

Paul M. Bray, Editor
CCQ, The Dynamics of Aging and Our Communities
Albany, NY

COMMUNITY CHARACTER and HERITAGE

Community character and *heritage* (historical qualities) are two qualities of cities, towns, and villages that can benefit people of all ages and, for age-integrated communities, should be thought of as a unifying factor among generations.

The alarm that sounded about America's decline in community character came in the 1960s with books like *God's Own Junkyard: The planned deterioration of America's landscape*¹ by architect, Peter Blake. Blake bluntly declared that Americans had turned the beautiful inheritance that once was America into "the biggest slum on the face of the earth." Suburban sprawl, which separated homes, retail stores, and employment sites by an auto trip, also fostered the decline of a sense of belonging in communities.

A community that is recognized for its community character and its historical qualities is frequently one that maintains a full and good quality of life. For example, in his book, *The Good City and the Good Life*,² former Mayor of Missoula, Montana, Daniel Kemmis, points out that cities successfully concentrating on reforms in the health care delivery system have recognized the value of their city having "a sense of history" to which their citizens relate. The authors of the book, *Cohousing: A Contemporary Approach to Housing Ourselves*,³ note that things that people once took for granted—family, community, a sense of belonging—are often missing today and must now be actively sought out. Similarly, community character and preservation of heritage are also elements that, at one time, could be taken for granted, but now must be actively sought out, preserved, interpreted, and enjoyed.

Since the 1970s, public policy, laws, and community organizations have increasingly sought to re-establish, protect, and steward the sense of community, heritage, and wholeness required for achieving an age-integrated community.

Community Character

Definition of community character—

A community's character emerges from a diversity of factors, ranging from how individual property owners care for their own property to what the citizens of a community do collectively to protect, for example, beautiful visual features and prevent visual blight. Identification of community character can be based either on qualitative judgments of physical features and conditions and/or on various governmental or other designations based on findings of community character. In the physical sense, there are numerous indicators that a community, neighborhood, or other discrete area possesses community character worthy of some level of consideration and protection.

The New York State Department of Environmental Conservation (DEC) has declared that the characteristics of an area's community character include "size, location, the mix of its land uses and amenities, and the existence of architectural elements or structures representative of the community."⁴ Consideration of community character "may intertwine and overlap with issues such as noise, aesthetics, traffic, and cultural resources," and all relevant facts should be integrated in any evaluation and decision made on community character.⁵ A 2002 presentation⁶ by the DEC's Division of Environmental Permit described community character as a "combination of traits and values," namely:

- Aesthetic/visual resources,
- Existing land use, including population and settlement patterns and recreation and open space,
- Historic or archeological resources, and
- Health and safety.

Civic action—

Nonprofit civic organizations, of which there are many at the local, regional, and state levels of New York State, are a strong force for protecting and stewarding community character. Collective action can come from the advocacy and civic actions of neighborhood and community-wide historic preservation, parks, civic arts, or other civic-improvement organizations; for example:

- Neighborhood associations can be effective advocates and action vehicles for protecting community quality at the street and neighborhood levels. They provide the eyes on the street that help local officials enforce local laws, litter controls, and property maintenance and can lend a hand, for example, to beautify median strips and planting and maintaining flower beds.
- Community-wide nonprofit civic organizations like Historic Albany (NY), the Washington Park Conservancy in Albany, New York, and the Municipal Arts Society in New York City are advocacy and, often, action organizations that protect historic features and parks that are important elements of community character and that foster community beautification.
- New York State also has a number of nonprofit civic organizations that function at the regional or landscape level. Some are primarily oriented to historic preservation, such as the Landmark Society of Western New York, while others, such as the many county and regional land trusts, focus on open space. Regional organizations in New York State like Lakes to Locks Passage in the Lake Champlain Valley, Scenic Hudson, and SaratogaPLAN include natural and heritage objectives in their activities.
- Statewide nonprofit organizations like the Preservation League of New York, Environmental Advocates, and Parks and Trails New York, respectively, advance environmental, historic preservation, and park missions through advocacy and/or support for specific projects.

State government—

Through the State's Environmental Quality Review Act (SEQRA), New York adopted a broad definition of environment that includes community character. SEQRA declares a State environmental policy and establishes a mechanism for environmental review of public projects. SEQRA defines "environment" to mean the "physical conditions which will be affected by a proposed action, **including community and neighborhood character.**"⁷ In addition to a definition of environment that includes human and community resources, SEQRA adds a proactive purpose for DEC "to promote efforts which will . . . enhance human and community resources."⁸

SEQRA is implemented, respectively, by state, regional, and local agencies that are undertaking projects and "actions" considered to have "a significant effect on the environment," requiring such agencies to prepare an environmental impact statement.⁹ The process for preparing such a statement under SEQRA affords public officials and citizens an opportunity to review and address community character impacts of proposed projects. The environmental impact review process requires consideration of "alternatives" to the proposed projects that may have less significant environmental impacts; where there are negative environmental impacts, the project sponsor may be required to mitigate these impacts.

New York State has also created various agencies and other groups that support and protect Federal designations for landscape and urban settings that are based in some degree on special character:

Adirondack Park • Catskill Park • Lake George Park • Long Island Pine Barrens • Long Island South Shore Estuary Reserve • Champlain Basin • Peconic Bay Region Watershed • Historic Saratoga-Washington on the Hudson Partnership • Hudson River Esturine District • Albany Pine Bush Preserve • Tug Hill Reserve • Regional Greenways: Hudson River Valley Greenway, Niagara River Greenway, Delaware River Greenway.

Local government—

City, town, and village (municipal) governments, through their police powers, can plan and regulate land use to protect community character. Pace Law School Professor, John Nolan, has written, "Vibrant communities generally contain natural and man-made features that provide visual quality and distinction, and these features, in turn, enhance the reputation of the community as a desirable place to work, visit, and live. Regulations that protect important visual features from erosion and that prevent visual blight advance the public welfare and constitute a valid exercise of the police power."¹⁰ In the Matter of the Village of Chestnut Ridge v. Town of Ramapo, New York's Appellate Court declared, "The power to define community character is a unique prerogative of a municipality acting in its governmental capacity."¹¹

Zoning or land-use regulation is the primary means by which a municipality can affect community character. Courts have declared that zoning in New York State must be consistent with a municipality's Comprehensive Plan in order that the

welfare of the entire community be considered in adopting zoning regulations. This has been interpreted as *requiring* zoning regulations to demonstrate consistency and rationality, but actual preparation of a planning document is only encouraged and not required. When a Comprehensive Plan is prepared, it offers citizens an opportunity to raise and address issues of community character. For example, the Town of Easton, Maryland, has a community character element in its Comprehensive Plan that provides a goal “to encourage future development of mixed, integrated-use, old fashioned neighborhoods rather than single-use subdivisions or projects.”¹² Objectives for that goal include, “overhaul the Easton Zoning Ordinance to discourage the segregation and isolation of (land) uses.”

Many zoning tools and related land-use controls can be applied for the purposes of protecting and improving community character. Zoning tools include special use permits, incentive zoning, overlay zoning, performance zoning, planned unit development, and transfer of development rights. Supplementary controls include sign controls, architectural design controls, mobile home regulations, junk yard regulations, mining controls, scenic resource protection, open space protection, agricultural land protection, flood plain protection, wetland protection, water resource protection, development moratoria, and erosion and sedimentation control.

Heritage

Heritage, as it relates to the story of people and communities, is related to two public initiatives: historic preservation and heritage areas.

Historic preservation—

Historic preservation has evolved in the 20th century from what has been called the “historic home or site period” when public action was primarily to acquire and manage historic sites, such as the Schuyler Mansion in Albany. Currently, the New York State Office of Parks, Recreation and Historic Preservation owns and operates 35 historic sites across the State.

The National Historic Preservation Act of 1996¹³ was far-reaching legislation that established a national historic preservation policy that influenced every level of government, with a focus on historic architecture and the built environment. The Act created the process of designation for the National Register of Historic Places and for listing as a National Historic Landmark. It also established the position of State Historic Preservation Officer. Federal agencies are required to evaluate the impact of all federally funded or permitted projects on historic properties (those listed on the National Register, or deemed to be eligible).

New York enacted its own State Historic Preservation Act in 1980,¹⁴ which established a State historic preservation policy. Complementing the State program, counties, cities, towns, and villages have authority to protect, enhance, perpetuate, and use places, districts, sites, buildings, structures, works of art, and other objects having special character or special historical or aesthetic interest and value. This

has led to the establishment of historic preservation ordinances by many municipalities. The most effective ordinances prohibit inappropriate alteration or demolition of designated landmarks or structures within historic districts without the approval of a regulatory body created in the ordinance.

Heritage areas—

Designating heritage areas represents a strategy in New York State and nationally to identify and, after designation, provide management of urban settlements and regional areas associated with state and/or national themes, such as labor and industry, immigration, and arts and culture. National heritage areas are designated by Congress, and State heritage areas are designated by the State Legislature. A designated area may be called a “partnership park” because it encompasses a whole community or, in the case of regional heritage areas, a large number of communities. The management structure and programs of designated heritage areas vary, with much opportunity for citizens and nonprofit organizations to play a role. To gain an idea of the large scale of some heritage areas, the Erie Canalway National Heritage Corridor encompasses 2.7 million people, 234 municipalities, and 4,834 square miles. On the other hand, the villages of Whitehall, Sackets Harbor, and Seneca Falls are smaller State-designated heritage areas.

National Heritage Areas in New York¹⁵—

Hudson River Valley National Heritage Area • Erie Canalway National Heritage Corridor • Lake Champlain Partnership National Heritage Area • Niagara River National Heritage Area—pending.

New York State Heritage Areas¹⁵—

Albany • Buffalo • Harbor Park (NYC) • Heights (NYC) • Kingston • Lake Erie Concord Grape Belt • Mohawk Valley (Oneida, Herkimer, Montgomery, Fulton, Schenectady, Schoharie, Saratoga and Albany Counties) • North Shore (Long Island; participating communities in Nassau and Suffolk Counties north of Route 25/I-495) • Ossining • RiverSpark (Hudson-Mohawk: Cohoes, Colonie, Green Island, Troy, Waterford town/village, Watervliet) • Rochester • Sackets Harbor • Saratoga Springs • Schenectady • Seneca Falls • Susquehanna (Binghamton, Endicott, Johnson City) • Syracuse; Western Erie Canal Heritage Corridor (Erie, Niagara, Orleans, Monroe and Wayne Counties) • Whitehall • Concord Grape • Michigan Avenue, Buffalo • Niagara Falls. Below, see a map of the State's Heritage Areas.

Quoting from the New York State Office of Parks, Recreation and Historic Preservation's Web page, *Explore the past; look into the future in state heritage areas*:¹⁶ "Discover New York's rich legacy at the state Heritage Areas, special places where we honor history, celebrate the present, and plan the future of our communities. Whether you are seeking to stimulate your mind, exercise your muscles, or delight your senses, you'll find something to enjoy at a Heritage Area. The Heritage Area System (formerly known as the Urban Cultural Park System) is a state-local partnership established to preserve and develop areas that have special significance to New York State.

"From the Great Lakes to the eastern tip of Long Island, the Heritage Areas encompass some of the State's most significant natural, historic, and cultural resources, as well as the people and programs that keep them vital. Start your visit at a Heritage Area Visitor Center; then tour the Heritage Areas and all they have to offer— glorious vistas, exquisite architecture, informative exhibits, lively festivals, enticing shops, dynamic downtowns, and fascinating stories. From rural charm to urban hustle and bustle, Heritage Areas offer something of interest to everyone. We invite you to explore the past and look into the future in New York State's Heritage Areas!"



References

¹ Peter Blake (1979), *God's own junkyard: The planned deterioration of America's landscape*. Austin, Tx: Holt, Rinehart and Winston.

² Daniel Kemmis (1995), *The Good City and The Good Life: Renewing the Sense of Community*. Boston and New York: Houghton Mifflin Company.

³ Kathryn McCamant and Charles Durrett (1994), *Cohousing: A Contemporary Approach to Housing Ourselves*. Berkeley, CA: Ten Speed Press.

⁴ Division of Environmental Permits (November, 1992), *State Environmental Quality Review Handbook*, p. 43. Albany, NY: New York State Department of Environmental Conservation.

⁵ Westlaw, *in re Palumbo Block Company*, WL 651613, Interim Decision, June 4, 2001.

⁶ Division of Environmental Permit, New York State Department of Environmental Conservation (2002), "SEQR and Community Character," presentation to the Suffolk County Planning Federation.

⁷ New York State Environmental Conservation Law, §8-0105(6).

⁸ *ibid.*, §8-0101.

⁹ *ibid.*, § 8-0109.

¹⁰ Land Use Law Center (2007), "Tutorial Component IX—*Strategic Land Use Issues: Sign Control and Other Aesthetic Controls*," *Land Use Training Program for Local Government Officials*. New York City and Westchester County: Pace University.

¹¹ Silverberg Zalanti, LLP (August 26, 2007), *New York Zoning and Municipal Law Blog*: <http://blog.szlawfirm.net/2007/08/>. Reporting a decision of the New York State Appellate Court, Second Department (2007), in the Matter of the Village of Chestnut Ridge v. Town of Ramapo.

¹² Planning Commission (2010), "Community Character," *Town of Easton 2010 Comprehensive Plan*. Easton, Maryland: Town of Easton Planning and Zoning Department.

http://www.town-eastonmd.com/PlanningZoning/2010_Comp_Plan/Community_Character.pdf.

- 2010 Comprehensive Plan, adopted March 18, 2010:
http://www.town-eastonmd.com/PlanningZoning/Comp_Plan.html.

¹³ National Historic Preservation Act of 1966, as amended through 2000:
<http://www.achp.gov/NHPA.pdf>.

¹⁴ New York State Historic Preservation Act, L. 1980, c. 354.

¹⁵ New York State Office of Parks, Recreation and Historic Preservation: map of New York State's system of heritage areas and search function for information on each heritage area: <http://nysparks.com/historic-preservation/heritage-areas.aspx>.

¹⁶ "Explore the past; look into the future in state heritage areas," *Historic Preservation: Heritage Areas*. Albany, New York: New York State Office of Parks, Recreation, and Historic Preservation, on-line:
<http://nysparks.state.ny.us/historic-preservation/heritage-areas.aspx>.