County, High Street-Locust Street Historic District National Register Nomination.** The work to be performed is to prepare and submit a Draft State & National Registers of Historic Places Nomination for the Historic District., (\$10,000)

**Village of Montebello, Rockland County, Historic Preservation Commission Training/Education.** Montebello will host a "CAMP" session (Commission Assistance and Mentoring Program) presented by the National Alliance of Preservation Commissions. The event will be open to commissions in the region., (\$7,000)

**Village of Ossining, Westchester County, Historic District Markers Project (Design).** The project seeks to build on the CLG's previous work to produce a walking tour brochure by placing historic markers at sites in the Downtown Ossining and Sparta Historic Districts in order to advance tourism and heritage education. The CLG will develop text and a graphic design for the plaques to be produced., (\$2,018)

**Saratoga Springs, Saratoga County, East Side Historic District Survey Update.** The project will update the East Side Historic District survey information which has not been revised since 1985. The survey will document the many alterations that have taken place and will also add data on accessory buildings (carriage houses, garages, commercial buildings, etc.). In recent years, the City has received increasing applications proposing demolition of, or alterations to, these accessory buildings. The survey will aid the City Design Review Commission during application review., (\$10,248)

**Village of Southampton, Suffolk County, Regional Commissioner Training: "New Design in Historic Context."** The CLG will present two commissioner training workshops in the fall of 2013 for the Long Island (Nassau/Suffolk) region on "New Design in Historic Contexts." Sessions will address the appropriateness of architectural design for infill construction and additions within historic districts. The region continues to face an accelerated rate of tear-downs and new development, with significant consequences for both historic residential and commercial neighborhoods. The proposed workshops will bring together professionals with experience in judging the appropriateness and compatibility of new design and infill in historic districts. (\$3,900)

**Village of Springville, Erie County, Historic Preservation Education Project.** The CLG will develop an educational brochure about the commission responsibilities and the process of review for properties in historic districts. The materials will be used for a workshop and website presentations on the benefits of preservation, including rehabilitation tax credits., (\$1,000)

**Syracuse, Onondaga County, Historic Resources Survey of Religious Structures & Symposium on Adaptive Reuse of Historic Religious Properties.** The City of Syracuse will complete a hybrid reconnaissance/intensive-level historic resources survey of religious properties in the City of Syracuse. In addition, and as companion piece to the survey, the City is seeking funding in support of a symposium analyzing the adaptive reuse of former religious properties. The survey and symposium are in direct response to the recent local and regional closings of large-scale, architecturally and historically significant religious properties and the local initiatives to find new uses for these properties that are often important community landmarks and neighborhood anchors., (\$16,925)

## FY 2014 Awards

**Village of Bath, Steuben County, Updating Village Historic Property Survey.** This project will update a 1983 survey with the addition of 35 properties not originally included. (\$1,025.00)

**Village of Cold Spring, Putnam County, Updating Historic Preservation Ordinance and Updating Design Standards.** The CLG will update the Preservation Ordinance and the Design Standards



to support the work of the commission and the Village's 2012 Comprehensive Plan(\$17,000.00)

**Village of Cooperstown, Otsego, County, Local Historic District Survey Update**. The survey will update documentation done in 1999, reconsider post-1949 buildings (which were ineligible at the time of the original survey), add information on outbuildings, and update information on altered or lost buildings. The results will be used for COA reviews but a revised National Register nomination is not an objective. (\$11,700.00)

**City of Kingston, Ulster, County, Stockade/Fair Street Intensive Level Historic Resources Survey Project**. The survey will update the 1975 Stockade National Register Historic District nomination with an annotated building list and will assess resources in the Fair Street area. The project will determine boundaries of a potential district and whether it will be nominated as an extension of the Stockade District or as a separate district. (\$12,000.00)

**City of Newburgh, Orange, County, Updating National Register East End Historic District Inventory**. The East End Historic District includes 2500 properties and was listed in 1985. The resources will be surveyed and a database created to be used by the preservation commission, planning staff, and other agencies. The project is broken down into two main areas of work: 1. fieldwork and data entry to update a database and record current conditions; and 2. review of information and assessment of architectural integrity by an architectural historian. (\$20,000.00)

**Village of Pittsford, Monroe, County, Update and Expansion of National Register Historic District**. The CLG will update documentation and develop a nomination to expand a district that was listed in 1984. The project will bring the period of significance up to mid-century and will thereby add approximately 400 properties to the district.(\$21,282.00)

**City of Syracuse, Onondaga, County, Expansion of National Register Districts**. The project will review, revise and potentially expand three National Register-listed historic districts: North Salina St., Montgomery St./Columbus Circle, and Hawley Green.(\$13,400.00)

**Town of Wawarsing, Ulster, County, Napanoch Historic Resource Survey**. The survey will document the Hamlet of Napanoch in order to support a potential historic district nomination. (\$6,000.00)

**City of Saratoga Springs, Saratoga, County, Historic Preservation Speakers Series**. The Saratoga Springs Preservation Foundation (SSPF) will serve as a consultant to plan and present four quarterly training sessions and produce a resource manual. The sessions would be targeted to CLGs in the region, including but not limited to Malta, Albany and Schenectady. (\$12,000.00)

**Village of Springville, Erie, County, East End Historic District National Register Nomination**. The CLG will hire a consultant to prepare a National Register Nomination for 66 residential properties in the East Hill Historic District. (\$5,000.00)



## Code of Federal Regulations (CFR) Qualifications for Historic Preservation Commission Members

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Qualifications for historic preservation commission members are established at the Federal level by Chapter 36 of the Code of Federal Regulations (CFR), Part 61, Appendix A: Professional Qualifications Standards. Appropriate backgrounds for commission members include:

**History:** Graduate degree in history or closely related field **OR** Bachelor's degree in history or closely related field, **PLUS** either 2 years full-time research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution, **OR** substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

**Archeology:** Graduate degree in archeology, anthropology or closely related field **PLUS** 1 year full-time professional experience or equivalent specialized training in archeological research, administration, or management; 4 months of supervised field and analytic experience in general North American archeology; **AND** demonstrated ability to carry research to completion.

**Prehistoric Archeology:** In addition, 1 year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period.

**Historic Archeology:** In addition, 1 year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

**Architectural History:** Graduate degree in architectural history, art history, historic preservation or closely related field, with coursework in American architectural history **OR** Bachelor's degree in architectural history, art history, historic preservation or closely related field, **PLUS** either 2 years full-time research, writing, teaching, in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution **OR** substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

**Architecture:** A. A professional degree in architecture **PLUS** 2 years of full-time professional experience in architecture **OR** B. A state license to practice architecture.

**Historic Architecture:** Professional degree in architecture **OR** State license to practice architecture, **PLUS** either 1 year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field **OR** 1 year full-time professional experience on historic preservation projects. Either experience must include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

**Closely related fields:** Planning, Folklore, Cultural Anthropology, Curatorial, Conservation, Landscape Architecture.

*Note: A sample application form for commission members can be found after the model ordinance.*



## Job Description for an Historic Preservation Commission Member

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While the Code of Federal Regulations (CFR) articulates the background and experience which qualify residents to serve on a commission, it is also important to understand what commission members are expected to do once appointed. In general, there are two main aspects of the work: working effectively with the public, and staying up-to-date about the field of preservation.

- Be aware that you represent not only the face of local government, but also the larger field of historic preservation in your community.
- Demonstrate a strong interest in community history and architecture, and a strong commitment to community well being and development.
- Understand that the overall objective of historic preservation is to preserve historic and cultural resources while allowing those resources to remain active parts of the community. This requires balancing the rehabilitation needs with a long-term view towards protecting the integrity of the resources. It is important to convey this outlook to the public along with an understanding that working with older buildings is often a more complex process and, therefore, projects may take longer to complete.
- Read *and become familiar with* the local preservation law so that your actions are nothing more and nothing less than the prescribed responsibilities and conduct required. This will help to ensure that the decisions of the commission are not vulnerable to legal challenges on the basis of improper procedure or commissioners exceeding authority
- Be willing to spend time learning about the field of historic preservation in general.
- Attend workshops so that you continue to build skills and learn about advances in historic preservation.
- Contribute time outside of meetings for commission work. Prepare for the meetings by carefully reviewing the applications and, when possible, making site visits. Attend meetings as noted in the local law, and remember that your absence may affect a quorum.
- Consider carefully any possible personal or financial conflicts of interest related to any matters before the board, if they exist, and refrain from any participation in discussion or voting. Failure to do so may serve as the basis to overturn any decision, regardless of how closely the commission's deliberations were based on the facts of the application.
- Possess strong "people skills" which will enable you to work constructively with elected officials, municipal staff, property owners, realtors, developers and other community stakeholders—even in the face of controversy.
- Work with municipal staff and consultants to plan events and produce materials aimed at making property owners aware of historic preservation's value to the community, and helping them to understand the designation and review processes. This is part of the commission's responsibility to undertake educational projects in addition to participating in meetings and public hearings.





## National Alliance of Preservation Commissions Code of Ethics for Commissioners and Staff

This Code of Ethics was developed by members of the NAPC through an interactive process beginning with a series of facilitated sessions held during the July 2006 NAPC FORUM in Baltimore, MD. The resulting set of principles was further developed and refined by members during the following three-month period leading up to the November 2006 annual meeting of NAPC in Pittsburgh, P. A. The effort was supported by the Board of Directors and staff of NAPC and coordinated by Professor James K. Reap, an attorney and member of the Board, with the involvement of the Historic Preservation Advocacy and Professional Development class in the Master of Historic Preservation Program at the University of Georgia. The NAPC would like to acknowledge the organizations whose guidelines and materials were relied on in developing this code: the American Institute of Architects (AIA), American Planning Association (APA), American Institute of Certified Planners (AICP), American Institute for Conservation of Historic and Artistic Works (AIC), and International Council on Monuments and Sites (ICOMOS).

### Preamble

Preservation commissions have been established by local governments throughout the United States to promote the preservation and appropriate development of heritage resources in their communities. The National Alliance of Preservation Commissions (NAPC) is the only organization devoted solely to representing the nation's preservation commissions. Its mission is "to build strong local preservation programs through education, advocacy and training." As part of that mission, the NAPC has developed this Code of Ethics to promote and maintain the highest standards of honesty, integrity and professionalism among the commissioners and staff who serve their communities through preservation commissions.

These principles are derived from general societal values and recognized principles of professional responsibility. As societal values compete, so may ethical principles. The need for full public disclosure may compete with the need to respect confidential information, for example. The ethical commissioner or staff member must carefully balance various public and private interests based on the facts and context of each situation guided by the commitment to serve the public interest.

Individual commissioners should be knowledgeable, accurate, honest and forthright in their dealings with other commissioners, local elected officials and staff, applicants and the general public. Although not elected by the public, preservation commissioners are accountable for their actions in the communities they serve.

This Code of Ethics comprises guidelines for ethical conduct organized under three main categories:

*Responsibility to the Community*  
*Responsibility to the Profession*  
*Standards of Professional Conduct*

Under each category are statements of principle to guide preservation commissioners and staff in choosing ethical courses of action for heritage preservation in their communities. The NAPC endorses this Code as the ethical benchmark to which all its members should aspire. In the absence of professional licensure for preservation commissioners and staff, the adherence to a code of ethics is a matter of personal responsibility. However, preservation commissions may wish to adopt these principles and standards as a guide. Although stated in the plural, each suggested rule also applies to an individual commissioner or staff member.

*Continued*





**NAPC Code of Ethics for Commissioners and Staff, *continued*****Responsibility to the Community**

**The most effective historic preservation takes place locally, and all preservation commissioners and staff should remember that it is their duty, as public servants, to advance the greater good of the community.**

Commissioners and Staff should:

1. be advocates for the community's heritage resources, striving to protect their integrity while recognizing the rights of citizens, individually and collectively, to their beneficial use and enjoyment.
2. promote public awareness, appreciation, access and support for the preservation of heritage resources.
3. develop standards and guidelines that are appropriate for the resources and protect the community's unique character, environment and quality of life.
4. respect the diversity of heritage resources that may hold different meanings for various groups and communities.
5. respect the public's right to know by providing full, clear and accurate information and observing both the letter and spirit of open meetings and open records laws.
6. provide opportunities for meaningful public participation in the work of the commission.
7. make timely, fair, informed and impartial decisions that guarantee citizens' rights to due process and equal protection under the law.
8. be sensitive to the interrelatedness of their decisions and the long-term implications for the resources and the community .
9. seek compromises or search for alternatives where necessary to achieve overall preservation goals and provide substantial justice for citizens.
10. recognize that the historic built environment changes over time and encourage new development that respects the historic character and fabric that preceded it.
11. continually evaluate and update their plans, ordinances, standards, guidelines and procedures to ensure they meet the community's current and future needs.
12. always strive to make decisions that are in the best interest of the community.

**Responsibility to the Profession**

**Preservation commissioners and staff are drawn from many disciplines and backgrounds. The common thread that joins them is their interest and commitment to preserve heritage resources in their communities. A multi-disciplinary profession has developed over the years from the historic preservation movement, and commissioners and staff have an obligation to advance the best interests of this profession in the context of their commission work.**

Commissioners and Staff should:

1. be mindful that they are representatives of the greater local, state, and national preservation community and conduct themselves in a way that brings credit to their commission and the profession.
2. share their knowledge and experience and contribute to the development of other colleagues, particularly newly appointed commissioners, students, and interns.

*Continued*



**NAPC Code of Ethics for Commissioners and Staff, *continued***

3. actively promote heritage preservation and strive to increase the involvement of underrepresented groups.
4. support through their memberships and other contributions organizations that promote heritage preservation.
5. work collaboratively with related professionals and professional organizations whose actions also affect heritage conservation including, but not limited to, planners, code officials, architects, landscape architects, archaeologists, attorneys, realtors, and developers.
6. treat fairly and comment responsibly on the professional views of colleagues and members of other professions.
7. render all practicable assistance to other colleagues and organizations in an emergency when heritage resources are at risk.
8. acquire a depth of knowledge that will enable them to explain to others the role of heritage preservation in a complex, modern world.
9. recognize that the field of heritage preservation is constantly evolving and actively pursue continuing educational opportunities in order to maintain, refine and enhance their capabilities as practitioners.

**Standards of Professional Conduct**

**As public servants, commissioners and staff are expected to conduct themselves in accordance with the law. These standards set forth both a baseline for such legal conduct as well as aspirational goals for ethical behavior that may require a conscientious effort to attain.**

**Commissioners and Staff:**

1. should thoroughly understand the legal framework of heritage preservation and consistently operate within the bounds of their authority and responsibility under the law.
2. should treat all citizens fairly, impartially and with respect, and refrain from discrimination or harassment of any kind.
3. should not accept gifts or favors under any circumstances where it might appear that acceptance could influence their judgment.
4. should disclose all personal or financial advantages that might accrue to them, their business interests or family members either directly or indirectly from a recommendation or decision.
5. who have an actual or apparent conflict of interest in a matter coming before them should recuse themselves entirely from deliberations and decisions.
6. are obligated to utilize their knowledge and experience to make decisions and therefore should abstain from participating and voting only in cases of a bona fide conflict of interest.
7. should not disclose confidential information obtained in the course of their duties, except as required by the law, or use confidential information to further a personal interest.
8. should not abuse their office by advancing an agenda that is not in the best interest of the community or heritage preservation.
9. should seek the advice of colleagues or other professionals on matters that fall outside their expert knowledge or competence.

*Continued*





**NAPC Code of Ethics for Commissioners and Staff, continued**

10. should be consistent in their actions and recommendations, treating similarly situated properties similarly and providing clear explanations when different treatment is required.
11. should reveal illegal conduct on the part of other commissioners, staff, officials, applicants or their representatives to an appropriate higher authority .
12. should not participate in deliberations or decisions without adequate preparation and knowledge of the matter before them.
13. should avoid dishonesty , never misrepresenting facts or distorting information to achieve a desired outcome.
14. should recognize the uniqueness of heritage properties, applying preservation theories, methods, and standards appropriate to each particular case.
15. should be sensitive to ethical issues and ensure they are raised, critically analyzed, and addressed by the commission and other appropriate authorities.

*The National Association of Preservation Commissions (NAPC) is based in the College of Environment and Design at the University of Georgia. It is the only organization devoted solely to representing the nation's preservation design review commissions. NAPC provides technical support and manages an information network to help local commissions accomplish their preservation objectives. The Alliance also serves as an advocate at federal, state and local levels of government to promote policies and programs that support preservation commission efforts.*

*[www.uga.edu/napc/](http://www.uga.edu/napc/)*



## WHY WORRY ABOUT PROCESS?

### A GUIDE TO HISTORIC PRESERVATION COMMISSION MEETINGS

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A local commission meeting can seem like a very casual undertaking for those who have participated many times. However, as an official, public decision-making unit of local government, a commission needs to transact business in a professional, clear, and most important, *legally defensible* way. “Due process” is an important concept in American law, and one of the cornerstones of the interactions between citizens and their government. Neglecting to follow accepted standards of “due process” throughout a meeting can result in decisions which are vulnerable in the face of a legal challenge. On the positive side, a meeting run in a professional yet friendly manner, with commission members paying attention to the criteria for review, will make the public feel that the process is a fair and valid action of local government.

#### How to Start

It is important to start a meeting well before the actual event by adhering to procedures spelled out in the Open Meetings Law, Public Officers Law, Article 7. Your local law will include a section on adequate notice to property owners before a meeting or hearing, and this rule is based on the Open Meetings Law. Below are excerpts (the full text is at [www.dos.state.ny.us/coog/openmeetlaw.htm](http://www.dos.state.ny.us/coog/openmeetlaw.htm)).

*§100. Legislative declaration. It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.*

*§103. Open meetings and executive sessions. (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article. (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law. (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates.*

*§104. Public notice. 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.*

*2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.*

*3. The public notice provided for by this section shall not be construed to require publication as a legal notice. 4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.*

#### How to Proceed

Check your ordinance or law for a provision in the “Powers and Duties” section that allows the commission to adopt rules of procedure and process. If you have not adopted any formal rules, consider placing the topic on an upcoming agenda and begin to address the issue. Some CLG communities run a tight ship as to meeting procedures, others less so; most are in the middle, with a semblance of rules, but a somewhat casual approach overall. Check at your next meeting and see where your meeting style falls along the spectrum.

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**Guide to Historic Preservation Commission Meetings, *continued***

The most well-known standards for running a meeting are *Robert's Rules of Order*. If you don't know them by name, you will recognize them as the procedures you've either witnessed or followed in one form or another for everything from organization committees to school boards. *Robert's Rules* are time-tested and proven to result in decisions based on a logical, democratic, ordered, and defensible process. You can read more about the rules at [www.robertsrules.org](http://www.robertsrules.org) or purchase a copy at most bookstores.

Using *Roberts Rules* as a base, the Georgia Alliance of Preservation Commissions (GAPC) has created a "Guide to Historic Preservation Commission Meetings." With GAPC's permission, we have reprinted it (with some edits) here for reference and consideration. Not all CLG meetings have to be run exactly this way, but at some point, if you haven't already, your commission does need to adopt rules of order and process. You will have questions about process, as not every situation is the same. If you have adopted them, consult a copy of *Robert's Rules*, the website, or see if your municipality has anyone who can serve as a parliamentarian (someone who is responsible for addressing points of process and order).

Formal rules may feel awkward at first, but practice makes them more comfortable and natural. Keep in mind that following the protocol for discussions and articulating decisions need not create a "stuffy" or foreboding atmosphere at a meeting. It will help if you review with the audience members what the steps are for each application and at what points they are and are not allowed to participate so that they know what to expect.

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**Excerpt from *The Local Landmarker*,  
Issue 1, September, 2006, a  
Publication for Certified Local  
Governments in New York State**



## RUNNING A SMOOTH COMMISSION MEETING

From "Guide to Historic Preservation Commission Meetings"

Georgia Alliance of Preservation Commissions [www.uga.edu/gapc/](http://www.uga.edu/gapc/)

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The chair (or acting chair) **calls the meeting to order**, noting the time for the record.

The chair **calls the roll**, noting excused absences for the record, and takes the following actions:

- Records presence of quorum

- Introduces members of the commission and staff (if your commission has staff)

The chair asks for a motion to waive readings of the **minutes** and takes the following actions:

- Asks for corrections and additions to minutes

- Initiates vote to adopt minutes by asking for a motion to accept, a second and call for the vote.

**Staff** (if attending) presents report on project to commission

The Chair announces that the **public hearing portion** of the meeting is beginning, that the commission is ready to consider applications, and asks that persons with business before the commission follow the printed agenda as to process and order

**Hearing Of Applications** (Note: as above, the chair initiates all the following actions. Consider reviewing the steps involved in considering each application and noting when applicants and any audience members have a chance to participate.)

**Call Cases:** Call cases according to agenda

**Check for Conflict of Interest:** Check for conflicts of interest among commission members. Noted conflicts are recorded. Any members having conflicts are recused. *(The simple appearance of a conflict of interest can have a very serious impact on the validity of any decision, regardless of how reasonable, and can set up an appeal situation. Members having a conflict cannot discuss or vote on the issue and should leave the room.)*

**Introduce Application:** Read agenda description of application. If staff is present, ask staff to:

- Identify property on map

- Indicate impacts on adjoining property and visibility of proposed work from the street

- Present staff report. If no staff is present, move to next step.

**Support:** Call upon applicant for evidence in support of the application. If there are others present for the application, ask them for evidence in support of the application. Ask all persons, applicants and others, to state their names and addresses for the record. *[Note: depending upon the room set-up, some commissions invite the applicant to join them at the table in order to discuss the application, thereby establishing a more comfortable exchange.]*

**Opposition:** Call upon others, if any (recording name and address), for evidence in opposition to the application

**Public Statements:** Ask if any other public statements (from an official, commission or department of the local government, state agency, any local historical, preservation, or neighborhood association, etc.) are to be submitted for the record; if so, enter into record.

**Questions:** Call upon commission members to ask any questions they have regarding the application.

**Rebuttal:** If there are opponents, offer applicant the opportunity to rebut any evidence in opposition to the application. Remind the applicant that *only new information can be presented in rebuttal*, and ask that he or she not repeat the initial evidence in support of the application.

Continued



## **A Guide to Historic Preservation Commission Meetings, continued**

**Summary:** Summarize the evidence and facts, giving all parties an opportunity to make objections or corrections. If there is no evidence in opposition to the application, note for the record that without objections, the statements appearing in the record are uncontested.

**This concludes the public testimony portion of the hearing for this agenda item** (Note: This does not mean the public has to leave. This simply closes the public hearing for this application, and opens the commission discussion and decision portion for the agenda item.)

**Discussion:** Proceed to discussion of the proposal with respect to its congruity in light of the ordinance and design guidelines. *IMPORTANT: Discussion should be limited to how the proposal does or does not meet the criteria or guidelines. Commissioners should not state personal opinions or recommend design/material revisions. The recommending of revisions is handled through "Conditions," below.* List evidence and facts gleaned during the public hearing. Make sure the commission considers only competent, material and substantial evidence.

**Findings of Fact:** Accept motion for findings of fact. Several findings may need to be made on an application. Use the following wording:

"I move that, based upon the evidence that has been presented in the application and during the public meeting, the commission finds that the proposed material change in appearance would not (or would) have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic district (or historic property) according to (cite sections of the ordinance, design guidelines, and/or Secretary of the Interior's Standards, as appropriate), citing the following facts (cite the appropriate fact)."

**Discussion:** Ask for second. If seconded; call on each commission member for comments following motion made. Vote and adopt

**Conditions:** Discuss the appropriateness of imposing conditions, and if any are determined appropriate, enter into record. (Specific wording is needed here for clarity and direction to applicant)

**Decision on Certificate:** The chair calls for a motion that the application for Certificate of Appropriateness be either:

Approved	Approved subject to conditions
Deferred for further information	Denied

The chair then calls for the motion to be seconded. If it is seconded, then the chair calls for any discussion on the motion. If a motion does not get a second, it is set aside, and a new motion on the issue must be made. For a seconded motion, if there is no discussion or discussion does not cause any challenge to the motion, the chair calls for a vote. If the motion passes, the decision is made. If the motion does not pass, it is set aside. A new motion on the issue must be made, and the process followed for that new motion.

**Thank Applicant:** Thank applicant, neighbors, and associations (if present) for their participation. Invite them to stay for remaining applications, but indicate that they may leave and that they will receive formal notification from the commission/commission staff.

**Next Application:** Proceed to next application, following process above.

### **Remainder of meeting:**

The chair calls for any **old business** and takes action on each item

The chair calls for any **new business** and takes action on each item.

The chair calls for any **other business** and takes action on each item.

The chair calls for any **adjournment**. Note time for the record.

A lot of record keeping is part of any good meeting. Proper records of meetings are all that remain to document commission meetings once they are concluded, and they will serve as the only formal and legally defensible memory regarding which commission members were present, the applicants who appeared, and the decisions that were made. So, in addition to your meeting procedures, also check your record keeping. Good minutes could preserve a historic building, the public's faith in your procedures, and the existence of the commission itself!



## WHAT ARE STANDARDS, AND WHY USE THEM?

In most ordinances or laws that create a local historic preservation commission or architectural review board, that body is given the power for the “Promulgation of rules and regulations as necessary to carry out the duties of the Commission” (New York State Model Law, Section 2, D, ii.).

Many New York State commissions have acted under those powers to adopt guidelines and standards to be used when reviewing Certificates of Appropriateness and other projects brought before them. Some CLG member communities have chosen to identify the *Secretary of the Interior’s Standards for Rehabilitation (Secretary’s Standards)* as their guidelines. Other communities such as Utica, Yonkers, Peekskill and Rochester have taken this a step further and developed design guidelines that are detailed and specific so as to be most relevant to the historic resources found in their communities. Even these locally-focused guidelines are also based on the *Secretary’s Standards*.

The terms “guidelines” and “standards” are frequently used interchangeably, but it is important to note the distinction:

Standards are general criteria against which work can be measured (as in goals).

Guidelines are more specific instructions for how to meet the standards; they are action steps to take or actions to avoid in order to meet the goals (these are measurable, as in objectives).

The *Secretary’s Standards* were initially created by the U. S. Secretary of the Interior to review proposed work on National Register-listed properties that was funded by grants from the federal Historic Preservation Fund. Since their creation, however, the *Secretary’s Standards* have been adopted as the review guidelines for basically every federal and state preservation program. They have also influenced the deliberations of thousands of local commissions and boards across the country. (It is important to remember, however, that unless your local law specifically identifies the *Secretary’s Standards* as the locally-adopted standards, your decisions cannot be based on nor reference the *Standards*.)

The use of standards can ensure that every project is reviewed using the same approach and philosophy, giving a sound foundation for those reviewing proposed work. Standards can also help applicants understand what may or may not be an approvable project. The ability to refer to standards offers a comfort level to everyone involved in the process, providing a sense of stability, professionalism, and consistent decision making. Standards also provide continuity throughout the normal turn-over of commission or board membership through the years.

It is important to understand how the *Secretary’s Standards* use the word “rehabilitation” as defined by the National Park Service: *Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.* (The *Secretary of the Interior’s Standards*, National Park Service, 1995, online at [www.cr.nps.gov/hps/tps/tax/rhb/stand.htm](http://www.cr.nps.gov/hps/tps/tax/rhb/stand.htm))

As can be seen in the definition, the Standards were written specifically to deal with *proposed* changes to historic resources. Key to the philosophy behind the *Secretary’s Standards* is that after any proposed changes, a resource’s historic character is preserved.

### The Secretary of the Interior’s Standards For Rehabilitation

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

*Continued*



### What Are Standards, and Why Use Them?, *continued*

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### What if we don't have standards for review?

If your commission or board hasn't adopted any specific standards for review, don't panic. The base criteria in your ordinance have probably been serving you well and will for some time. However, you may wish to examine what standards and guidelines might mean for your commission or board and your community.

One step may be to review the *Secretary's Standards* and see if they would work for your community. With them come a history of use and interpretation as well as additional published materials that can be used as a base for decision making. As noted earlier, some municipalities have adopted these verbatim and are using them successfully. The National Alliance of Preservation Commissions offers an online collection of design guidelines at:

[www.uga.edu/napc/programs/napc/guidelines.htm](http://www.uga.edu/napc/programs/napc/guidelines.htm)

Also, as noted earlier, some CLG communities have created their own set of standards and guidelines, specific to their communities.

Several of these efforts have been undertaken through commissions working with consultants hired with the support of CLG grants. Below are some examples with brief descriptions of the publications. It is important to note that these guidelines, written to address specific issues or building types, are firmly based on the *Secretary's Standards*.

#### The City of Yonkers

Yonkers published the *Yonkers Historic Design Guidelines* in 2005. The *Guidelines* are primarily addressed towards historic houses in the city, and list the historic neighborhoods covered by the commission, with notes on the development and the prevalent styles in those areas. This is followed by an architectural history chapter, using examples within Yonkers to illustrate different styles. The heart of the *Guidelines* is contained in "Part 2," which uses local examples of building materials, elements, and features to illustrate recommended and non-recommended treatments. Each discussion of a feature or material includes a "Further reading" list to assist the reviewer and applicants to find more information about that specific point.

*Continued*





### What Are Standards, and Why Use Them?, *continued*

Appendices cover hiring an architect, hiring a contractor, what districts and landmarks exist in Yonkers, and a list of available products for work on historic homes. This publication won an award from the Lower Hudson Conference of Historical Agencies and Museums, which called it “clear, educational, (and) instructive.”

#### The Village of Southampton

Southampton published its *Architectural Design Guidelines for Historic Districts and Landmarks* in September of 2000. On page 3 of “Why Design Guidelines?” the author states that, until publication, “The Board of Architectural Review has had to make decisions on appropriate new construction and/or alterations within the historic districts on an *ad hoc* basis, without the benefit of clear architectural design guidelines.” The “Purpose” statement, also on page 3, is revealing as well: “These architectural design guidelines were developed to provide general recommendations and to outline procedures to guide you, the property owner, as well as the Board of Architectural Review.” The intent is to educate everyone involved in the review process, on both sides of the table, and to create a base for a common dialogue. As with the Yonkers example, a discussion of architectural styles common to Southampton is included, along with a description of common work items with bulleted notes marked “Avoid” describing what work may not be acceptable to the Board of Architectural Review. An architectural glossary at the end gives language for easy and accurate communication between board members and applicants.

#### Village of Sackets Harbor

In 1993, the Village of Sackets Harbor created *Guidelines for Quality Sign Design* to ensure that signage in its historic district was not out of place in its setting or damaging to the historic resource on which it was mounted or hung. Material, coloring, lettering, and lighting are covered, and a “Work Sheet” is included to summarize the guidelines and assist the design process for a sign. This publication is more specific than a general architectural guideline, but it was seen as a necessary and worthwhile effort by the village planning board, which oversees sign permits.

### What Standards Do (Or Don't Do)

The adoption of standards does not mean that all conversation, debate, or discomfort is taken out of the review process. Contrary to some, they also do not squelch creativity or suddenly put extremely close limits on what can be done at a landmarked building or built within an historic district. Rather, they are guidelines within which to work, learn, and discuss.

To be sure, there will be certain things that standards will automatically term inappropriate, such as treatments to historic materials that either cause damage or accelerate deterioration, or wholesale removal or obscuring of significant historic features in good or repairable condition. Other issues, such as additions to an historic building or new construction, are at best given boundaries but not exact or specific design solutions.

What standards should accomplish can be summed up in a statement in the Sackets Harbor *Guidelines for Quality Sign Design*. In a section entitled “Purpose of this Manual” is the following: “The manual won’t design your sign for you, and won’t provide you with a standard format or template to follow.” The same can be said for how standards can help guide review. Standards and guidelines do not answer every question with a pat response.

However, they do give a sound footing to commissions and boards wrestling with how to approach a proposal to remove a porch, add a garage, change a roofline, or build a new house in a Victorian-era neighborhood. They can also give guidance and comfort to an applicant confused about what answer he or she will get at the review hearing. Having that comfort level for both applicant and reviewer can be invaluable in getting the job of managing change in your community done, and done well.

*Continued*





**What Are Standards, and Why Use Them?, *continued*****When reviewing proposals. . .**

These points are adopted from the State of Florida's CLG program, and are good reminders of how a historic preservation commission or architectural review board should approach their work.

**DO**

- Read your community's historic preservation ordinance and refer to it often. Make special note of the purposes of the ordinance.
- Be friendly with all applicants and leave them with a good impression of the local government process.
- Use the specific criteria outlined in the ordinance for designating districts and/or landmarks when making designations.
- Use the design guidelines in the ordinance when making a decision on the appropriateness of a building alteration.
- Review each application as a separate case and apply the ordinance's criteria each time.

**DO NOT**

- Apply your idea of what is "pretty" or "in good taste" to decide if a proposed alteration is appropriate.
- Require a design of all new buildings, alterations or additions to follow a particular theme or architectural style.
- Embarrass the applicant by criticizing his/her application openly in the meeting or in the media.
- Turn down an application without giving the applicant specific guidance as to how the application could be improved to meet the criteria of the ordinance.
- Be afraid to ask the applicant for more information if the application is incomplete or if there is not enough information to make a decision.

**Helpful Websites**

**The National Park Service's** "Illustrated Guidelines for Rehabilitating Historic Properties" is a good resource for both new and experienced commission and board members as well as applicants. It's educational about the *Secretary's Standards* themselves as well as informative about the history and nature of building materials and features, with many pictures, and includes "recommended" and "not recommended" treatments. Visit: [www.cr.nps.gov/hps/tps/tax/rhb/](http://www.cr.nps.gov/hps/tps/tax/rhb/).

**The National Association of Preservation Commissions** (NAPC) has an online collection of design guidelines from communities around the country. Visit [www.uga.edu/napc/](http://www.uga.edu/napc/) or [www.sed.uga.edu/psd/programs/napc/guidelines.htm](http://www.sed.uga.edu/psd/programs/napc/guidelines.htm).

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**Excerpt from *The Local Landmarker*, Issue 2,  
December 2006, A Publication for Certified  
Local Governments in New York State**



## Local Historic Preservation: Useful Websites and Resources

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### **Institute for Local Self-Reliance**    [www.ilsr.org/](http://www.ilsr.org/) and [www.newrules.org/retail/](http://www.newrules.org/retail/)

The Institute is a national, nonprofit organization founded to help communities address the challenges of sustaining the local-based economy in the face of “big box” and corporate developments. There are several publications and e-bulletins on topics such as big box development and strengthening local retail.

### **National Association of Preservation Commissions (NAPC)**    [www.uga.edu/napc/](http://www.uga.edu/napc/)

NAPC provides resources and training for local historic preservation commissions. Members receive *The Alliance Review* and can participate in a national listserve for commission members and municipal staff. NAPC also has a number of online resources including a library of design guidelines.

### **National Park Service**    [www.nps.gov](http://www.nps.gov)

The “Illustrated” Standards for Rehabilitation: [www.nps.gov/history/hps/tps/tax/rhb/](http://www.nps.gov/history/hps/tps/tax/rhb/)

The extensive list of *Preservation Briefs*, with advice and technical information on many preservation issues, including restoration advice on specific materials, design of components, handicapped access, etc.: [www.nps.gov/history/hps/tps/briefs/presbhom.htm](http://www.nps.gov/history/hps/tps/briefs/presbhom.htm)

Helpful site with information on local districts, ordinances:

[www.cr.nps.gov/hps/workingonthepast/index.htm](http://www.cr.nps.gov/hps/workingonthepast/index.htm)

### **National Trust For Historic Preservation**    [www.preservationnation.org/](http://www.preservationnation.org/)

The Trust is a private, nonprofit membership organization based in Washington, D. C. that provides advocacy, technical assistance, and some funding. (The Northeast Regional Office based in Boston serves New York State.) There are various sections on fundraising, topical issues and public policy on the Trust’s website.

### **New York State Historic Preservation Office (SHPO)**    [www.nysparks.com/shpo](http://www.nysparks.com/shpo)

The State Office is charged with overseeing all state and federal preservation programs in New York State, including the National Register of Historic Places, federal and state project review, Certified Local Governments, Federal Rehabilitation Tax Credits and the Environmental Protection Fund program which supports preservation projects.

### **Preservation League of New York State**    [www.preservenys.org](http://www.preservenys.org)

The League is the statewide, nonprofit membership organization. Staff provide assistance with a variety of preservation issues including legislation, public policy, technical issues and advocacy. There is a small grant program.

### **Recent Past Preservation Network**    [www.recentpast.org/](http://www.recentpast.org/)

RPPN focuses on resources that have not reached the 50-year threshold for National Register eligibility, but which are important to the country’s cultural heritage.



## Certified Local Governments In New York State\*

*When available, websites are listed for preservation commissions*

City of Albany, Albany Co. <http://albanyny.gov/Government/Departments/DevelopmentPlanning/PlanningZoningLandUse/HistoricResourcesCommission.aspx>

Village of Albion, Orleans Co.

Town of Amherst, Erie Co. [www.amherst.ny.us/govt/committees/historic.asp](http://www.amherst.ny.us/govt/committees/historic.asp)

City of Auburn, Cayuga Co. [http://auburnny.virtualtownhall.net/public\\_documents/auburnny\\_planning/HRRB](http://auburnny.virtualtownhall.net/public_documents/auburnny_planning/HRRB)

Village of Bath, Steuben Co.

Village of Bellport, Suffolk Co.

City Of Binghamton, Broome Co. [www.cityofbinghamton.com/department.asp?zone=dept-economic-development](http://www.cityofbinghamton.com/department.asp?zone=dept-economic-development)

Village of Brockport, Monroe Co. [www.brockportny.org/html/departments/new-historic.html](http://www.brockportny.org/html/departments/new-historic.html)

City of Buffalo, Erie Co.; [www.ci.buffalo.ny.us/Home/City\\_Departments/Office\\_of\\_Strategic\\_Planning/Preservation\\_Board](http://www.ci.buffalo.ny.us/Home/City_Departments/Office_of_Strategic_Planning/Preservation_Board)

Town of Clarence, Erie Co.

Village of Cobleskill, Schoharie Co. [www.schohariecounty-ny.gov/CountyWebSite/villcob/planning.jsp](http://www.schohariecounty-ny.gov/CountyWebSite/villcob/planning.jsp)

Village of Cold Spring, Putnam Co.

Village of Cooperstown, Otsego Co.

Village of Coxsackie, Greene Co.

Town of Durham, Greene Co.

Village of East Aurora, Erie Co.

Village of East Hampton, Suffolk Co.

Village of Ellenville, Ulster Co.

City of Elmira, Steuben Co.; [www.cityofelmira.net/offices/boards.html#hpc](http://www.cityofelmira.net/offices/boards.html#hpc)

Village of Fairport, Monroe Co. [http://village.fairport.ny.us/Boards\\_and\\_Commissions.cfm](http://village.fairport.ny.us/Boards_and_Commissions.cfm)

Village of Fayetteville, Onondaga Co.

City of Glen Cove, Nassau Co.

Village of Great Neck Plaza, Nassau Co.; [www.greatneckplaza.net/government.htm](http://www.greatneckplaza.net/government.htm)

Town of Greenburgh, Westchester Co.

Village of Greenport, Suffolk Co.

Village of Hamburg, Erie Co. <http://villagehamburg.com/index.asp>

Village of Herkimer, Herkimer Co.

Town of Irondequoit, Monroe Co.

City of Ithaca, Tompkins Co. [www.ci.ithaca.ny.us/index.asp](http://www.ci.ithaca.ny.us/index.asp)

Village of Kinderhook, Columbia Co. [http://village.kinderhookny.us/gov-06\\_historic-comm.htm](http://village.kinderhookny.us/gov-06_historic-comm.htm)

City of Kingston, Ulster Co.

Village of Lancaster, Erie Co.

Village of Lewiston, Niagara Co.

City of Lockport, Niagara Co.

Town of Malta, Saratoga Co. [www.malta-town.org](http://www.malta-town.org); [www.malta-town.org/cit-e-access/webpage.cfm?TID=44&TPID=5128](http://www.malta-town.org/cit-e-access/webpage.cfm?TID=44&TPID=5128)

Town of Marbletown, Ulster Co. [www.marbletown.net](http://www.marbletown.net)

\*As of Fall, 2014 *Continued*



**Certified Local Governments In New York State, continued**

Village of Montebello, Rockland Co. [www.villageofmontebello.com/Historic%20Preservation.html](http://www.villageofmontebello.com/Historic%20Preservation.html)

Village of Morrisville, Madison Co.

City of Newburgh, Orange Co. [www.cityofnewburgh-ny.gov/advisory/arch.htm](http://www.cityofnewburgh-ny.gov/advisory/arch.htm)

Town of New Paltz, Ulster Co. [www.townofnewpaltz.org](http://www.townofnewpaltz.org) (Look under Committees)

Village of New Paltz, Ulster Co. [www.villageofnewpaltz.org/staticpages/index.php?page=hpc](http://www.villageofnewpaltz.org/staticpages/index.php?page=hpc) **Note:** See <http://hpc.townofnewpaltz.com/index.php> for a collaborative Town and Village website project on historic property maps and documentation.

City of New Rochelle, Westchester Co. [www.newrochelleny.com/hlrdev.asp](http://www.newrochelleny.com/hlrdev.asp)

New York City, All five Boroughs: [www.nyc.gov/html/lpc/html/home/home.shtml](http://www.nyc.gov/html/lpc/html/home/home.shtml)

City of Niagara Falls, Niagara Co. <http://niagarafalsshistoricpreservation.org>

Town of North Castle, Westchester Co.

Town of North Hempstead, Nassau Co. [www.northhempsteadny.gov/](http://www.northhempsteadny.gov/) (Look under the "Living" link)

Town of North Salem, Westchester Co.

City of North Tonawanda, Niagara Co.

Town of Orchard Park, Erie Co. [www.orchardparkny.org/town/committees/historic.htm](http://www.orchardparkny.org/town/committees/historic.htm)

Village of Ossining, Westchester, Co.

Village of Owego, Tioga Co. [www.villageofowego.com/ohpc/index.htm](http://www.villageofowego.com/ohpc/index.htm)

Village of Palmyra, Wayne Co.

City of Peekskill, Westchester Co.

Village of Penn Yan, Yates Co.

Village of Pittsford, Monroe Co. [www.villageofpittsford.org/boards/aprb/default.asp](http://www.villageofpittsford.org/boards/aprb/default.asp)

Town of Poughkeepsie, Dutchess Co.

City of Rochester, Monroe Co. [www.cityofrochester.gov/index.cfm?id=466](http://www.cityofrochester.gov/index.cfm?id=466)

Rockland County: [www.co.rockland.ny.us/planning/historic\\_board.htm](http://www.co.rockland.ny.us/planning/historic_board.htm)

Village of Roslyn, Nassau Co. [www.historicroslyn.org/people/historic-district-board.php](http://www.historicroslyn.org/people/historic-district-board.php);  
[www.historicroslyn.org/historic-restoration.php](http://www.historicroslyn.org/historic-restoration.php)

Village of Sackets Harbor, Jefferson Co.

Village of Sag Harbor, Suffolk Co. [www.sagharborny.gov/boards.asp?id=2](http://www.sagharborny.gov/boards.asp?id=2)

Village of Salem, Washington Co. [www.salem-ny.com/governmentvillage.html](http://www.salem-ny.com/governmentvillage.html)

Village of Sands Point, Nassau Co.

City of Saratoga Springs, Saratoga Co.

Village of Saugerties, Ulster Co.

Town of Saugerties, Ulster Co.

City of Schenectady, Schenectady Co. [www.cityofschenectady.com/development.htm](http://www.cityofschenectady.com/development.htm)

Village of Seneca Falls, Seneca Co. [www.senecafalls.com/village-listings.php](http://www.senecafalls.com/village-listings.php)

Village of Southampton, Suffolk Co. [www.southamptonvillage.org/departments.asp?id=2](http://www.southamptonvillage.org/departments.asp?id=2)

Village of Springville, Erie Co.

City of Syracuse, Onondaga Co. [www.syracuse.ny.us/historicPreservation.asp](http://www.syracuse.ny.us/historicPreservation.asp)

City of Utica, Oneida Co. [www.cityofutica.com/EconomicDevelopment/Planning/Scenic+and+Historic+District.htm](http://www.cityofutica.com/EconomicDevelopment/Planning/Scenic+and+Historic+District.htm)

Town of Vestal, Broome Co.

Village of Williamsville, Erie Co. : [www.village.williamsville.ny.us/committees.html#preservationcommission](http://www.village.williamsville.ny.us/committees.html#preservationcommission)

City of Yonkers, Westchester Co.

Town of Yorktown, Westchester Co.



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## Historic Preservation Commission Membership Application

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**Municipality/CLG:**

**Name:**

**Address:**

**Phone and e-mail:**

**Interest, competence or knowledge of historic preservation is demonstrated by:**

**Education\*:**

**Employment/Profession\*:**

**Community Service\*:**

**Memberships (e.g., historical societies):**

**Seminars/Workshops:**

**Hobbies/Interests:**

*Please provide sufficient detail (i.e., major field of college degrees, duration of professional experience, titles of published works, names of exemplary projects) to determine if 36 CFR 61, Appendix A, "Professional Qualification Standards" are met. Use additional sheets as needed.*



# Certified Local Government (CLG) Program in New York State

## Information and Regulations Regarding the Certification Process

New York State Office of Parks, Recreation and Historic Preservation  
Division for Historic Preservation, Field Services Bureau  
Peebles Island State Park  
P O Box 189  
Waterford, NY 12188-0189  
(518) 237-8643    [www.nysparks.com/shpo](http://www.nysparks.com/shpo)

Effective June 8, 1989

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### CONTENTS

Section 1: Introduction And Purpose	Page 34
Section 2: Definitions	Page 34
Section 3: Requirements For Certification	Page 35
Section 4: Process For Certifying Local Governments	Page 37
Section 5: Responsibilities Of Certified Local Governments	Page 38
Section 6: Process For Monitoring And Revoking Certification	Page 42

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## **Section 1: Purpose and Authority**

Congress established a preservation program for the United States with the National Historic Preservation Act of 1966. Since that time, the national historic preservation program has operated as a decentralized partnership between the federal government and the states with the common purpose of identifying, evaluating, and protecting the nation's historic properties. All preservation related programs are implemented primarily by the states through its State Historic Preservation Officers (SHPO) whose authority was also established by the 1966 legislation.

Recognizing the success of this relationship, Congress expanded the partnership to provide for participation by local governments. The 1980 amendments to the National Historic Preservation Act [16 U.S.C. 470a (7)(C)] contained the authorization in *Section 101(a)(7)(C)* for a federal-state-local preservation partnership that became known as the **Certified Local Government (CLG)** program. Federal law directs the Secretary of the Interior to certify qualified local governments through the authority delegated to the National Park Service. Working with the SHPO, the National Park Service specifies several requirements that local governments must meet to qualify for certification. Any municipality may request certification and the request is reviewed by the SHPO. Once the SHPO is satisfied that the municipality meets all requirements, a recommendation for certification is forwarded to the National Park Service.

The procedures outlined in this handbook are part of the implementation of the federal-state-local partnership in New York State by informing potential CLGs of the procedures and regulations required for participation in the program.

## **Section 2: Definitions**

The following definitions will apply throughout this document:

- A) *Certified local government* or *CLG*** means any local government certified according to procedures in this document. CLG status is granted when a Certification Agreement is signed by both the SHPO and the chief elected official (CEO) of the local government after a review and with the concurrence of the National Park Service.
- B) *Chief elected official (CEO)*** means the elected head of a local government.
- C) *County*** means any county that is not wholly included within a city.
- D) *Historic preservation review commission* or the term *commission*** means a board, council, commission, or similar body established by local historic preservation legislation and having the authority to carry out municipal responsibilities for a historic preservation program. If more than one local body has historic preservation responsibilities, the body having the responsibilities set forth in *Section 3(a)(3)* shall be considered the commission for purposes of the CLG program.
- E) *Historic resource* or *historic property*** means any building, structure, district, landscape, area, site or object, including underground and underwater sites, that are of significance in the history, architecture, archeology, or culture of the state, its communities, or the nation.
- F) *Legislation*** means the local law, ordinance, statute or other official action by the legislative body of the local government.



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Regulations Regarding the Certification Process, continued

- G) **Local government** means a city, county, municipality, town or village, or any other general-purpose political subdivision of the state.
- H) **National Park Service (NPS)** means the bureau of the Department of the Interior through which the Secretary of the Interior administers the National Historic Preservation Program.
- I) **State Historic Preservation Officer** or **SHPO** means the official within the state who has been designated and appointed by the Governor to administer the state historic preservation program. In New York, the SHPO is in the Commissioner of the Office of Parks, Recreation and Historic Preservation. **SHPO** may also refer to the State Historic Preservation Office, the bureau designated with historic preservation duties.
- J) **Secretary** means the Secretary of the United States Department of the Interior.
- K) **Undertaking** shall mean any of the following:
1. Any physical activity undertaken by a government agency, including the alteration or demolition of property, and the transfer, lease or sale of property.
  2. The funding by a government agency of any physical activity, including the alteration or demolition of property, and the transfer, lease or sale of property.
  3. The approval or entitlement by a government agency of any physical activity including the alteration or demolition of property, and the transfer, lease or sale of property.
- L) **National Register of Historic Places** means the national list of districts, sites, buildings, structures, landscapes, and objects significant in American history, architecture, archeology, engineering and culture maintained by the Secretary of the Interior.

### **Section 3: Requirements for Certification**

In order to qualify for certification, the local government must meet the following requirements:

- A) The local government must have and enforce local legislation for the designation and protection of historic properties enacted under the provisions of the *New York State General Municipal Law Article 5, Section 96 -a and 119aa -119dd*. The following provisions must be included either in the local legislation or implementation regulations:
1. A statement of purpose;
  2. The establishment of an historic preservation review commission;
  3. Assignment of powers to the commission, which must include at least the power to:
    - i. Designate or recommend designation of properties worthy of preservation;
    - ii. Provide advice and guidance to property owners and government agencies concerning historic preservation issues;
    - iii. Adopt rules for the conduct of commission business; and
    - iv. In the case of cities, towns, and villages, the power to approve or disapprove any demolition, relocation, new construction, or exterior alteration affecting designated properties under its jurisdiction;
    - v. In the case of **counties**, at least the power:
      - (a) To review and comment upon all county undertakings and to recommend approval, modification, or disapproval of undertakings that might affect properties included in the county inventory or other historic properties. See *Section 5.B.3(i)(c)*.





**Regulations Regarding the Certification Process, continued**

- (b) To review and report to the pertinent county agency or municipality whenever the county is called upon to formulate planning advice concerning actions that may affect properties included in the county inventory.
  4. Provisions must include establishment of criteria and procedures for designation of historic properties worthy of preservation:
    - i. Legislation encompassing all classes of historic properties is recommended; however, it is sufficient that the criteria admit at least **one** category of historic resources, such as historic districts, etc.
    - ii. The criteria may not exclude a class of resources that is defined solely in terms of the property's use or ownership, for example, religious properties, nor the actions of its owner such as designation subject to owner's consent. However, publicly owned properties that fall outside the commissions' ordinary jurisdiction may be explicitly or implicitly excluded.
  5. The provisions must also include procedures for commission actions and standards and criteria for commission decisions that are consistent with the Secretary of the Interior's Standards for Archeology and Historic Preservation. The Standards can be accessed online at [www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm).
  6. The provisions must also include procedures for enforcing commission decisions; and
  7. A process for seeking relief from the strict application of the law in cases where unnecessary economic hardship can be proven; and
  8. Other provisions to ensure due process, including notification procedures.
- B)** The historic preservation review commission established by the local government must meet the following qualifications:
1. The commission must have no fewer than **five** members.
  2. All commission members must have a demonstrated interest, competence or knowledge of historic preservation.
  3. To the extent that such professionals are available, the community must appoint commission members to represent the disciplines of history, archeology, architecture, architectural history, and historic architecture. Members may also represent the fields of planning, folklore, cultural anthropology, conservation, landscape architecture, museums, and other historic preservation-related professions.
  4. Terms of office must be staggered.
  5. Commission meetings must be scheduled at regular intervals.
  6. The jurisdiction of the commission must coincide with the geographical jurisdiction of the local government.
  7. The commission must have at least the powers described in *Section 3.A.3*.
- C)** The local government must maintain a system for the survey and inventory of historic properties within its jurisdiction, and must be coordinated with and complementary to the survey activities of the SHPO.
- 1) To ensure that local survey and inventory data can be readily integrated into the statewide comprehensive historic preservation planning process and other appropriate planning processes, the local government must follow survey methods, standards and format established by the SHPO. Guidelines for survey are available from the SHPO.



**Regulations Regarding the Certification Process, continued**

- i. If the local government receives prior written approval from the SHPO, the local government may use some other survey system and format.
    - ii. The survey system should include all classes and types of historic resources, not only those that may be subject to the commission's jurisdiction.
  2. All inventory material must be securely maintained and must be accessible to the public; however, access may be restricted in the case of inventoried properties that might be damaged by unauthorized persons if its location were generally publicized.
- D.** The local government must provide for **adequate public participation** in the local historic preservation program.
1. All meetings must be open to the general public, announced by public notice, and documented through the taking of minutes, which must record all decisions and the reasons for those decisions, as required under the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
  2. All policies, procedures, and guidelines used by the local government or commission must be maintained in written form and be readily accessible to the general public.

**Section 4: Process for Certifying Local Governments**

- A.** The local government shall make a formal request to the SHPO for certification. The request **must** include the following:
1. A request to participate in the CLG program, including an assurance of the local government's intent to enter into a certification agreement, signed by the chief elected official of the local government or that official's designee;
  2. A copy of the local historic preservation legislation and any policies, procedures, or regulations that have been adopted for administering and enforcing the legislation;
  3. Information on the membership of the commission, documenting each member's interest or expertise in fields related to historic preservation and a description of the appointment process. If the commission membership is not drawn from the professional disciplines defined in *36 CFR 61.6* and the Secretary's Professional Qualification Standards (history, archeology, architectural history, architecture, or historic architecture. , the local government must document its efforts to obtain representation in such discipline(s) and its proposed mechanism for obtaining professional expertise when needed. See Section 5.B.2.iii..
  4. A description of the survey system in use by the municipality, a chronology of past survey efforts, a listing of all properties included in the local inventory, and a listing of properties designated under the local legislation;
  5. If available, a copy of the current local historic preservation plan or a statement describing the local preservation program; and  
If applicable, a statement concerning additional historic preservation responsibilities that the local government agrees to undertake if certified.



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**Regulations Regarding the Certification Process, continued**

- B.** The SHPO shall review the local government's submission to determine if it fulfills the requirements outlined in Section 3. During the review process, the SHPO may request additional documentation necessary to evaluate the municipality's eligibility for certification.
1. The SHPO shall respond to the chief elected official within **sixty** (60) days of receipt of an adequately documented application for certification.
  2. If the SHPO determines that the municipality's historic preservation program fails to qualify, the SHPO will identify the deficiencies and suggest remedies.
  3. If the SHPO determines that the local government meets the requirements for certification, the SHPO, in consultation with the municipality, will prepare an agreement listing the specific responsibilities the local government will assume when certified.
- C.** The SHPO will forward documentation of the local government's eligibility for certification to the National Park Service along with the signed certification agreement and a request for NPS concurrence. If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO of deficiencies within 15 working days. If the NPS concurs with the SHPO recommendation, the date of the NPS concurrence shall be the effective date of certification. The NPS will notify the CLG of the concurrence, along with a copy to the SHPO.

### **Section 5: Responsibilities of Certified Local Governments**

- A.** All the responsibilities delegated to the certified local government shall be listed in the written certification agreement, which may be amended upon mutual agreement of both parties and the concurrence of the National Park Service.
- B.** In order to maintain CLG status, the local government must perform certain responsibilities according to the performance standards specified below. In cases where the performance standard is not being met at the time of certification, the certification agreement shall specify a time period for meeting that standard.

#### **Responsibilities:**

1. To enforce the local historic preservation legislation;
  - i. The local legislation shall be enforced continuously and consistently.
  - ii. Before amending the local legislation or implementing regulations, the local government shall consult with the SHPO.
  - iii. Any amendments to the legislation enacted by the local government and any rules or related administration procedures shall be consistent with the requirements and intent of the CLG program.
  - iv. The local government shall provide the SHPO with copies of any amendments or rules within **90** days of their enactment.
2. To maintain a qualified historic preservation review commission;
  - i. An adequate commission shall be maintained at all times. Vacancies shall not be allowed to impair the commission's ability to take action for more than thirty days.
  - ii. The local government shall make maximum effort to obtain professionals who meet the qualification standards set forth in 36 CFR 61.6 and the Secretary's Professional Qualifications Standards to fill any vacancies on the commission. At a minimum



## Regarding the Certification Process, continued

- minimum, commission members must demonstrate interest, competence or knowledge of historic preservation. The local government shall maintain records of the appointment process and shall submit a description of the recruitment process and qualifications of any newly appointed members to the SHPO.
- iii. When a commission reviews and comments on National Register nominations or other actions requiring evaluation by a professional in a discipline that is not represented on the commission, the commission shall obtain expertise in that area before rendering its decision. The commission may seek assistance from universities, private preservation organizations, the SHPO, other review commissions or private consultants. The local government shall maintain records documenting that such professional advisors to the commission comply with the 36 CFR 61.6 and the Secretary's Professional Qualification Standards.
  - iv. Commission members shall maintain or augment their knowledge through participation in historic preservation training at least annually or as provided by the SHPO. The SHPO will provide all local commissions with orientation materials and training pertaining to the roles and operations of federal, state and local historic preservation programs. Commission members may satisfy the training requirement through attendance at training provided by the SHPO or at other training approved by the SHPO. Unless otherwise stated, at least 75% of commission members must attend such training.
  - v. The commission shall meet **at least four times** during each year. In order to ensure public participation, the commission shall conduct all business in a public manner, consistent with provisions of the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
3. To maintain a system for the survey and inventory of historic properties coordinated with and complementary to the survey activities of the SHPO;
- i. Local inventories shall include, at a minimum:
    - (a) All properties in the municipality that have been listed in the State and National Registers of Historic Places,
    - (b) All locally designated properties, and in the case of counties, all county-owned properties that meet the National Register criteria for evaluation. Evaluation of county properties shall be undertaken in consultation with the SHPO.
  - ii. Copies of local inventory shall be provided to the SHPO for inclusion in the statewide inventory of historic resources.
  - iii. All inventory material shall be **updated** to reflect new historic information or significant changes in the condition or status of inventoried property as such information becomes available, but **at least every five years**.
  - iv. Local inventory data shall be maintained in a manner that is accessible to the public and secure from physical damage or loss.



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**Regulations Regarding the Certification Process, continued**

4. To provide for adequate public participation in the historic preservation program.
  - i. All local government meetings concerning historic preservation shall be open to the general public, announced by public notice, and documented through the taking of minutes, in compliance with the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law. .
  - ii. All local government records, policies, procedures and standards for the historic preservation program shall be maintained in written form and be readily accessible to the general public.
  - iii. The local government shall inform its employees and officers of conflict of interest rules mandated by NYS General Municipal Law Article 18 Sections 801 and 802, and by the *National Register Programs Guidelines* (NPS-49. by means of a written code of conduct, oath of office, annual training, or other means.
  - iv. The local government shall solicit and respond to public comment on all historic preservation issues that are of general public interest, including, but not limited to local district designations, State and National Register nominations and establishment of policies and procedures.
5. To actively participate in the process of nominating properties to the State and National Registers of Historic Places.
  - i. Certified local governments may propose and sponsor nominations to the State and National Registers, but may not review and nominate properties directly to the National Register except as provided in *36 CFR 60.12* (Nomination appeals. . Nominations developed and sponsored by CLGs shall be given priority for review by the New York State Board for Historic Preservation, provided they are developed in consultation with the SHPO and based upon a comprehensive local historic resources survey.
  - ii. If any State or National Register nomination proposal received by the SHPO lies within the jurisdiction of a CLG, the SHPO shall transmit a copy of the fully documented nomination proposal to the local historic preservation review commission and the chief elected official for review and comment in no less than sixty days nor more than one hundred and twenty days prior to the scheduled review of the proposal by the State Board for Historic Preservation.
  - iii. If a historic district is proposed, the CLG shall assist the SHPO in notifying property owners and/or conducting public information meetings at a time and place agreeable to the SHPO.
  - iv. The commission, after providing a reasonable opportunity for public comment, shall prepare a report stating its opinion as to whether or not such property meets the criteria for listing in the State and National Registers. The report shall objectively evaluate the property in accordance with the National Register criteria for evaluation. Upon request, the SHPO shall provide guidance in applying the National Register criteria.



## Regulations Regarding the Certification Process, continued

- v) Within **sixty** (60) days of notice from the State Historic Preservation Officer, the chief elected local official shall transmit the report of the commission and his/her recommendation to the SHPO. The CLG comment period may be reduced by mutual agreement between the CLG and the SHPO, and will be eliminated when the CLG, as sponsor of a nomination, transmits its report and recommendation as part of the nomination package.
  - vi) If the commission and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the State and National Registers of Historic Places, the chief elected official will return the nomination materials along with the commission's report and his/her opinion to the SHPO. The chief elected official shall notify the commission, the property owner(s) and the public of this action. The SHPO shall take no further action regarding the National Register nomination unless an appeal is filed in accordance with *36 CFR 60.12*. If such an appeal is filed, the SHPO shall place the nomination before the State Board for Historic Preservation at the earliest possible meeting.
  - vii) For the purposes of the State and National Registers nomination process, the jurisdiction of a county CLG shall include only properties owned by the county. Only in the case of county-owned property shall the county CLG have the powers described in Section 5.B.5.vi previous.
- 6) To submit an annual historic preservation report. The report shall be submitted to the SHPO no later than November 15 and shall cover the period ending on the preceding September 30. The report shall follow a format prepared by the SHPO and shall include:
- i) A statement of the present status of historic preservation activities and land use or other regulations relating thereto as they are being administered within the reporting jurisdiction;
  - ii) An identification and analysis of any problems or issues relating to the effectiveness of local development or administration of historic preservation plans and programs, including problems of funding and personnel requirements, procedural problems, enforcement problems, or any other issue;
  - iii) A report on commission activities, which shall include, at a minimum, the number and types of cases reviewed, documentation on any new designations made, updated resumes for commission members, and minutes relating to consideration of National Register nominations;
  - iv) A report on the status of inventory and survey, including a list of properties added to the local inventory, and copies of the inventory forms.
  - v) Copies of any documents published by the commission or CLG concerning the local historic preservation program.
- C) The SHPO may at his/her discretion and by mutual written agreement with the local governing body, delegate further responsibilities to the certified local government.
- 1) Either the SHPO or the local government may initiate expansion of CLG responsibilities at any time.
  - 2) Such delegation will be executed in the written certification agreement.





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Regulations Regarding the Certification Process, continued

3. It shall be the responsibility of the SHPO to establish criteria, qualifications, and performance standards for such additional responsibilities.

### **Section 6: Process for Monitoring Performance of Certified Local Governments and Revoking Certification**

- A. The SHPO shall monitor CLG programs and at least every four years shall evaluate each certified local government to ensure that it is fulfilling its responsibilities as defined in these procedures and in the written certification agreement.
- B. The SHPO shall examine documents submitted by the CLG, including the annual reports, completion reports for any subgrants, inventory forms, any procedures and guidelines published by the certified local government, and any other public documents relating to administration of the local historic preservation program. In addition, the CLG shall make available any other records and materials that the SHPO may request, and the SHPO may attend meetings of the commission or take other action to learn about the operations of the certified local government.
- C. The CLG will be notified in writing of the results of the performance review, along with suggestions for improvement in its operations.
- D. If the SHPO determines that the CLG has failed to fulfill its responsibilities according to the performance standards set forth in Section 5 previous, the SHPO shall notify the certified local government in **writing** of this determination, documenting the areas that require correction, and advice and assistance on any steps that **must** be taken to correct the deficiency. The SHPO shall specify a time period within which improvement must be achieved. The CLG shall have no less than **thirty** (30) days nor more than **one hundred twenty** (120) days to implement the required improvements.
- E. If at the end of the allotted time the SHPO determines that sufficient improvement has not occurred, the SHPO may recommend to the National Park Service that the certification of the local government be revoked, citing specific reasons for the recommendation.
- F. Within **thirty** (30) days of receipt of an appropriately documented SHPO recommendation for revocation of certification, the NPS will notify the SHPO of any problems or additional time needed to review the recommendation. The local government will be decertified upon NPS concurrence with the SHPO recommendation.
- G. When a local government's certification is revoked, the SHPO shall so notify the local government. If the municipality is a subgrantee for HPF monies for an activity found deficient by the SHPO, the SHPO will conduct financial closeout procedures as specified in the National Register Programs Guidelines.



## RESTORING OUR APPRECIATION OF HISTORIC WOOD WINDOWS: MAKING A CASE FOR RESTORATION VERSUS REPLACEMENT

Kimberly Konrad Alvarez & John D. Alvarez II, AIA

The recent emphasis on cutting fuel costs and increasing energy efficiency in buildings has increased the threats to wood windows in historic buildings across the Northeast. Replacement window manufacturers advertise new units that claim to be “Energy Star” rated and the answer to the heat loss in “drafty” old buildings. When combined with concern over lead paint issues, the perceived energy costs savings are prompting more applications from property owners who claim that replacing historic windows is the only way to comply with modern energy conservation codes. As a result, preservation commissions are often placed in a difficult position.

Without having practical arguments for retention or restoration of these important character-defining elements and fearful of appearing capricious, commissions can feel pressured to rule to allow the removal of historic fabric. Fortunately, there is a strong case for preserving wood windows aside from the aesthetic argument:-- **window restoration has proven favorable over window replacement in terms of architectural integrity and aesthetics, energy efficiency, sustainability, durability and long term, material life span economics.**, despite the information conveyed by replacement window manufacturers.

Given the right tools, commissions across the state can do their part to preserve the character and craftsmanship of architecturally significant districts and educate the public about genuinely green approaches to energy efficiency.

### ARCHITECTURAL INTEGRITY

Preservationists have long used the “aesthetic and integrity” argument when addressing the question of the appropriateness of replacing original windows. It can be very jarring to see an otherwise perfectly restored Greek Revival building with new, white vinyl windows with “snap-in” muntins or no muntins at all, where once existed elegant and finely proportioned six-over-six wood sash with mortise and tenon joinery. In this case the glass-to-frame ratio has been

altered, the faceted nature of the individual panes has been replaced with a single, reflective surface, and the proportions of the framing and joinery indicative of period building technology have been erased.

The valuable role that windows play in the architectural character of a building should not be underestimated. Windows are one of the few parts of a building which are integral to both the interior and exterior, and serve both a functional and decorative role. What other architectural feature has this much “responsibility”?

Structures built prior to 1930 incorporated architectural elements, including windows that celebrated a particular style and craft in a variety of wood species, shapes, cuts and finishes. The insertion of a plastic or aluminum window into a building 80 years or older, therefore, can look out of place and can negatively impact the architectural integrity of the building. Windows offer some of the most reliable clues to understanding the history and evolution of a building and, by extension, a street block or whole community.



Windows on the curb awaiting trash pick up  
Kimberly Konrad Alvarez

Excerpt from *The Local Landmarker*,  
Issue 11, March 2009, a publication for  
New York State Certified Local Governments





## Historic Wood Windows, *continued*

### ENERGY EFFICIENCY

The most common reason people replace old windows is the “promise” of improved energy efficiency. How could a preservation commission deny an owner this opportunity? Unfortunately for the property owner, the “facts” about energy savings from replacement window companies are sometimes skewed, misinformed, or outright false. Window manufacturers universally boast about their windows’ low U-values (the measure of the rate of heat loss through a material). The quoted U-values are misleading because they are usually given not for the entire window unit, but only for the value through the center of the glass (the location of the greatest heat loss). Not mentioned is the dramatic heat loss of their own windows where an imperfectly squared historic window opening does not allow a new replacement unit to be installed tight within the wall, U-values will be significantly higher (less efficient) owing to infiltration around and between the unit frame and the original window opening. What is most critical when evaluating the energy loss at a window or door opening in any building is the *infiltration* of outside air rather than the insulating factor or heat lost through the glass. **Air infiltration can account for as much as 50% of the total heat loss of a building.**

The replacement window industry insists that windows are the principal source of heat loss in a building, and frequently mislead the general public in claiming that installing energy-efficient or “Energy Star” windows is more important and will generate the greatest energy cost savings than insulating the attic, foundation, or walls. Rarely is the energy loss tested before and after windows are replaced so that property owners can see the extent of change or benefit in efficiency. In fact, actual energy conservation research and test data indicate that on average only 20%- 25% of heat loss occurs through doors and windows while the remaining 75-80% is lost through the roof, floors, walls and chimneys. Studies have shown that a double-glazed window may save \$3.00 a year per window in energy cost (this is \$30 per year for ten windows at 10 cent per KWH). When weighed against the cost of replacement windows and installation costs in this scenario, recovering the investment through energy savings can take 50-70 years. Since it is *extremely* rare to find a replacement window that is made to last 50-70 years, recouping that savings is nearly impossible in an owner’s lifetime.

Unfortunately, there is a major lack of tangible energy conservation information for existing products, such as existing historic wood window assemblies or those that have been restored or upgraded. Today, consumers can find national ratings for U-factors of building materials and products containing Energy Star labels, but it is important to note that these types of ratings have not been performed for older windows or upgrade products. Therefore, consumers have very little, if any, real data to help make comparisons for energy loss or savings between retaining existing windows and replacing them.

Historically, the best solution for better energy efficiency has been in stopping air infiltration by the installation of effective weatherstripping. Weatherstripping has been used on windows and doors for more than 80 years and is still the easiest and most economical way to keep old wood windows energy efficient and draft-proof. Storm windows are another traditional method for decreasing energy loss. Whether interior or exterior, storm windows create an insulating air space between the primary window and the storm. Storm windows can dramatically improve the U-values of old windows by reducing the heat lost through the surface of the glass.

Another idea to consider is retrofitting historic wood windows by substituting low-e glazing into existing single-pane storm windows. When used in combination with a storm sash, single-pane low-e glass can provide a level of combined energy savings equal to a standard new double-glazed unit. Using low-e coatings and reducing air infiltration is a very simple and cost-effective way to achieve the desired U-value of an entire window unit and avoids modifying visible glass/light, mullions, or sash weights. **Therefore, the energy efficiency of restored windows incorporating upgraded components, such as weatherstripping and tight-fitting storm windows with low-e coatings, can meet and even exceed the efficiency of replacement units.**

### SUSTAINABILITY

Today, the new approach for a responsible way of life and for architecture as a profession is to incorporate **green** or **sustainable design**. For many, the road to “green” is by using new technology and materials that place the least amount of



## Historic Wood Windows, *continued*



### Apply HOME COMFORT WEATHERSTRIP to your Doors and Windows

It means a big saving in fuel and no shivery corners in your home. Anyone can apply Home Comfort. Simply tack it on, turning the corners. No taking down of windows or doors; no mitering or sawing. The only tool needed is a tack hammer. Enamel rustproof tacks are furnished.

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#### Demand the Genuine

Imitations are not satisfactory. Be sure that you get the genuine Home Comfort Weatherstrip. The name Home Comfort is on the 4 ply, double sewed patented tacking lap. If your dealer does not have it, order direct, mentioning his name.

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Weather stripping advertisement, *Better Homes and Gardens*, September, 1926

burden or waste on the environment and thus to reduce one's "carbon footprint."

However, since at least 1966 (the year the National Historic Preservation Act was passed), preservationists have been practicing "green design." Long before the trendy term was coined, historic preservation promoted the philosophy of reduce, reuse, and recycle. By repairing rather than replacing elements, historic preservation conserves existing materials and the associated "embodied energy" used to create the original structure and architectural features. A preservation minded project can use more materials produced locally or regionally, while common

replacement practice requires the installation of mass-produced materials usually transported over long distances. The "retain and repair first" approach can also reduce the need for landfills. Thousands of old wood windows are removed and sent to landfills each year, owing to misconceptions of the value of replacement windows. The wood sash that are most often removed are 75-100 years old with normal signs of deterioration. Constructed of old-growth hardwoods, many can be repaired and upgraded to meet modern requirements and give many more years of service .

Compare these windows to modern windows, which their manufacturers typically warranty for an average of 12-15 years. Now that may not mean that they will only last that long, but it is interesting that they do not warranty their products for anywhere near the lifespan of the older windows found in historic buildings. Key in this is that many replacement windows are constructed of lower-quality materials in a way

that makes it impossible to simply repair individual elements, leading to the need to purchase entire new window units if the replacement unit fails or breaks. Given their limited lifespan and the lack of potential for repair, even with limited energy savings, the evidence seems to contradict the claim that replacement windows satisfy the "green" or "sustainable" criteria over the long term. Instead, choosing to repair existing original materials recycles them in place, avoids needlessly filling our landfills with repairable building elements and results in an *effective* approach to sustainability that also supports the local economy. **Preservation holds the principles of sustainable design at the very center of its philosophy and practice.**

## DURABILITY

As mentioned above, wood windows that are 75-100 years old are most often removed and discarded when they begin to exhibit normal signs of age such as broken sash cords, paint failure or build up, broken panes of glass, deteriorated glazing putty, loose joinery or minor deterioration of wood members. While each of these ailments can negatively impact a window's operation, appearance, safety, and energy efficiency, the fact that the window is nearly a century old is actually a strong testament to the quality of its materials and craftsmanship. The windows of the 19<sup>th</sup> and early 20<sup>th</sup> century were designed and constructed to endure many decades and even centuries with a certain level of care and maintenance. In contrast, since the late 1940s, the business of fabricating windows has evolved from being craft-oriented to focusing on providing in-stock, pre-fabricated, low-priced products. At the same time, the labor force that once offered maintenance and repair services are now geared toward installing whole-window products. The imbalance often tips the scale toward the replacement option.

Windows pre-dating the 1940s are typically constructed of dense, old-growth woods which grew naturally over the decades, whereas, the majority of new wood replacement windows are constructed of light, porous, fast-grown (*i.e.*, farmed), soft woods that are most often the pine species. Because they are porous they are more susceptible to moisture migration and



## Historic Wood Windows, *continued*

often do not hold paint well. The manufacturer's solution to this problem is to offer an exterior cladding material characterized as "maintenance-free." Unfortunately, the cladding materials can trap any migrating moisture inside the wood and in moist environments can lead to substantial rot beneath the cladding--this is the primary reason for limited and short warranty terms.

Many people consider the introduction of the insulated glazing unit (IGU) or thermal pane to be a major advancement in the window industry. Most replacement windows offer a thermal or insulated glass unit wherein a vacuumed space is created by double-paned glass filled with argon gas and sealed with gaskets to maintain the vacuum and keep moisture out. Most insulated glass units also have a small amount of desiccant inside the glass space intended to absorb moisture for a limited time. However, as with most synthetic materials, the gaskets that seal these assemblies have a limited life and will deteriorate, allowing the argon gas to escape and air vapor to enter. Studies have found that most sealed gasket systems deteriorate within 25 years, which is why few replacement windows have warranty terms of more than 20 years and why it is not uncommon to find 15-20 year old double-paned windows with a fogged air space.

Old wood windows, on the other hand, are glazed with a system of glass, glazing clips and glazing putty. Glass is actually a fluid and, like the wood which holds it in place, will expand and contract according to climate conditions. Historically, glazing putty was linseed oil-based, and cured slowly over the years. The slow-curing glazing putty was intended to have some level of flexibility and was an excellent counterpart to the glass. Quality glazing putty has a lifespan of more than 50 years; however, after 50 years it may begin to crack, become brittle and separate from the glass or it may become extremely hard with very little flexibility. As with most components of a wood window, glazing putty is intended to be renewable; replacement with new putty required little expense, effort and impact to the original window. If a pane of glass in an old window breaks, it, too, is designed to be easily and inexpensively replaced. If a pane of glass in a replacement window breaks, a whole new window sash is necessary, requiring the costly services of a contractor.

Typical replacement windows involve a spring balance mechanism which relies on friction and the strength of the user to operate them. In contrast, most windows constructed before 1930 use a weight and pulley system with either cotton sash cords or chains. The pulley system is based on equilibrium, with cords or chains balanced on either side with a counterweight in the pocket matching the weight of the sash. If weighted correctly, even a large window requires very minimal strength to lift or lower. Replacement windows typically experience failure when a spring balance wears out. A counterweighted window fails when the sash cord or chain breaks or the pulley jams. Spring balances cannot be fixed and must be entirely replaced, whereas, broken sash cords can be fixed for the cost of the cotton sash cord and, usually, less than a half hour of labor time for most do-it-yourselfers or a handyman. Once a historic wood window is repaired or fully restored it will not need major work for many years, aside from typical maintenance such as an occasional cleaning of the glass, a quick spray of lubricant in the pulleys to keep them turning smoothly, and a touch up to keep the painted surfaces intact.

## ECONOMICS

The discussion of durability naturally leads to the topic of how economics or cost plays a large role in planning any window project. Typically, projects are evaluated for their upfront and immediate costs. However, when a historic building is involved it is important to consider long term impacts and a look at comparative *life-cycle costs*.

The cost of a typical replacement window can range from \$200-\$1500 per window, depending on the size and material (vinyl, aluminum or wood frame), and always involves the removal of the existing wood sash and the installation of a new sash unit into the existing wood frame. The old weight and pulley system is discarded or abandoned in place (behind the new unit frame) and replaced with an operation system that relies on friction and the user's strength. It is not uncommon for any rotted wood to be simply covered over with new vinyl or aluminum cladding, rather than repaired since this would be an additional cost. In general, the installation crew prefers to be in and out in the shortest amount of time. Most of the cost of replacement windows is



## Historic Wood Windows, *continued*

the price of the new product itself and not the minimal labor for installation. It can naturally be assumed that the lower the product cost, the lower the quality of the replacement unit because the labor is typically the same. In comparing replacement costs to repair and/or restoration of an existing old wood window it is important to understand that there is no straightforward **formula for the repair approach because the conditions and the extent of deterioration will vary from window to window.**

If there is only minor deterioration or a malfunction that requires select repairs, such as strengthening loose joinery, minor reglazing, replacing broken glass or sash cords, the cost can range from \$50-\$500 per window (based on 1-10 hours of labor). If the window requires complete restoration, the cost can range from \$500-\$1000 per window for residential double-hung windows or \$1000-\$5000 per window for large institutional windows or complex and highly decorative windows. The difference here is that the repair and restoration costs include direct labor at standard craftsman rates in addition to materials, overhead and profits. Rehabilitation or restoration and repair costs are for skilled craftsman labor, rather than for the actual product since all of the materials involved are relatively inexpensive. Every dollar that is spent on a repair or restoration job is invested in the local economy compared to dollars paid to a manufacturer of the replacement window products, which is not necessarily a local business.

The above example relates to the initial outlay of funds, however, this is not the only aspect of cost that is important to consider in the planning of a project. **Life-cycle costs are equally if not more important, especially if one is concerned about sustainability and being environmentally responsible.** Life-cycle cost comparisons usually come out in favor of preservation even when values such as the architectural character of the original window and the inherent quality of material and craftsmanship are *not* accounted for. Moreover, maintenance versus replacement costs further support preservation when fit into the equation. When figuring life cycle costs, the lifespan of older wood windows is an important consideration. Typically these windows have proven to have endured between five decades and more than a century. The lifespan of vinyl, aluminum or modern clad/wood replacement windows, on the other hand, is in some cases still

unknown, but given manufacturer's warranties, does not seem to be in the same time frame. With replacement windows, it is generally the lifting and lowering mechanisms that wear out in about 15-20 years, followed shortly thereafter with the deterioration of the insulated glass unit and the cladding material. All or one of these failures can require replacement of the "replacement" unit.

Another aspect in which the economic argument often favors the restoration approach is with respect to the whole building view. Often when a property owner embarks on a window replacement project it is because a handful of original windows require some level of repair. It is rare that all windows will need full restoration or extensive repairs. It is typically the elevation most exposed to weather that has the most window deterioration; other, more sheltered elevations can be surprising in how well they have preserved original building materials such as windows. The first step for any property owner should be an assessment evaluating the condition of each window and prioritizing the order in which repairs are undertaken. Certainly, such an approach will result in a more lengthy process of overall window repair compared to wholesale replacement, however, it is a more economical approach. For example, let's say there are 20 windows in a particular house, five per elevation. If the south elevation is exhibiting the most deterioration likely due to the exposure, it is rare that a replacement window contractor would replace only those



The same window before and after restoration *Courtesy of Steve Swiat, Northwood Restoration, Buffalo*

windows in disrepair, but rather would make a case for replacing all the building's windows, so they all look alike. If each window costs \$500, that is a \$10,000 project, whereas if only the deteriorated windows were restored at \$500 each or even at \$1,000 each the restoration approach would cost a quarter to a





### Historic Wood Windows, *continued*

half that of the full replacement, and would last 3-5 times longer.

Lastly, if the reason driving the need for replacement windows is to eliminate lead paint hazards, it should be acknowledged that whether the windows are replaced or restored the most hazardous work involves the removal of the old wood sash. Therefore, removal for replacement is no safer than removal for restoration. The difference in approach occurs after the sash is removed. In the replacement approach, the old sash is disposed of in a landfill, and the original painted frames and jambs are covered over with vinyl or aluminum. The lead paint remains in place underneath. In the restoration approach, the old sash are fully stripped of the paint and glazing and then reprimed, reglazed and repainted to meet modern standards. On the window frame itself, the areas most affected by friction are the jambs. These are usually tested for the presence of lead and either stripped and repainted or repainted encasing any traces of lead-based paint. In the latter approach, the lead paint on the windows has been abated in the approved method, making the area safe from that point on.

### GUIDING THE DESIRED OUTCOME

Perhaps the most difficult part of a commission's work will be education about this issue. Overall, there needs to be a shift on the general public's appreciation for durable, sustainable materials and quality craftsmanship. Such an outlook does not need to be a thing of the past, but rather it can be the direction in which we move in the future. Preservation of old wood windows can be a difficult case to make when most owners of historic property are continuously barraged by relentless marketing campaigns and higher energy bills. Armed with basic window facts and with a little counter marketing, local preservation commissions can help property owners weigh their options more thoroughly and make the right decision for the integrity of their historic home, for the environment and for their wallet.

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**For further information**, note that there are a number of articles placed on the CLG Yahoo Listserv website: <http://groups.yahoo.com/group/NYSCLGS>. Other resources are noted below. You may have to search for the title of a document if websites have changed.

National Park Service:

*The Repair of Historic Wooden Windows*, National Park Service Preservation Brief #9 at [www.cr.nps.gov/buildings.htm](http://www.cr.nps.gov/buildings.htm)  
*Secretary of Interior's Standards for Rehabilitation*. [www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm)

National Trust for Historic Preservation:

[www.preservationnation.org/issues/sustainability/](http://www.preservationnation.org/issues/sustainability/)  
 "Window Know-How: A Guide to Going Green" at [www.preservationnation.org/magazine/2009/march-april/ma09window.html](http://www.preservationnation.org/magazine/2009/march-april/ma09window.html)  
 "Historic Wood Windows Tip Sheet" [www.preservationnation.org/issues/weatherization/windows/](http://www.preservationnation.org/issues/weatherization/windows/)

*Repairing Old and Historic Windows*, New York Landmarks Conservancy, 1992; [www.nylandmarks.org](http://www.nylandmarks.org)

"Restoring Window Sashes," *Fine Homebuilding*, David Gibney, Feb/March 2004, pp. 84-89.

"Top Myths About Replacement Windows," James Crouch, *Preservation in Print*, December/January 2009, Pg 10. [www.prcno.org](http://www.prcno.org)

"What Replacement Windows Can't Replace: The Real Cost of Removing Historic Windows," Walter Sedovic & Jill Gotthelf, *Association for Preservation Technology (APT) Bulletin*, 36:4, 2005, or see [www.apti.org/publications/Past-Bulletin-Articles/Sedovic-36-4.pdf](http://www.apti.org/publications/Past-Bulletin-Articles/Sedovic-36-4.pdf)

See these websites:

[www.historichomeworks.com](http://www.historichomeworks.com)

[www.windowrepair.com](http://www.windowrepair.com)

Old House Journal website:

[www.oldhousejournal.com/index.shtml](http://www.oldhousejournal.com/index.shtml)

[www.oldhousejournal.com/](http://www.oldhousejournal.com/)

[strips\\_and\\_storms\\_windows/magazine/1099](http://www.oldhousejournal.com/magazine/1099)

[www.oldhousejournal.com/Sash\\_Window\\_Clinic/magazine/1078](http://www.oldhousejournal.com/Sash_Window_Clinic/magazine/1078)

[www.oldhousejournal.com/embracing\\_energy/magazine/1453](http://www.oldhousejournal.com/embracing_energy/magazine/1453)

Rehab Rochester section of the Landmark Society of Western New York's website: [www.landmarksociety.org](http://www.landmarksociety.org)



## Window Project Review Guide

These questions can help commission and board members lead property owners to the right window project.

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### ARCHITECTURAL INTEGRITY & AESTHETICS

- What role do your windows play in the architectural significance of your historic building?
- How do the replacement windows match the original construction method and appearance? (i.e. mortised & tenon joinery), wood species, quality and cut, wood member proportions (stiles, rails, muntins), overall dimensions and profiles and, most importantly, the frame to glass ratio?

### ENERGY EFFICIENCY

- What are the U-values for the entire window unit, not just the value through the center of the glass? In addition to the window manufacturer's stated U-values for the window units, what is the air infiltration rating, if any?
- Has the extent of air infiltration been tested for the existing windows (use of a blower door test)?
- Has energy loss been investigated and corrected at the roof, chimneys, foundations, and walls first?
- Do existing windows have appropriately installed or repaired caulking, weatherstripping and/or storm windows?
- What is the projected annual energy cost savings for the new windows? How many years of this savings will it take to recover the cost of the replacement windows and installation?

### SUSTAINABILITY

- What are the property owner's plans for the removed original sash? (Rather than being sent to a landfill, should they remain in the attic or basement so they can be reinstalled in the future if desired?)
- Have the property owners explored the option of repair by a local craftsman?
- How long does the property owner expect these new windows to last? What is the warranty term? (many do not read the fine print.)

### DURABILITY:

- What is the overall extent of deterioration or need for the replacement?
- Do all windows need repair or only some windows?

### ECONOMICS:

- Encourage property owners to solicit repair/restoration quotes with estimated years of service (based on age of original windows)
- Encourage property owners to calculate the life-cycle cost comparisons of restoration of those windows that need attention only versus the cost of replacing all windows.



## WHEN IS WINDOW REPLACEMENT OKAY?

**There may actually be a time when the case for the replacement of existing windows can be made.** Buildings that have been abandoned for many years can suffer severe deterioration of materials, including window units. Windows can be heavily damaged by impact from trees, or partly damaged in a time-honored way, by baseballs or rocks. Also, not all older windows are created equal, so some materials can honestly have a shorter life span than others from the same time period. Additionally, in some buildings, particularly in tightly spaced urban lots, windows on side or rear elevations may not significantly add to the architectural character of a building, or may originally have been inexpensive units (also, many local laws do not allow the commission to review work not in the public right of way, making these units outside the purview of a commission). Also on rear and side elevations in urban lots, a major rehabilitation may trigger modern codes that prevent the use of combustible (wooden) window materials at lot lines. In these cases, **it is important to ask the following questions:**

- **Are a majority of the window units truly at the end of their life?**
- **Does the building still have integrity of window design? (does a majority of character defining windows remain in place and repairable?)**
- **Were the windows being proposed for replacement originally good quality units that can actually be repaired?**
- **What significance do the window units have to the building's overall architectural style or history? (They need not be "fancy" or stained glass units to do this – more simple divided light sash can be important as well)**
- **What modern constraints are being placed on the project?**

Asking these questions, you then move forward carefully, as you may be impacting a building's appearance and performance for decades to come. If replacement is determined to be the appropriate approach, then the materials and appearance of the new units will be crucial to the success of the project. Overall, it is important to understand that the choice of material can dictate the appearance as well.

**Vinyl, for the most part, should never be considered for replacement units at designated structures.** Their construction in no way meets the appearance of historic windows. Typically, vinyl units have rails and stiles the same width, whereas most historic windows have wider bottom rails (the horizontal member at the bottom of the sash), and narrower stiles (the members at the sides of the window). These proportions are important to the character of a window, and should be kept. Also, vinyl is a material that can flex during movement, potentially breaking seals that are supposed to make them energy efficient, and have been known to sag or rack, also lessening their effectiveness. When codes dictate that wooden windows cannot be used, one approach has been to use metal windows matching the original in as many details as possible in regard to proportion and configuration. However, this is an approach to be used only in these inflexible situations, and in non-character defining locations.

**When windows are truly deteriorated beyond repair, new windows should be approved that match the historic units in proportion, configuration (number of panes in each sash), operation (double hung or casement), and other character-defining details.** The highest and best replacement would be a new, true divided light, painted wooden unit. However, as can be inferred from the previous article, newer wooden units may not be a good option given the potentially short life of modern plantation grown wood. While there are some units on the market that use sustainably grown mahogany or Spanish cedar as their materials, their costs can sometimes be out of reach for homeowners if they choose to replace all windows, which as noted in the Alvarez's article in most cases is not necessary. In these cases, it may be appropriate to encourage phasing of the high quality wood replacements or as an alternative; approve aluminum-clad wooden replacement windows that fill the window opening without the use of fillers or spacers; that the new window be placed in the same plane as the original window (neither deeper or shallower in relation to the wall); and that it match the original in operation and division of panes.

*Continued*





## When is Window Replacement Okay? *Continued*

### **It is in the detail of window panes that a replacement window project can utterly fail.**

Historic multi-pane windows typically have true divided lights, meaning that each pane is a separate piece of glass separated by a muntin (the muntin is the bar of wood or other material that creates the space for the panes and which the putty, or “glazing” compound is placed against). Many modern windows use a single sheet of glass, and for muntins use a variety of tricks. The cheapest and least appropriate muntin is a “snap-in” one, literally “snapped” into place from the interior of the window. This type of muntin does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and has been known to fall out, be taken out or be broken, thus resulting in an inappropriate 1/1 appearance. Another approach is the use of a fake muntin sandwiched between the double panes of an insulating glass unit. As with the “snap-in” muntin, this type does nothing to break up the reflection of the single sheet of glass from the exterior, provides no relief on the exterior of the building and when seen from certain angles, completely disappears. Other muntins are applied only on the exterior. This type of window attempts to have the appropriate exterior relief desired in a replacement project, but does not go far enough in providing the full character that a historic true divided light window had in the same opening.

In the case of an appropriate replacement window, the highest and best window is one that has true divided lights, with each pane being a separate piece of glass. However, given that new units will likely have insulating glass, an acceptable treatment can be achieved by using a replacement window that has exterior and interior muntins, and interior “spacers” between the glasses, in line with the muntins. Manufacturers are beginning to make these units with spacers matching the color of the sash and muntins, providing for a look that is not an exact match, but is closer to the appearance of the original window.

There are countless replacement window manufacturers claiming to have products appropriate for use in historic buildings. **In addition to the highest and best options listed above, a replacement window inserted into a historic building should offer a warranty or performance and durability guarantee of at least 25 years.** This will insure that the commission will not be faced with a repeat request in a matter of years and will help the property owner weed out the lower quality products.

**It is best not to wait until a window replacement project is before you to do your homework. It is advisable to take the following steps BEFORE you have to learn on the job.**

**Maintain a list of experienced contractors who can do window repair.**

**Maintain a list of historic house part “salvager businesses” who can accept donations of historic windows, or open your own!**

**Work with municipal officials, staff, and or local banks to develop grant programs for window repair and restoration and/or replacement in kind.**

Knowing when it is time to allow an appropriate replacement window is an important part of being on a commission. It can also show a homeowner that you do understand the realities of existing and new materials, and can help you serve as a resource to help a property owner do the right thing to maintain the integrity, architectural worth, and economic value of their building.





# **Certified Local Government (CLG) Program in New York State**

## **Information and Regulations Regarding the Certification Process**

**New York State Office of Parks, Recreation and Historic Preservation  
Field Services Bureau  
Peebles Island State Park  
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## Table of Contents

<b>Section 1: Introduction and Purpose</b>	<b>page 3</b>
<b>Section 2: Definitions</b>	<b>page 4-5</b>
<b>Section 3: Requirements for Certification</b>	<b>page 6-8</b>
<b>Section 4: Process for Certifying Local Governments</b>	<b>page 9-10</b>
<b>Section 5: Responsibilities of Certified Local Governments</b>	<b>page 11-15</b>
<b>Section 6: Process for Monitoring and Revoking Certification</b>	<b>page 16</b>

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## Section 1: Purpose and Authority

Congress established a preservation program for the United States with the National Historic Preservation Act of 1966. Since that time, the national historic preservation program has operated as a decentralized partnership between the federal government and the states with the common purpose of identifying, evaluating, and protecting the nation's historic properties. All preservation related programs are implemented primarily by the states through its State Historic Preservation Officers (SHPOs) whose authority was also established by the 1966 legislation.

Recognizing the success of this relationship, Congress expanded the partnership to provide for participation by local governments. The 1980 amendments to the National Historic Preservation Act [16 U.S.C. 470a (7)(C)] contained the authorization in *Section 101(a)(7)(C)* for a federal-state-local preservation partnership that became known as the **Certified Local Government (CLG)** program. Federal law directs the Secretary of the Interior to certify qualified local governments through the authority delegated to the National Park Service. Working with the SHPO, the National Park Service specifies several requirements that local governments must meet to qualify for certification. Any municipality may request certification and the request is reviewed by the SHPO. Once the SHPO is satisfied that the municipality meets all requirements, a recommendation for certification is forwarded to the National Park Service.

The procedures outlined in this handbook are part of the implementation of the federal-state-local partnership in New York State by informing potential CLGs of the procedures and regulations required for participation in the program.

## Section 2: Definitions

The following definitions will apply throughout this document:

- A) ***Certified local government*** or ***CLG*** means any local government certified according to procedures in this document. CLG status is granted when a Certification Agreement is signed by both the SHPO and the chief elected official (CEO) of the local government after a review and with the concurrence of the National Park Service.
- B) ***Chief elected official (CEO)*** means the elected head of a local government.
- C) ***County*** means any county that is not wholly included within a city.
- D) ***Historic preservation review commission*** or the term ***commission*** means a board, council, commission, or similar body established by local historic preservation legislation and having the authority to carry out municipal responsibilities for a historic preservation program. If more than one local body has historic preservation responsibilities, the body having the responsibilities set forth in *Section 3(a)(3)* shall be considered the commission for purposes of the CLG program.
- E) ***Historic resource*** or ***historic property*** means any building, structure, district, landscape, area, site or object, including underground and underwater sites, that are of significance in the history, architecture, archeology, or culture of the state, its communities, or the nation.
- F) ***Legislation*** means the local law, ordinance, statute or other official action by the legislative body of the local government.
- G) ***Local government*** means a city, county, municipality, town or village, or any other general-purpose political subdivision of the state.
- H) ***National Park Service (NPS)*** means the bureau of the Department of the Interior through which the Secretary of the Interior administers the National Historic Preservation Program.

I) ***State Historic Preservation Officer*** or ***SHPO*** means the official within the state who has been designated and appointed by the Governor to administer the state historic preservation program. In New York, the SHPO is in the Commissioner of the Office of Parks, Recreation and Historic Preservation. ***SHPO*** may also refer to the State Historic Preservation Office, the bureau designated with historic preservation duties.

J) ***Secretary*** means the Secretary of the United States Department of the Interior.

K) ***Undertaking*** shall mean any of the following:

- 1) Any physical activity undertaken by a government agency, including the alteration or demolition of property, and the transfer, lease or sale of property.
- 2) The funding by a government agency of any physical activity, including the alteration or demolition of property, and the transfer, lease or sale of property.
- 3) The approval or entitlement by a government agency of any physical activity including the alteration or demolition of property, and the transfer, lease or sale of property.

L) ***National Register of Historic Places*** means the national list of districts, sites, buildings, structures, landscapes, and objects significant in American history, architecture, archeology, engineering and culture maintained by the Secretary of the Interior.

### Section 3: Requirements for Certification

In order to qualify for certification, the local government must meet the following requirements:

A) The local government must have and enforce local legislation for the designation and protection of historic properties enacted under the provisions of the *New York State General Municipal Law Article 5, Section 96-a and 119aa-119dd*. The following provisions must be included either in the local legislation or implementation regulations:

- 1) A statement of purpose;
- 2) The establishment of an historic preservation review commission;
- 3) Assignment of powers to the commission, which must include at least the power to:
  - i) Designate or recommend designation of properties worthy of preservation;
  - ii) Provide advice and guidance to property owners and government agencies concerning historic preservation issues;
  - iii) Adopt rules for the conduct of commission business; and
  - iv) In the case of cities, towns, and villages, the power to approve or disapprove any demolition, relocation, new construction, or exterior alteration affecting designated properties under its jurisdiction;
  - v) In the case of **counties**, at least the power:
    - (a) To review and comment upon all county undertakings and to recommend approval, modification, or disapproval of undertakings that might affect properties included in the county inventory or other historic properties. See *Section 5.B.3(i)(c)*.
    - (b) To review and report to the pertinent county agency or municipality whenever the county is called upon to formulate planning advice concerning actions that may affect properties included in the county inventory.
- 4) Provisions must include establishment of criteria and procedures for designation of historic properties worthy of preservation:
  - i) Legislation encompassing all classes of historic properties is recommended; however, it is sufficient that the criteria admit at least **one** category of historic resources, such as historic districts, etc.



- ii) The criteria may not exclude a class of resources that is defined solely in terms of the property's use or ownership, for example, religious properties, nor the actions of its owner such as designation subject to owner's consent. However, publicly owned properties that fall outside the commissions' ordinary jurisdiction may be explicitly or implicitly excluded.
- 5) The provisions must also include procedures for commission actions and standards and criteria for commission decisions that are consistent with the Secretary of the Interior's Standards for Archeology and Historic Preservation. The Standards can be accessed online at [www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm).
- 6) The provisions must also include procedures for enforcing commission decisions; and
- 7) A process for seeking relief from the strict application of the law in cases where unnecessary economic hardship can be proven; and
- 8) Other provisions to ensure due process, including notification procedures.

**B) The historic preservation review commission established by the local government must meet the following qualifications:**

- 1) The commission must have no fewer than **five** members.
- 2) All commission members must have a demonstrated interest, competence or knowledge of historic preservation.
- 3) To the extent that such professionals are available, the community must appoint **commission members to represent the disciplines of history, archeology, architecture, architectural history, and historic architecture.** Members may also represent the fields of **planning, folklore, cultural anthropology, conservation, landscape architecture, museums, and other historic preservation-related professions.**
- 4) Terms of office must be staggered.
- 5) Commission meetings must be scheduled at regular intervals.
- 6) The jurisdiction of the commission must coincide with the geographical jurisdiction of the local government.
- 7) The commission must have at least the powers described in *Section 3.A.3.*

**C) The local government must maintain a system for the survey and inventory of historic**

properties within its jurisdiction, and must be coordinated with and complementary to the survey activities of the SHPO.

1) To ensure that local survey and inventory data can be readily integrated into the statewide comprehensive historic preservation planning process and other appropriate planning processes, the local government must follow survey methods, standards and format established by the SHPO. Guidelines for survey are available from the SHPO.

i) If the local government receives prior written approval from the SHPO, the local government may use some other survey system and format.

ii) The survey system should include all classes and types of historic resources, not only those that may be subject to the commission's jurisdiction.

2) All inventory material must be securely maintained and must be accessible to the public; however, access may be restricted in the case of inventoried properties that might be damaged by unauthorized persons if its location were generally publicized.

**D)** The local government must provide for **adequate public participation** in the local historic preservation program.

1) All meetings must be open to the general public, announced by public notice, and documented through the taking of minutes, which must record all decisions and the reasons for those decisions, as required under the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law).

2) All policies, procedures, and guidelines used by the local government or commission must be maintained in written form and be readily accessible to the general public.

## Section 4: Process for Certifying Local Governments

A) The local government shall make a formal request to the SHPO for certification. The request **must** include the following:

- 1) A request to participate in the CLG program, including an assurance of the local government's intent to enter into a certification agreement, signed by the chief elected official of the local government or that official's designee;
- 2) A copy of the local historic preservation legislation and any policies, procedures, or regulations that have been adopted for administering and enforcing the legislation;
- 3) Information on the membership of the commission, documenting each member's interest or expertise in fields related to historic preservation and a description of the appointment process. If the commission membership is not drawn from the professional disciplines defined in *36 CFR 61.6* and the Secretary's Professional Qualification Standards (history, archeology, architectural history, architecture, or historic architecture), the local government must document its efforts to obtain representation in such discipline(s) and its proposed mechanism for obtaining professional expertise when needed. See Section 5.B.2.iii.
- 4) A description of the survey system in use by the municipality, a chronology of past survey efforts, a listing of all properties included in the local inventory, and a listing of properties designated under the local legislation;
- 5) If available, a copy of the current local historic preservation plan or a statement describing the local preservation program; and
- 6) If applicable, a statement concerning additional historic preservation responsibilities that the local government agrees to undertake if certified.

B) The SHPO shall review the local government's submission to determine if it fulfills the requirements outlined in Section 3. During the review process, the SHPO may request additional documentation necessary to evaluate the municipality's eligibility for certification. The SHPO shall respond to the chief elected official within **sixty** (60) days of receipt of an adequately documented application for certification.

- 1) If the SHPO determines that the municipality's historic preservation program fails to qualify, the SHPO will identify the deficiencies and suggest remedies.

2) If the SHPO determines that the local government meets the requirements for certification, the SHPO, in consultation with the municipality, will prepare an agreement listing the specific responsibilities the local government will assume when certified.

C) The SHPO will forward documentation of the local government's eligibility for certification to the National Park Service along with the signed certification agreement and a request for NPS concurrence. If the request for concurrence cannot be affirmed as submitted, the NPS will notify the SHPO of deficiencies within 15 working days. If the NPS concurs with the SHPO recommendation, the date of the NPS concurrence shall be the effective date of certification. The NPS will notify the CLG of the concurrence, along with a copy to the SHPO.

## **Section 5: Responsibilities of Certified Local Governments**

- A) All the responsibilities delegated to the certified local government shall be listed in the written certification agreement, which may be amended upon mutual agreement of both parties and the concurrence of the National Park Service.
- B) In order to maintain CLG status, the local government must perform certain responsibilities according to the performance standards specified below. In cases where the performance standard is not being met at the time of certification, the certification agreement shall specify a time period for meeting that standard.

### **Responsibilities:**

#### **1) To enforce the local historic preservation legislation;**

- i) The local legislation shall be enforced continuously and consistently.
- ii) Before amending the local legislation or implementing regulations, the local government shall consult with the SHPO.
- iii) Any amendments to the legislation enacted by the local government and any rules or related administration procedures shall be consistent with the requirements and intent of the CLG program.
- iv) The local government shall provide the SHPO with copies of any amendments or rules within **90** days of their enactment.

#### **2) To maintain a qualified historic preservation review commission;**

- i) An adequate commission shall be maintained at all times. Vacancies shall not be allowed to impair the commission's ability to take action for more than thirty days.
- ii) The local government shall make maximum effort to obtain professionals who meet the qualification standards set forth in 36 CFR 61.6 and the Secretary's Professional Qualifications Standards to fill any vacancies on the commission. At a minimum, commission members must demonstrate interest, competence or knowledge of historic preservation. The local government shall maintain records of the appointment process and shall submit a description of the recruitment process and qualifications of any newly appointed members to the SHPO.
- iii) When a commission reviews and comments on National Register nominations or other actions requiring evaluation by a professional in a discipline that is not represented on the commission, the commission shall obtain expertise in that area before rendering its decision. The commission may seek assistance from

universities, private preservation organizations, the SHPO, other review commissions or private consultants. The local government shall maintain records documenting that such professional advisors to the commission comply with the 36 CFR 61.6 and the Secretary's Professional Qualification Standards.

iv) Commission members shall maintain or augment their knowledge through participation in historic preservation training at least annually or as provided by the SHPO. The SHPO will provide all local commissions with orientation materials and training pertaining to the roles and operations of federal, state and local historic preservation programs. Commission members may satisfy the training requirement through attendance at training provided by the SHPO or at other training approved by the SHPO. Unless otherwise stated, at least 75% of commission members must attend such training.

v) The commission shall meet **at least four times** during each year. In order to ensure public participation, the commission shall conduct all business in a public manner, consistent with provisions of the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law).

**3) To maintain a system for the survey and inventory of historic properties coordinated with and complementary to the survey activities of the SHPO;**

i) Local inventories shall include, at a minimum:

(a) All properties in the municipality that have been listed in the State and National Registers of Historic Places,

(b) All locally designated properties, and

(c) In the case of counties, all county-owned properties that meet the National Register criteria for evaluation. Evaluation of county properties shall be undertaken in consultation with the SHPO.

ii) Copies of local inventory shall be provided to the SHPO for inclusion in the statewide inventory of historic resources.

iii) All inventory material shall be **updated** to reflect new historic information or significant changes in the condition or status of inventoried property as such information becomes available, but **at least every five years**.

iv) Local inventory data shall be maintained in a manner that is accessible to the public and secure from physical damage or loss.

**4) To provide for adequate public participation in the historic preservation program.**

i) All local government meetings concerning historic preservation shall be open to the general public, announced by public notice, and documented through the taking of minutes, in compliance with the NYS Open Meetings Law (articles 6 and 7 of chapter 47 of the Consolidated Laws--Public Officers Law).

ii) All local government records, policies, procedures and standards for the historic preservation program shall be maintained in written form and be readily accessible to the general public.

iii) The local government shall inform its employees and officers of conflict of interest rules mandated by NYS General Municipal Law Article 18 Sections 801 and 802, and by the *National Register Programs Guidelines* (NPS-49) by means of a written code of conduct, oath of office, annual training, or other means.

iv) The local government shall solicit and respond to public comment on all historic preservation issues that are of general public interest, including, but not limited to local district designations, State and National Register nominations and establishment of policies and procedures.

**5) To actively participate in the process of nominating properties to the State and National Registers of Historic Places.**

i) Certified local governments may propose and sponsor nominations to the State and National Registers, but may not review and nominate properties directly to the National Register except as provided in *36 CFR 60.12* (Nomination appeals). Nominations developed and sponsored by CLGs shall be given priority for review by the New York State Board for Historic Preservation, provided they are developed in consultation with the SHPO and based upon a comprehensive local historic resources survey.

ii) If any State or National Register nomination proposal received by the SHPO lies within the jurisdiction of a CLG, the SHPO shall transmit a copy of the fully documented nomination proposal to the local historic preservation review commission and the chief elected official for review and comment in no less than sixty days nor more than one hundred and twenty days prior to the scheduled review of the proposal by the State Board for Historic Preservation.

iii) If a historic district is proposed, the CLG shall assist the SHPO in notifying property owners and/or conducting public information meetings at a time and place agreeable to the SHPO.

iv) The commission, after providing a reasonable opportunity for public comment, shall prepare a report stating its opinion as to whether or not such property meets the criteria for listing in the State and National Registers. The report shall objectively evaluate the property in accordance with the National Register criteria for evaluation. Upon request, the SHPO shall provide guidance in



applying the National Register criteria.

v) Within **sixty** (60) days of notice from the State Historic Preservation Officer, the chief elected local official shall transmit the report of the commission and his/her recommendation to the SHPO. The CLG comment period may be reduced by mutual agreement between the CLG and the SHPO, and will be eliminated when the CLG, as sponsor of a nomination, transmits its report and recommendation as part of the nomination package.

vi) If the commission and the chief elected official agree that the proposed nomination does not meet the criteria for listing in the State and National Registers of Historic Places, the chief elected official will return the nomination materials along with the commission's report and his/her opinion to the SHPO. The chief elected official shall notify the commission, the property owner(s) and the public of this action. The SHPO shall take no further action regarding the National Register nomination unless an appeal is filed in accordance with *36 CFR 60.12*. If such an appeal is filed, the SHPO shall place the nomination before the State Board for Historic Preservation at the earliest possible meeting.

vii) For the purposes of the State and National Registers nomination process, the jurisdiction of a county CLG shall include only properties owned by the county. Only in the case of county-owned property shall the county CLG have the powers described in Section 5.B.5.vi previous.

**6) To submit an annual historic preservation report.** The report shall be submitted to the SHPO no later than November 15 and shall cover the period ending on the preceding September 30. The report shall follow a format prepared by the SHPO and shall include:

i) A statement of the present status of historic preservation activities and land use or other regulations relating thereto as they are being administered within the reporting jurisdiction;

ii) An identification and analysis of any problems or issues relating to the effectiveness of local development or administration of historic preservation plans and programs, including problems of funding and personnel requirements, procedural problems, enforcement problems, or any other issue;

iii) A report on commission activities, which shall include, at a minimum, the number and types of cases reviewed, documentation on any new designations made, updated resumes for commission members, and minutes relating to consideration of National Register nominations;

iv) A report on the status of inventory and survey, including a list of properties added to the local inventory, and copies of the inventory forms.

v) Copies of any documents published by the commission or CLG concerning the local historic preservation program.

C) The SHPO may at his/her discretion and by mutual written agreement with the local governing body, delegate further responsibilities to the certified local government.

- 1) Either the SHPO or the local government may initiate expansion of CLG responsibilities at any time.
- 2) Such delegation will be executed in the written certification agreement.
- 3) It shall be the responsibility of the SHPO to establish criteria, qualifications, and performance standards for such additional responsibilities.

## **Section 6: Process for Monitoring Performance of Certified Local Governments and Revoking Certification**

- A)** The SHPO shall monitor CLG programs and at least every four years shall evaluate each certified local government to ensure that it is fulfilling its responsibilities as defined in these procedures and in the written certification agreement.
- B)** The SHPO shall examine documents submitted by the CLG, including the annual reports, completion reports for any subgrants, inventory forms, any procedures and guidelines published by the certified local government, and any other public documents relating to administration of the local historic preservation program. In addition, the CLG shall make available any other records and materials that the SHPO may request, and the SHPO may attend meetings of the commission or take other action to learn about the operations of the certified local government.
- C)** The CLG will be notified in writing of the results of the performance review, along with suggestions for improvement in its operations.
- D)** If the SHPO determines that the CLG has failed to fulfill its responsibilities according to the performance standards set forth in Section 5 previous, the SHPO shall notify the certified local government in **writing** of this determination, documenting the areas that require correction, and advice and assistance on any steps that **must** be taken to correct the deficiency. The SHPO shall specify a time period within which improvement must be achieved. The CLG shall have no less than **thirty** (30) days nor more than **one hundred twenty** (120) days to implement the required improvements.
- E)** If at the end of the allotted time the SHPO determines that sufficient improvement has not occurred, the SHPO may recommend to the National Park Service that the certification of the local government be revoked, citing specific reasons for the recommendation.
- F)** Within **thirty** (30) days of receipt of an appropriately documented SHPO recommendation for revocation of certification, the NPS will notify the SHPO of any problems or additional time needed to review the recommendation. The local government will be decertified upon NPS concurrence with the SHPO recommendation.
- G)** When a local government's certification is revoked, the SHPO shall so notify the local government. If the municipality is a subgrantee for HPF monies for an activity found deficient by the SHPO, the SHPO will conduct financial closeout procedures as specified in the National Register Programs Guidelines.