

# TOWN OF SAUGERTIES

## HISTORIC PRESERVATION COMMISSION



## Town of Saugerties Historic Preservation Ordinance FAQs

### *Why does Saugerties have an Historic Preservation Ordinance?*

NYS Municipal Law requires Towns to have a Master Plan to guide the application of their Zoning Ordinance. Saugerties enacted a Comprehensive Plan for this purpose on December 22, 1999. One main feature of the Plan, Goal #4, focused on preservation of the unique historic character of the Town. The history of the town was singled out as a quality-of-life asset to be considered when assessing any future development.

Saugerties has one of the fullest ranges of history in all of New York State. It has been the site of events ranging as far back as the Discovery by Henry Hudson to the British fleet in the Revolutionary War; from early manufacturing in the Industrial Revolution to the Woodstock Festival's 25th Anniversary in the late 20th century.

People seek to live and work in interesting places. The Comprehensive Plan recognized that preservation of the tangible representatives of Saugerties' past is important for attracting and retaining both private and public investment in the town.

Goal #4.7 of the Comprehensive Plan was a recommendation that Saugerties pursue the benefit of becoming a Certified Local Government. This required the Town to have a survey of its historic assets, a preservation law and a qualified commission to designate and oversee preservation of the historic assets of the Town of Saugerties.

In 2003 an Historic Preservation Ordinance was drafted to codify these concepts of the Comprehensive Plan into law. This ordinance was made a local law in 2004. This law charges a Commission with the responsibility of evaluating the town's historic assets and designating official landmark properties and landmark districts of the Town.

A 2004-2005 survey funded by the Preservation League of the State of New York documented over 180 properties eligible for landmark status under State and National Register criteria in the Town of Saugerties, 60 of which were stone houses. Nearly 100% of the assets recorded in this survey were maintained by deeply caring and responsible owners in conditions sensitive to their historical importance to the town.

### *What does the Historic Preservation Commission do?*

The intent of the Historic Preservation Ordinance is twofold; to provide an educational and regulatory resource for the preservation of historic properties in Saugerties and to provide professional support and advice as to the proper preservation of properties to the owners of designated landmarks. The Commission serves this function by designating landmarks during informational public hearings and by providing an ongoing oversight over the preservation of designated properties through issuing Certificates of Appropriateness for any proposed work that may be necessary. It also serves as a resource to owners of undesignated historic properties for preservation advice and related information.

Since there are relatively few historic houses in the town that are in need of designation by the Commission in order to save them, the Commission's role is more to see that the integrity of the well maintained resources of the Town are not undermined by unsympathetic development in their respective historic settings.

Stone houses and other early examples of architecture from past centuries in Saugerties are generally now purchased specifically to be **either** restored or preserved in their restored state. Such properties have been good investments for their owners **because they** retain their values relatively insulated from the normal fluctuations of the real estate market. They often also command a premium when sold.

Many of the historic assets of the town are farm-oriented. In the past decades this farm context was often lost when there was development of the farmland for modern housing, changing the historic setting and the overall historic fabric of the town. It is therefore also a responsibility of the Commission and the intent of the ordinance to provide the oversight that will enable both development and historic landmark to coexist in a setting sensitive to the needs of both. The Commission works with the planning board when a designated property or lands that relate to it are being developed in order to guarantee that the style and orientation of the housing is sensitive to the retention of the historic setting.

### ***How does a property become a landmark?***

Designation of a property as a landmark of the Town is both an honor and a responsibility. Many owners who have invested much time and expense in a restoration would like this effort to be officially recognized through an historic designation. There is a form available from the Town Clerk that is used to begin this process.

In some cases a request will be made for the Commission to designate an historic property that is in disrepair or is threatened in some other way. In those cases, the Historic Preservation Ordinance can be applied to prevent its loss to the Town and any citizen of Saugerties can submit the request form. The requestor need not own the property and the Commission need not have permission of the property owner to proceed with hearings on a request or to make a designation official.

A third way that a property may proceed toward designation is for the Commission to select it from the 2004-2005 survey of the historic buildings of the Town. The Commission does this more to officially recognize the Town's inventory of historic structures than to show any need for oversight.

### ***What gives this Ordinance the right to designate without the property owner's permission?***

The purpose of the Saugerties Historic Preservation Ordinance is to maintain the historic character of the town. The Commission is mandated by the ordinance to act to designate when the town is threatened with the loss of an important historic asset. This may not always be in the best interest of the property owner. Prior to the 2004-2005 survey, three of the town's important stone houses appearing in the 1976 DAR publication, "Stone Houses of Saugerties", disappeared without any need for even a demolition permit. Their owners clearly felt that the location and setting of the older structure was more suited to the new home that replaced it. It is the spirit (and requirement) of the Historic Preservation Ordinance of the Town of Saugerties to prevent this from ever happening again.

The main difference between local landmark laws and the laws that support the State and National Registers of Historic Places is this legal right to designate an historic asset without the permission of the current property holder. This is because it directly benefits the needs of a local population; it is a "home rule" law. Despite this difference the designation of a local landmark is NOT a "taking" of

property. The only change in the owner's private property status is the Commission's oversight of any change made to the characteristics that have been recognized as historic during the designation process.

A local Historic Preservation Ordinance is just like any other local maintenance law. The building department has laws to enforce the maintaining of a property for safety. The police department has laws to maintain order. Saugerties' Historic Preservation law is to preserve (maintain) the historic assets of the town.

As enacted and as referenced in its preamble, the purpose and powers of the Historic Preservation Ordinance of the Town of Saugerties are the same as those of hundreds of other local preservation ordinances around the United States whose designations and oversights of historic properties have withstood legal challenges right up to the Supreme Court.

### ***Is age the only thing that qualifies a property for a historic designation?***

There are many centuries-old properties in Saugerties. Not all can make the cut to qualify for designation under the criteria of the Historic Preservation Ordinance. Saugerties has a very comprehensive record of its history. It is fortunate to have been a part of the Corporation of Kingston since 1687 and to have had the benefit of the first 125 years of its history documented in that body's records. In addition, the 19th century record is fully available in the chronicles of the many industries that had their beginnings here. Thus, a property must have played a significant part in this record to be a landmark more relevant to the history of the Town than any other available candidate of comparable age.

In the Historic Preservation Ordinance there are five criteria that qualify a property to be a landmark and only one has to be met for a designation. It must be proven conclusively that the property meets one or more of the criteria. In the criteria the architecture, local prominence, historic owner or State/National Register status are the principal factors under consideration.

The Commission, by law, is made up of five volunteers, each having demonstrated knowledge of local history, architecture, and archaeology. In addition, the Commission has access to many professionals in the field of preservation that it may call to testify during the designation hearing for a property. This public hearing also draws on the comments of the neighbors and other citizens of the town. Only after a complete record of the evidence is collected does the Commission make its decision to designate.

### ***Why should a designated property be taxed differently from any other?***

The taxes on a landmark property are the same as any other property comparable in living area and lot size.

Designated landmarks are, however, given tax relief on improvements made to them that would typically raise their assessed value. For any improvement for which they must come before the Commission for a Certificate of Appropriateness there is a 10-year phase-in of the full taxes on the related re-assessed value.

This is most important in regard to properties in need of major restoration efforts. The investment can be substantial. This 10-year break is a small way that the law allows the Town to thank the owner for providing this enormous community service.

The restoration and preservation of designated historic properties adds social and economic benefits to the community. It is rare that the owner of any property in Saugerties is not aware of its

relationship to an historic property in its neighborhood. Every hamlet and side road of Saugerties sports an emblem of an earlier era that a newer dwelling is proud to share its identity with. This proximity not only improves the value of their home but also helps to provide a sense of place and community that can only be possible when living in an historic setting.

### ***How does an owner of a designated property know what can and can't be done to it?***

The preservation ordinance relates only to exterior architectural or landscape aspects of a designated property that are visible from public spaces and interior spaces of a designated property that are open to the public. Any work requiring a building permit must, in the case of a designated property, also have a Certificate of Appropriateness (C of A) issued from the Commission before the building permit can be issued. The Commission is required to do a review of the work for the requested C of A at the next regular meeting after the request is submitted. The building inspector will supply the C of A forms to any applicant requesting a building permit on a designated property. It is strongly recommended that the applicant contact the Commission chair before submitting the forms to discuss the project being planned. This will expedite the review process.

There are guidelines that the Commission uses when dealing with what is appropriate and what is not. These are applied to architectural elements such as the roof and windows. They also cover landscape elements such as stone walls and tree lines that do not require a building permit to change. Because of the variety of historic aspects of particular properties, the Commission is responsible for specifically enumerating those of an individual property in its designation documentation. It is the responsibility of the owner to maintain these designated features and contact the Commission with any request for change. The law gives the Commission the power to have changes reversed if done without a C of A.

### ***Must the property owner follow the guidelines of the Commission?***

A full seven pages of the ten page Historic Preservation Ordinance addresses the rights of the property owner. Should the guidelines of the Commission present a hardship to the owner the law allows the property owner to present a hardship grievance to the Zoning Board of Appeals.



# Town of Saugerties

## Historic Landmark Designation Request Form

*Commission Use Only*

**Designated Name of Nomination**

Applicant Submission Date \_\_\_\_\_

Name of Current Property Owner

\_\_\_\_\_

Mailing Address of Property Owner

Telephone Number \_\_\_\_\_ E-mail \_\_\_\_\_

Property Physical Location/Address:

\_\_\_\_\_

SBL# Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

(SBL# = section, Block, Lot # can be obtained at Town Assessor's Office or County Tax Map Dept)

Deed Liber \_\_\_\_\_ and Page \_\_\_\_\_

### Classification

Ownership of Property:      Private      Public

Category of Property:      Building(s)      District      Site      Structure      Object

### Function or Use

Historic Functions or Uses:

\_\_\_\_\_

Current Function or Use:

\_\_\_\_\_

Name of Architect and/or original builder (if known)

\_\_\_\_\_

**Statement of Significance** - Mark all the applicable boxes below for the criteria qualifying the property for Local Historic Designation Listing

- Property possesses special character or historic or aesthetic interest or value as part of the cultural, economic or social history of the locality, region, state or nation
- Property is identified with historic personages
- Property embodies the distinguishing characteristics of an architectural style
- Property is the work of a designer whose work has significantly influenced an age
- Property, because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood
- Property is listed on the State and/or National Registers of Historic Places or is the subject of a pending application for listing

**Narrative Statement of Significance** - Explain the significance of the property in terms of the boxes checked above, on one or more continuation sheets marked "Exhibit A", and attach the sheet(s) to the application. Upon acceptance of this Request for Nomination a public hearing will be scheduled at which additional testimony supportive of Landmark Designation will be added to this statement.

**Bibliography:** - Cite any books, articles, original historic records or other sources used in preparing this form on one or more continuation sheets marked "Exhibit B", and attach the sheet(s) to the application.

**Map:** Please create a map of the internal locations of the property and a map of the property's location on the larger map of Saugerties, mark as "Exhibit C", and attach to the application.

**Photographs:** Please attach photos of views of all sides of property and pictures of outbuildings and other structures and features of the surrounding property, place in a folder and mark folder as "Exhibit D". (Period photos if available are very useful and will be, with your permission, copied and returned to you.)

*Form prepared by:*

Name/Title: \_\_\_\_\_

Organization: \_\_\_\_\_

State: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name of Applicant                      Signature of Applicant                      Date mm/dd/yy

\_\_\_\_\_

*Commission Use Only*

**SHPC Certification**

The Saugerties Historic Preservation Commission hereby certifies that this application \_\_\_does \_\_\_does not meet the criteria for designation as an historic district, landmark or landmark site, and recommends findings on this application to the Saugerties Town Board in accordance with the provisions of Section 4-C of the Town of Saugerties Historic Preservation Ordinance.

Motion: \_\_\_\_\_

Second: \_\_\_\_\_

Votes: Ayes\_\_\_ Nays\_\_\_ Abstentions\_\_\_

\_\_\_\_\_  
Signature of Chairperson

Date: \_\_\_\_\_