



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

Via Email and US Post

October 5, 2017

Mr. Nathan D. VanWhy
Coughlin & Gerhart, LLP
PO Box 2039
Binghamton, NY 13902

Dear Mr. VanWhy:

On September 26th, you requested that the State Historic Preservation Office (SHPO) review a proposed amendment to the Village of Owego's local historic preservation law and to confirm whether the proposed law is in line with the requirements of the Certified Local Government (CLG) program. This letter serves as the SHPO's formal response.

The below provisions were identified as non-compliant with the Certified Local Government Agreement between the New York State Historic Preservation Officer and the Village of Owego:

Section 3 abolishes the Historic Preservation Commission and replaces it with the Historic Preservation Advisory Committee.

Section 4, Chapter 126-2, E. (10) requires that the Committee recommend decisions on Certificates of Appropriateness (CofA) applications to the Code Enforcement Officer and the Village Board of Trustees.

Section 4, Chapter 126-6, B. and C. give the Code Enforcement Officer authority to decide what constitutes a "significant impact" to a landmark or historic district and whether to forward the CofA to the Committee.

Section 4, Chapter 126-6, D. gives final CofA review authority to the Village Board of Trustees.

The above provisions are non-compliant with Village responsibility number two of the CLG Agreement: that the Village maintain a qualified historic preservation review commission. To be considered qualified commission members must meet 36 CFR 61.6 or the Secretary's Professional Standards for historic architecture. In addition, the review commission must have full review authority to determine what constitutes a significant impact to a landmark or historic district. Any change outside of routine maintenance must be brought to the attention of the review commission to make the final decision on a CofA application.

Division for Historic Preservation

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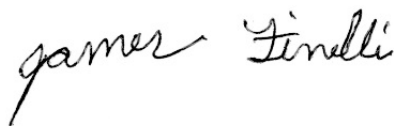
If adopted, the amended local law would place the Village of Owego out of compliance with the requirements of the CLG program. The SHPO is required to notify the National Park Service if a CLG community is no longer compliant with the program with the recommendation that CLG status be revoked. If the Village of Owego loses CLG status, then the Village will lose the below benefits:

- The Village will no longer have access to the CLG grant program, which provides funding for historic resource surveys, National Register nominations, training and other activities that support historic preservation at the local level.
- The Village government will no longer be notified when properties within Owego are being recommended for nomination to the State and National Registers. Nor will the Village government be able to review, comment on or veto proposed nominations within Owego.
- The Village will no longer be able to request Certification for Tax Purposes of local historic districts which provides property owner access to state and federal historic rehabilitation tax credit programs without being listed on the State and National Registers.
- The Village will no longer have the assistance of CLG program staff to coordinate historic preservation efforts in Owego with the technical expertise of the SHPO.

Additionally, while owners of State and National Register listed properties will retain access to the state and federal historic rehabilitation tax credit programs, they are not guaranteed. The current Owego Historic Preservation Commission helps assure that qualifying property owners retain the character-defining features of their property. A property owner who makes improvements that involve installing windows, siding materials, porch elements or decorative features which do not conform to the Secretary of the Interior's Standards and Guidelines for Rehabilitation disqualify themselves from participation in the state and federal historic rehabilitation tax credit programs.

If you have any further questions or concern on this subject, please do not hesitate to contact me at (518) 268-2215 or james.finelli@parks.ny.gov.

Sincerely,



James J. Finelli
Certified Local Government Representative, WNY

cc. Steve May, Owego Mayor
Mark Tarbucco, Owego Historic Preservation Chair