

A presentation on the history of Philmont and the proposal to nominate the Historic District was held in the Village Hall on Sunday, September 11<sup>th</sup>, 2022. Over 60 people attended and asked the questions below. We've provided answers to help property owners understand how the Historic District, if nominated to the State and National Register of Historic Places, can help homeowners, landlords, and commercial building owners apply for State and Federal preservation tax credits to assist with the cost of building renovations.

**QUESTION #1 What is the difference between a local historic district and a State or National Register listing as a historical district?**

**ANSWER** A listing on the NY State and National Registers of Historic Places is primarily a means of recognizing Philmont's unique historical legacy and imposes no regulations on the use or alteration of any building. This is the type of district designation that is being proposed for Philmont. It does not require a review by a local committee or commission of renovations for buildings located in the district. Nearby examples of such districts include the Town of Austerlitz and Town of Hillsdale.

In contrast, a village, town or city has the power, through its land-use laws (i.e., zoning), to regulate the appearance of buildings within a designated area of special historical or architectural significance, should it choose to do so. The only examples of this type of district in Columbia County are the City of Hudson, with six areas designated as historic districts, and the Village of Kinderhook. Both Hudson and Kinderhook have established local Historic Preservation Commissions for their districts. This is **NOT** the type of district that is being proposed for Philmont.

**QUESTION #2 So, if there is no enforcement mechanism, what does being a listed district mean, anyway? What is the benefit, and what are the costs?**

**ANSWER** Historic Districts build pride of place in the community as buildings improve with renovations. State and Federal income tax provisions try to encourage property owners to make building rehabilitation improvements by offering tax credits to offset the cost of this work. Homeowners can apply for 20%-30% of the cost of renovations; income-producing properties (including residential rentals) qualify for 40%-50% of the cost of renovations.

Of course, in order to qualify for this "free money," a property owner in the District must agree to have the work reviewed by the State Historic Preservation Office both before and after construction. But property owners in the district are free to do any renovations as they please if they do not intend to request the tax credits.

**QUESTION #3 If the majority of property owners support the nomination resulting in the Village of Philmont Historic District listing on the State and National Registers, will the listing affect local property taxes or zoning?**

**ANSWER** No. Listing the Historic District on the State and National Registers has no direct bearing on any of these local actions.

**QUESTION #4 Who decides if the Village of Philmont Historic District is to be listed on the State and National Registers of Historic Places?**

**ANSWER** The property owners! The decision is totally in the hands of property owners – neither the Village of Philmont Board nor the NY State Historic Preservation Office nor the National Park Service make that decision. When the nomination is scheduled for a State Review Board meeting, a notification letter will be sent to the owner(s) of every property located within the proposed historic district. The letter will provide information about the NY State Register and the National Register, as well as how one can submit an objection, if that is your desire. In order for the nomination to go

forward, a majority of property owners must support nominating the district. Under State and National Register regulations, each property owner gets one vote, irrespective of how many properties they own or whether or not those properties are considered “historic” and/or “contributing to the historic nature of the district.” For example, a husband and wife who own a property jointly would each get one vote. By the same token, a person who owns five buildings would also get just one vote. A corporation or LLC would be considered one entity with one vote. The Village Board is also entitled to one vote.

**QUESTION #5 Can a property owner choose the color to paint their property?**

**ANSWER** Yes, absolutely. Philmont does not, and will not, have a local preservation committee or commission with any legal power to regulate your choice of color for your house or the design of your renovations.

**QUESTION #6 Is a contributing building within the Historic District exempt from the requirements of the applicable New York State energy conservation codes?**

**ANSWER** Historic buildings are given special flexibility, but they are NOT given a “blank check” to shirk all energy codes. In 2021, the Village of Philmont Board locally-adopted the NYStretch Energy Code, which has stricter requirements than the Energy Conservation Code of NY State (ECCNYS). The NYStretch Code does have a mechanism in which alterations to historic buildings may be released from requirements that would otherwise apply. However, it requires a property owner to provide a report prepared by the State Historic Preservation Office, or by a registered architect or other design professional, demonstrating that full compliance with the NYStretchCode requirements would “threaten, degrade or destroy the historic form, fabric or function of the building” (NYStretch Code sections R501.6 & C501.6). (Note: This is a stricter requirement than that in the New York State energy conservation code, which grants a blanket provision without requiring a report.)

This provision in the Philmont-adopted NYStretchCode is already in place, whether the nomination of the historic district goes through or not. The NYStretch Code defines a “historic building” as any building or structure that is listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places (NY Stretch Code sections R202 & C202). As the Historic District was already determined to be eligible for nomination in March 2021, the buildings in the district labeled “historic” or “contributing” will remain eligible for the NYStretch Code provision even if property owners decide to object to the nomination of the district.

**QUESTION #7 At what stage is the nomination process for the Historic District?**

**ANSWER** In March 2021 the Village of Philmont Historic District was determined to be eligible based on the Resources Evaluation completed by the New York State Historic Preservation Office. The evaluation was based on a Cultural Resources Survey of 425 buildings, prepared under the auspices of the Village of Philmont and Philmont Beautification, Inc. The three-volume Survey is available in print at the Village Office and the Philmont Library, and online at the Village, Philmont Library, and PBI websites. The nomination is being assembled by the preservation specialist and is expected to be completed by August 2023. It is funded by donations from local property owners and Preserve New York grant funds awarded to PBInc to pay the preservation specialist’s consultant fees.

Want more information about the available preservation tax-credits?

Philmont Beautification, Inc

<https://pbinc.org/historical-resources-survey/>

or

<https://parks.ny.gov/shpo/national-register/>

Want to email PARKS with questions?

**Jennifer Betsworth**, Historic Preservation Program Analyst

[jennifer.betsworth@parks.ny.gov](mailto:jennifer.betsworth@parks.ny.gov)