

# The Local Landmarker

Issue 6, December 2007



*On the Cover: The Dutch Reformed Church on Grand Street in Newburgh. A CLG since 2005, Newburgh has one of the finest collections of nineteenth century architecture in the United States. The home of many “tastemakers” of that period who conceived of civic ornaments that still grace the streets, today it is working to move forward using it’s historic character as an asset. The Dutch Reformed Church, constructed in 1835, was the work of Alexander Jackson Davis, and is considered an exemplar of the Greek Revival style. Unconsecrated and largely unused since 1967, repair projects have begun to reverse deterioration and move it back to its original splendor, as can be seen with the recently restored column shafts.*

## From the Coordinator

2007 is over; 2008 is upon us. In 2007, we saw 2 excellent grants-assisted commission workshops that attracted commission members from across the state. We added new CLGs, the Village of Ellenville, in the Catskills, and the Town of Orchard Park, in Erie County, south of Buffalo. There are several other communities working towards Certification, and I hope to have at least one (maybe two!) I can announce in the next *Landmarker*. As the community grows, it means two things: first, we have more partners in the field who we can learn from and share with, and; second, I have more work to do!

Towards lightening all our loads, I've decided to devote this issue of *The Local Landmarker* to preparing a guide for local commissions to create a "handbook" that should be with every member at meetings. I've seen several commissions with these types of materials in easy-to-use binders, containing the local law and other resources. I'm convinced that used properly such a handbook can keep a commission focused on process, the work at hand, and last but not least, within their legal responsibilities.

Many of you know that we've been holding a series of statewide public meetings as well to gather input for our National Park Service required statewide preservation plan, and I've been glad to see CLG preservation commission members at a number of them. As official partners with our office, we value your input on preservation issues across the state. If you haven't been able to attend one and would like to add your comments to our outreach effort, you can go to <http://www.nysparks.state.ny.us/shpo/planning/involved.htm>, or call Amy Facca at our office, 518-237-8643, ext 2109.

As usual, I look forward to seeing you at your meetings! Please let me know if want me to visit your commission and we set up date and time.

Julian Adams  
CLG Coordinator

P.O. Box 189  
Waterford, NY 12188  
(518) 237-8643, ext, 3281  
Julian.Adams@oprhp.state.ny.us  
Listserv:nysclg@yahoogroups.com

## Creating a Commission Workbook

When I first started visiting commissions in 2006, I noticed three things that concerned me. First, some commissions were not running their meetings in accordance with open meetings law, or even for that matter, Roberts Rules of Order. Second, many commissioners were not familiar with the local law that created the commission or board, adding to confusion on procedure and powers. Finally, decisions were being made without referring to designation criteria or review standards. Any one of these things can get a decision overturned or thrown out either by the local legislative board, or worse, a judge if a case were to go to court. As you might remember I dedicated several issues of the Landmarker to addressing those issues.

Tying the issues together in a “workbook” or “handbook” for commission members can help all of the above. In such a book, the local enacting legislation will be right there, along with a guide to meeting procedure and etiquette, and review standards or guidelines; all then can be readily referred to. Sample resolutions and other resources can also be included to guide decision-making process. The end product can service not only new incoming commission members, but also those who have been on the board for some time. With everyone using the handbook, you can be assured that the commission is “coloring within the lines” in regard to operations and legal frameworks.

What follows is simply a recommended outline of what should be in a commission workbook. Your group may add some elements, but I would encourage you to include at least those listed.

### **Section 1: The Local Historic Preservation Law**

The law may seem an obvious choice to include in a workbook, but when was the last time you actually read yours? Sometimes it is difficult for some commission members to locate a copy; some commission members I’ve met have never even seen theirs! The law is the document that sets forth the powers and duties for the commission and no one should make any action on a commission without understanding those key elements. Having the law in a workbook provides a ready and easy resource for answering points of procedure and purpose. Some commissions have taken the step of appointing a member to be the “point” person on the law, having them serve as the resident expert on its provisions. However, I believe that everyone should also have access to the law and be able to discuss it intelligently; even with one person serving as the “specialist” all members should have a copy readily available.

## Section 2: Meeting Process

As a part of the local municipal government, it is important that you act accordingly. Your meeting is a function of the representative form of governance our country was established under, and as such with any official actions and duties, there are requirements and expectations for how a meeting is to be run. First, you may wish to include the “Open Meetings Law” in your binder. This law is official New York State law for all public bodies, and sets forth requirements for meeting notification, decision making, and record keeping. A copy of it can be found at: <http://www.dos.state.ny.us/coog/openmeetlaw.htm>. It is not long nor is it difficult to understand.

You may also wish to include a sample outline of a typical meeting agenda. I included one such outline in the September 2006 **Landmarker**, which you might find useful. If you cannot locate that issue, you can access it online at:

[http://www.nysparks.state.ny.us/shpo/certified/docs/2006\\_Sept\\_Landmarker.pdf](http://www.nysparks.state.ny.us/shpo/certified/docs/2006_Sept_Landmarker.pdf)

Using appropriate meeting process ensures that everyone is treated fairly and that decisions are made appropriately.

## Section 3: Designation Criteria

Although included in the law, I feel it is appropriate to have the designation criteria for historic properties also set into its own section. The appropriate criterion or criteria should always be stated whenever a property or district is designated, and having this list readily available can keep these crucial concepts in plain sight and familiar to commission members as well as easily usable.

## Section 4: Review Criteria or Guidelines

Certificates of appropriateness must be decided using only the criteria given in the law, and these criteria should also be clearly referenced. Having them listed in their own section makes them easily referenced and clearly stated in records of decision. Decisions made on any other criteria run the risk of being considered arbitrary and capricious.

## Section 5: Sample Resolutions

When making decisions, it is important to have them stated and recorded clearly, referencing criteria and spelling out the decision exactly. This prevents misinterpretations or other unintended consequences. Having a sample resolution that can be readily used for decisions is important to ensure that the appropriate language and form is used. A sample resolution for designation is included at the end of this article for your use or consideration. A companion resolution for making a decision on an application for a Certificate of Appropriateness follows. **Please note: the designation resolution may be slightly different if your commission or board only recommends designations rather than actually making them.**

## Section 6: Technical Materials

It is virtually impossible to know everything there is to know about how to treat historic materials, such as cleaning stone, repairing wooden windows, repointing masonry, replacing roofing. Questions of appropriate new design, infill construction, or additions to historic buildings can also be difficult to answer off the cuff. Even seasoned preservationist

professionals use “cheat sheets”, so why shouldn’t your local commission? The best source of easy to read, well illustrated information on historic buildings, materials, and design is the National Park Service’s Preservation Briefs series. While it might not be feasible to include every issue in a commission member’s binder, you might wish to include those issues that address issues that commonly come before the board. You can access (and print) the Briefs at <http://www.nps.gov/history/hps/tps/briefs/presbhom.htm>.

I’m certain that you will have more ideas for your own binder(s). If so, please feel free to contact me and share your additions. I will pass them along to our other member communities

### Sample Designation Resolution

Action by the \_\_\_\_\_ Historic District Review Board/Commission  
Resolution Date:

A RESOLUTION TO DESIGNATE THE PROPERTY AT(address)  
AKA: (historic or common name)

We, the duly appointed members of the Historic District Review Board/Commission of \_\_\_\_\_, do this  
\_\_ day of \_\_\_\_\_, adopt the following resolution:

WHEREAS, as set forth in \_\_\_\_\_ of the Code of \_\_\_\_\_, the Historic District Review  
Board/Commission may designate landmarks and districts of historic and cultural significance; and

WHEREAS the Historic District Review Board/Commission has reviewed (*Address of property*), and at the  
(*date*) Board meeting the Board discussed the proposal for designation; and

WHEREAS a Public Hearing on the potential designation of (address) was held on and at (*time and  
location*); and

WHEREAS, Section \_\_\_\_\_ of the Code of \_\_\_\_\_ provides the following criteria under which the  
Review Board may designate an individual property if it:

- (a) Possesses special character or historic or aesthetic interest or value as part of the \_\_\_\_\_ cultural,  
political, economic or social history of the locality, region, state or nation; or
- (b) Is identified with historic personages; or
- (c) Embodies the distinguishing characteristics of an architectural style; or
- (d) Is the work of a designer whose work has significantly influenced an age; or
- (e) Because of unique location or singular physical characteristic, represents an established and  
familiar visual feature of the neighborhood.

WHEREAS the Historic District Review Board/Commission has made the following findings of fact  
concerned the proposed designation:

*(here restate the appropriate criteria above, describing how the property meets this. You may not use all of  
them for each property. For Example: "The Dragon Inn is a significant work of  
locally/nationally/statewide prominent architect -----". Or "The Dragon Inn is an outstanding example of  
the Second Empire style as applied to large country seats in the 1860's, exhibiting a polychrome mansard  
roof, classical ornament, etc."*

NOW THEREFORE BE IT RESOLVED, that we, the duly appointed members of the  
Historic District Review Board of \_\_\_\_\_ do this \_\_\_\_\_ day of \_\_\_\_\_, determine that (address)  
meets criteria defining a landmark as set forth in \_\_\_\_\_ of the Code of \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_, Chairman  
Historic District Review Board/Commission  
Date of Issuance: \_\_\_\_\_

### Sample Certificate of Appropriateness Resolution

Action by the \_\_\_\_\_ Historic District Review Board/Commission  
Resolution Date: \_\_\_\_\_

A RESOLUTION TO APPROVE/DENY/APPROVE WITH CONDITIONS PROPOSED WORK AT  
(address)  
AKA: (historic or common name)

We, the duly appointed members of the Historic District Review Board/Commission of \_\_\_\_\_, do this  
\_\_ day of \_\_\_\_\_, adopt the following resolution:

WHEREAS, as set forth in \_\_\_\_\_ of the Code of \_\_\_\_\_, the Historic District Review  
Board/Commission has the power to approve or disapprove applications for certificate of appropriateness;  
and

WHEREAS the Historic District Review Board/Commission has reviewed the application for work at  
(Address of property), and at the (date) Board meeting the Board discussed the proposal; and

WHEREAS, Section \_\_\_\_ of the Code of \_\_\_\_\_ provides criteria under which the Review Board  
may approve or disapprove applications for a certification of appropriateness:

WHEREAS the Historic District Review Board/Commission has made the following findings of fact  
concerned the proposed application:

*(Here state an abbreviated description of the proposed work, and cite how that work does or does not meet  
the criteria for review. You may not use all criteria for each project. However, be precise in describing  
how the work will be undertaken. For Example: "The proposed roof repair at the Dragon Inn meet the  
criteria for approval of a Certificate of Appropriateness in that damaged and/or deteriorated slate shingles  
will be replaced in-kind to match in color, size, shape, location, and installation, thereby appropriately  
repairing and retaining a character defining historic feature of the property and of the historic district."*

NOW THEREFORE BE IT RESOLVED, that we, the duly appointed members of the  
Historic District Review Board of \_\_\_\_\_ do this \_\_\_\_\_ day of \_\_\_\_\_, determine that the  
proposed work at (address) meets criteria for work at designated landmarks as set forth in \_\_\_\_\_ of the  
Code of \_\_\_\_\_

\_\_\_\_\_, Chairman  
Historic District Review Board/Commission  
Date of Issuance: \_\_\_\_\_

## Featured Website

### Village of Brockport Historic Preservation Questions and Answers

<http://www.brockportny.org/html/history/preservation.html>

One way to help your commission's work, aside from having a good workbook that members can refer to is to have materials that the public can readily access and refer to as well. The Village of Brockport, a CLG since 1996, has developed an excellent website that is part of the larger village website. On this page are quick answers to questions such as: "*What is the Brockport Historic Preservation Board?; If a building or district is historically designated, what does that mean?, and ; How do I apply for a certificate of appropriateness?*" This information helps everyone, from the property owner filling out a Certificate of Appropriateness application for the first time, to the commission itself. A public informed about the when, where, how, and why of the local preservation program helps everyone's work go more easily.



*A residence on Grand Street in Newburgh, designed by Calvert Vaux, 1875: Grand Street was the "grand street" of Newburgh in the nineteenth century, with institutional, civic, and residential landmarks designed by Calvert Vaux, A.J. Davis, Frederick Withers, A.J. Downing, and other significant designers of the period. The Hudson River can be seen behind the house, indicating the dramatic setting that characterizes the City of Newburgh.*



## The Back Page

In keeping with the holiday season, and also with some of my wildest dreams for the CLG program, I am using this issue's back page to present a "wish list" of grant projects that I wish some CLG communities would ask for in the 2008-09 rounds next summer. I think that these projects would be a big help not only for the CLG that requests the funding, but also for the entire state-wide program (hint: projects that have a larger, state wide focus typically rank higher in the ratings!).

- The creation of web-based learning modules for commission members. These could be taken at any time, alone or as a group, and be available 24 hours a day.
- Regional CLG meetings to build support networks and provide learning to as many communities as possible.
- A CLG hosting a National Alliance of Preservation Commission's Community Assistance and Mentoring Program (CAMP), inviting other CLGs in the region  
Information on CAMP can be found at:

<http://www.sed.uga.edu/pso/programs/napc/camp.htm>

- Local municipal preservation plans or preservation components of larger municipal master plans.
- CLG website assistance, in the form of a "model" or "generic" website that can be easily tailored for other communities.