



## Town of Southampton

116 Hampton Road  
Southampton, NY 11968

Telephone (631) 283-6055  
Fax (631) 287-5708

**SALLY SPANBURGH**  
Chairperson

Telephone (917) 743-3963  
Fax (631) 283-1386  
Email: esallyc@optonline.net

### LANDMARKS & HISTORIC DISTRICTS BOARD

#### MYTHS COMMONLY ASSOCIATED WITH HISTORIC PRESERVATION & DESIGNATION

**1. Designation will reduce property value.** This is one of the most widespread misconceptions, however, in all studies (*Old House* article with references of studies in appendix) the creation of a historic district proved the opposite by increasing the property's overall value as well as those near it. Everyone in the district benefits whether their house is historic or not.

**2. Designation is a violation of property rights and/or equivalent to a "Takings."** False. The fact is, according to Julian Adams, from the New York State Office of Historic Preservation, "The United States Supreme Court upheld the power of local historic preservation commissions and boards to designate properties as historic (without owner consent) as an appropriate use of local "police power", and local land use law "to enhance the quality of life by preserving ... character and desirable aesthetic features..." (Penn Central Transportation Co. v. New York City, 1978 decision in appendix). Therefore, a local law is on firm constitutional footing to act accordingly, as long as a "taking" is not caused. (Taking is generally defined as removing a "reasonable" return on the use of the property, which is difficult to prove in the case of residential property)."

**3. Designation will result in the violation of my privacy because people will trespass onto my property to take photos.** Trespassing is misdemeanor crime punishable by law. Trespassing is not encouraged by even the most ardent preservationists. Even the firm hired by Southampton to survey its historic resources reinforced the normal practice of only taking photos from a public right of way. At the same time however, "It's out of respect for privacy that historic districts are silent about changes that take place within the walls of a property. But what happens outside, in public, can hardly be defined as private. The question of privacy hinges on your front door. Inside, you're the only one who has to live with your actions. Outside, everyone does."<sup>1</sup>

**4. If my property is designated I have to keep it exactly as is, or I will be heavily restricted in what I can or can't do with it.** False. Landmark designation does not preclude you from being able to renovate, enlarge, relocate, recolor and in many other ways alter and improve your property. It only requires that a review process occur before permits for such efforts are issued. This process is similar to the architectural review process in many nearby municipalities, such as in the Villages of Southampton, Sag Harbor, and Sagaponack, except that review by the Town Landmarks Board is free. Even more specific examples of a similar review process are those by Historic Preservation Commissions in the nearby towns of Southold, Riverhead, Huntington, Babylon, Hempstead, North Hempstead, Oyster Bay, Glen Cove, and Long Beach. The review process for a designated property is guided by Southampton Town's Certificate of Appropriateness' standards which basically suggest that whatever you are proposing to do with your property be sympathetic with the original architecture, but that still leaves room for interpretation and creativity should one choose not to mimic their building's architectural style and details exactly. The review process is also guided by the Secretary of the Interior's Standards for Rehabilitation (in appendix), but which are sprinkled throughout with the words 'economically reasonable' and 'technically feasible.' There is a widespread misconception that a designated property is held to a higher standard with regards to the quality of materials and level of specifications, but this is not the case. For example, Ben Conklin

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<sup>1</sup> *The Politics of Historic Districts*, Bob Schmickle, 2007



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recently stated that he thought that if his historic Scuttle Hole Road home (Breeze Hill) were designated, he wouldn't have been able to add the handicapped ramp he installed for a family member. This is not true. For example, the Landmarks Board recently approved the addition of an ADA ramp and a small bathroom addition on the Prosper King House in Hampton Bays. Also, keep in mind that many home owners associations and developments come with many more limitations regarding what you can and can't do with your property, and what your house and other buildings must look like and be made of, via covenants and restrictions, than a designation would ever require.

**5. Only traditional architectural styles can be built in historic districts.** False. Drive around in the Village of Sagaponack and you will notice many examples of modern and contemporary styles pleasantly coexisting with truly historic architecture.

**6. Preservation is bad for business.** *“Historic preservation is at the very heart of our nation's most vibrant economic development and business attraction programs. From local examples like [many of Southampton's main street areas], to traditional, historic southern cities such as Charleston or Savannah, to the recent boom in "heritage tourism," today's economic development strategies no longer see preservation and business development as competing values.*

*The National Main Street Center, a program that uses historic preservation to revitalize town centers and neighborhood commercial districts, has actually tracked economic results in 1,700 Main Street communities nationally. These preservation-based programs have created over 231,000 new jobs and resulted in over \$17 billion in reinvestment to date, with every dollar spent on a Main Street program yielding \$40 in economic reinvestment.”<sup>2</sup>*

**7. Preservation work costs more than new construction.** Preservation work is more cost effective in the long term than new construction and is a more sustainable endeavor. “There is nothing greener than an existing building.” Older structures were also intentionally meant to last much longer than new buildings so this is a difficult and not always fair comparison. The same renovation done to the same building, where one is within a historic district and the other is not, will cost the same more or less. One is not held to a higher standard as far as quality of materials or specifications – at least not by the Town, and the LHDB review process is free. The Southampton Town Landmarks & Historic Districts Board is required to follow the Secretary of the Interior's Standards for Rehabilitation which state:

- **“The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.”**
- “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...”

The Villages of Sag Harbor, Southampton, and Sagaponack are only required to consider the Secretary of the Interior's Standards for Rehabilitation as recommendations. This means that the ST Landmarks & Historic Districts Board would have a more lenient approach when reviewing Certificate of Appropriate applications than other nearby hamlets currently practice.

<sup>2</sup> The Franks Design Group, 2008 ([http://franksdesigngroup.com/preservation\\_myths.aspx](http://franksdesigngroup.com/preservation_myths.aspx))



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**8. Historic preservation and elitism are synonymous.** False. Here are all 12 designated landmarks in the Town of Southampton:

- a. The Fordham Mill, Remsenburg
- b. The Prosper King House, Hampton Bays
- c. The Ellis Squires Sr. House, Hampton Bays
- d. The Canoe Place Chapel, Hampton Bays
- e. The Big Duck, Flanders
- f. The Blue Barn, Flanders
- g. Conscience Point Park, North Sea
- h. The Water Mill Museum
- i. The Noyack School House
- j. The Nathaniel Rogers House, Bridgehampton
- k. The Beebe Windmill, Bridgehampton
- k. The William Cauldwell House, Noyac

Only the Nathaniel Rogers House and the William Cauldwell House could really be accused of being elitist. Two out of 12 or 17%. Historic Preservation is not an endeavor restricted to protecting only pretty buildings, and the origins of preservation didn't even begin that way. The earliest preservation initiative took place in 1813 when the symbolic Independence Hall was saved from demolition in Philadelphia, but the movement largely climaxed in the mid 60s when the National Historic Preservation Act was passed.

**9. Historic designation means I can't sell my property.** False. Designation does not prevent or change in any way an owner's ability to sell the property or transfer title.

**10. Historic designation means that a structure cannot be demolished.** The Landmarks Board often has no objection when it comes to removing insensitive additions to historic structures. But, admittedly, most of the point of designating something is to keep it from being demolished. However, if the reason a structure has received designation is compromised (fire, etc.), if substantial change has occurred, if hardship is demonstrated, or if new historical research is learned reducing or eliminating the historic significance of the property, it can then be undesignated and demolished.

**11. Old buildings are not as safe as new construction.** While historic structures often require modernization, historic buildings often perform better than newer construction in earthquakes and other natural disasters, due to many factors, such as the structural strength of their framing vs. what is commonly available today. "They just don't make 'em like they used to."



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#### FREQUENTLY ASKED QUESTIONS (Items 1-4 Excerpted from *The Politics of Historic Districts*)

**1. What will [the creation of historic districts] do that zoning laws can't?** It protects us from identity theft. Each of us is invested, personally and financially, in our neighborhood, which has its own identity that we value and gives us value in return. Without the district overlay, zoning alone can't protect the community's historical integrity and distinctive character.

**2. Why shouldn't districting be voluntary?** Because it's bad public policy. Yes, districting is about zoning policy. But people don't just opt out of zoning arrangements because they want to. Talk about fairness! That would amount to spot rezoning and policy nullification by personal fiat. **The Constitution says historic districts are fine, according to the Supreme Court.** There are over 2,000 local level historic districts in the United States today.

**3. Why should [the Town of Southampton] be able to tell me what I can and can't do with my property?** The three most important words used when talking about property rights are "as long as." Example: we may exercise our property rights as long as what we do doesn't adversely affect the rights of others. We use zoning laws to define how that works in practice, regardless of who pays for what, and districting is part of the zoning code. Zoning is long-established practice. The basic concept is that the government may restrict a property owner's right to use land in a way profitable to the owner but detrimental to surrounding properties. Zoning promotes appropriate uses in the future, and this historic district – which ties growth to the legacy of the past – will be a zoning overlay. [The Landmarks Board] can't tell property owners how to use their properties or what to build on them. All [it] may do is decide that a style or alteration is incongruent based on the existing significant characteristics of the district. Thus [Landmarks Board] decisions are based on findings of fact, and not on the personal preferences of [board members]. A certificate of [appropriateness] cannot be denied unless there is a finding of fact to back up the decision.

**4. Should the LHDB be trusted?** There will be the law that governs the LHDB. There will be due process. And there will be all of us watching and participating. All LHDB meetings will be open to the public, agendas posted, and members nominated and approved by the [Town Board] in open meetings. The LHDB is not a lawmaking body, it operates under rules of procedure, and its decisions may be appealed. Board members are largely volunteers (only given a small stipend) and recuse themselves in conflict-of-interest situations.

**5. Isn't this a 'Quality of Architecture' issue rather than a 'Preservation' issue? / Isn't it more important to build authentic looking buildings than to save historic buildings?** No. Southampton would never wish to become a town filled with reproductions, and without authentic examples of historic architecture to refer to, architects, designers and builders will be left with books and photos as references. Architectural programs teach students first about historic architecture before being allowing them to create their own designs. Similarly, without original historic resources, new construction is less informed. Also, to say that this is more about 'Quality of Architecture' and less about saving historic structures, is to suggest that Southampton wishes all new construction to mimic period architectural styles, which is false; Southampton would never wish to limit architectural design throughout the Town.



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**6. Aren't older homes harder to insure?** No, it just requires a slightly different type of policy and inspections to confirm outdated electrical and/or plumbing systems have been upgraded. Most homeowners have a typical insurance policy that covers damage to structure, damage to contents, property, and possessions, and liability coverage. Insurance for older homes allows for that same coverage except, instead of covering the cost of rebuilding a damaged structure, it insures the house for the market value, allowing the homeowner a lower rate of insurance. Insuring an older home based on value is far less expensive than insuring the house based on replacement cost. The National Trust for Historic Preservation also offers assistance and guidance for historic home owners searching for insurance options and information.

**7. What is the purpose of historic preservation?** Historic preservation enhances property/land values. A historic district is a distinct area of high quality and an important historic resource. A historic landmark is an individual structure or site that exhibits high quality and is a significant historic resource for the hamlet and the Town. Designations are normally considered prestigious recognitions which property owners and visitors alike are drawn to. Historic resources are integral to Southampton's scenic quality, sense of place, developmental heritage, and aesthetic character. As such, they make an extremely important contribution to the continued economic vitality of the Town, both in terms of local business development, and the tourism and second home economy that many of the Town's residents and businesses rely upon. Through the physical presence of historic structures, our children and grandchildren and visitors and weekenders alike can become familiar with the history and heritage of Southampton.

**8. What does 'historic' mean?** Technically 'historic' is defined as "famous or important in history; having great and lasting importance; known or established in the past" and "dating from or preserved from a past time or culture." Simply put, 'historic' means old and significant. But age alone is not a qualifier. In the Town of Southampton a structure is considered historic if it meets one or more of the following six criteria:

- (a) Possesses special character or historic or aesthetic interest of value as part of the cultural, political, economic or social history of the locality, region, state or nation;
- (b) Is identified with historic personages or is the site of an historic event in the Town, state, or nation;
- (c) Embodies the distinguishing characteristics of an architectural type, period, or style or contains elements of design, details, materials or craftsmanship which represent a significant innovation;
- (d) Is the work of a designer, engineer, builder, artist, or architect whose work has significantly influenced an age;
- (e) Because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood;
- (f) Qualifies for inclusion on the State or National Registers of Historic Places.



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**9. What is the difference between being locally designated and being listed on State and/or National Registers of Historic Places?** State and national register listings do not protect historic properties or prevent their demolition. While those listings are important and noteworthy, they are purely honorary and without the enforcement or strength of local legislative protection behind them. Only local designation includes legal protection by requiring that any proposed work or demolition be approved by the Landmarks Board beforehand. It's that simple. The mere introduction of a review process would go a long way toward ensuring the ongoing survival of historic Southampton properties.