Buffalo’s “Demolition by Neglect” Problem and What We Can Do About It

The National Trust for Historic Preservation describes Demolition by Neglect as a situation in which a property owner intentionally allows a historic property to suffer severe deterioration, potentially beyond the point of repair. Some property owners use this type of long term neglect to purposefully create a dangerous enough situation that they are then able to circumvent existing preservation protections for the building, while other property owners may be agnostic to the demolition of the building but are simply waiting for a big pay day on the property. In either case, it creates a particularly frustrating situation for preservationists and community members alike as time and energy have to be spent trying to convince those with the means to do so to care for their properties in a responsible and lawful manner.

It is important to distinguish active Demolition by Neglect from abandoned properties, properties where owners have made good faith efforts to sell but were unsuccessful and then subsequently walked away from their responsibilities to the property, or from properties which, while currently vacant, are properly mothballed for a future use. While these cases have their own challenges, Demolition by Neglect is becoming an increasingly common issue in Buffalo as the real estate market has been heating up in recent years and more people are looking to profit off of this suddenly “hot” investment area.

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Happy Spring, Preservation Friends!

As the weather turns warmer and things begin to bloom all around us, we are reminded of how unique and beautiful all of our different neighborhoods are. Whether stately Canal-era homes in Lockport, Mid-Century masterpieces in Amherst, gracious Victorians in the Elmwood Village, charming cottages of Broadway Fillmore, or Arts and Crafts Bungalows of East Aurora, we have a bounty of beautiful places we call home. After what seemed like a never-ending winter, everyone is ready to get out and explore our own backyards by enjoying the many community and neighborhood open houses and tours. PBN will be following suit with our Hard Hat Tour series, kicking off this season with a behind-the-scenes look at the progress on restoring Shea’s Seneca. We hope you’ll be able to join us for a sneak peek of one of this year’s most anticipated restoration projects!

Not to be too distracted by the flowers and sunshine, PBN will be busy continuing our work to highlight the importance of preservation as a tool to bring together communities around shared goals of quality of life and livability. We will be hosting the third bi-annual Legacy Cities Preservation Conference in July, which will bring practitioners from across the country to Buffalo to learn from each other about new tools that we can use to protect and enhance our historic places, and to ensure that the benefits of preservation accrue to all communities.

May is Preservation Month, and we hope that you will show your commitment to Preservation by buying a gift membership for a friend. There is real strength in numbers, and the more members we have, the more we can do to deepen our work.

Can’t wait to see you at a PBN event this spring!

Sincerely,

Jessie Fisher
Executive Director

We at PBN humbly accept responsibility for any typos, omissions, or other errors in our newsletters. We are very thankful for the efforts of all of our loyal docents, board members, and advisors, which we work diligently to acknowledge in all of our publications. If there are any oversights in this or any future editions, please notify us as soon as possible.
Demolition by Neglect
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Circumventing Preservation Law

Daryll Carr has owned 110 South Park Avenue in the heart of the Cobblestone Historic District for years and, despite a decade of housing court dates, mandated repair schedules, and threats of fines, has continued to allow his building to deteriorate to the point where bricks have come loose from the façade. His goal? Demolishing the modestly sized historic Mugridge Steam Bakery building for a wildly over-scaled proposed skyscraper or to sell this valuable Arena-adjacent land as a “shovel ready” site. Since the building is located in a local historic district and the Preservation Board won’t approve his demolition plans, his only hope is to create a situation so dangerous that a Judge or the Fire Marshall will order an Emergency Demolition of the property. The situation at the corner of Whitney Place and Carolina Street is similar – several offers have gone in on this unique and lovely property located in the heart of the West Village Historic District, even as the building suffers from severe roof and structural deterioration, but the owner won’t consider them and isn’t responding to numerous violations notices from the City’s Inspections department.

Waiting for the Big Pay Day

Other owners don’t necessarily seem to have big future plans for their properties – just a sense that they deserve a big pay day. Such is the case at 238 Carlton Street, where the suburban owners purchased a badly deteriorated building and despite having no work done to repair or even shore up the building, have offered it for sale at nearly three times what they paid for it. They’ve explained that they feel the property’s location in the Fruit Belt immediately adjacent to the Medical Campus makes it a valuable investment for which they’d like to get a high rate of return. Despite repeated offers at substantially lower amounts that reflect that immediate structural and stabilization work that needs to be done, these owners continue to put their own profit motives ahead of having a safe and occupied building in the center of one of Buffalo’s most historic and most vulnerable neighborhoods. At 169 East Ferry, the owners have not necessarily had the means to make investments in their historic building, but have also turned down purchase offers going back at least a decade, which when coupled with their own lack of maintenance and repair to the building, has resulted in the current situation where a private sector developer just backed out of a sale because the building is so far deteriorated he was skeptical that it even could be saved at this point. The City has written the building for housing court and it will be considered for an emergency demolition in June.

What Can be Done?

PBN and many neighborhood groups such as the Allentown Association work closely with the City’s Inspections Department to identify these properties and try to get them taken care of without being taken down. However, there are limited tools available to help us combat...
this issue. PBN would like to see the City of Buffalo enact a Demolition by Neglect statute, which would give more power to the City and to Housing Court to intervene in cases of Demolition by Neglect. Cities such as Washington D.C., Philadelphia, Chicago, and others, have created a special law designed to identify and deal with these most intractable of cases by levying heavier fines, allowing cities more latitude to make emergency repairs versus undertaking emergency demolitions, and even in some cases seizing ownership of the building itself. Introducing this type of legislation in Buffalo would help us deal more pro-actively with the buildings above, and many others throughout the City.

Our architectural heritage is an important part of building a revitalized and sustainable City moving forward. We must ensure that the City has all of the tools it needs available to help us safeguard these important assets for future generations.

HISTORIC PLAQUE PROGRAM

PBN is proud to celebrate WNY’s unique architecture and historic legacy with our Historic Plaque Program. These custom-made plaques come with your building’s built date, original owner or builder, and if applicable, the historic district it’s located within. These plaques share the history of your property and acknowledged your continued stewardship.

For more information, call Christiana. Applications for the this order period will be accepted until **June 30th**, order yours today!

↩️ A happy historic plaque in the Elmwood Historic District!
Buffalo’s Young Preservationists and Preservation Buffalo Niagara are co-hosting a conference to discuss preservation’s role in revitalizing Legacy Cities. Sometimes called Right-sizing or Rust Belt Cities, Legacy Cities formed the basis of our country’s growth early in the 20th Century, but have since experienced severe population decline, segregation, and poverty. These cities are located mainly in the Northeastern and Midwestern states, and often have significant historic structures and neighborhoods that have either fallen into disrepair or have been abandoned. Financially depressed cities view demolition as the only answer to these problems.

Surely there must be other options for our cities. What role can preservation play? What role should preservation play in making important decisions regarding our cities’ futures? How do we ensure that preservation is fair in telling the story of everyone in our community? And perhaps most importantly—what kind of city do we want for our future?

The first Legacy Cities conference was held in Cleveland, Ohio in 2014. Co-hosted by the Cleveland Restoration Society, the conference highlighted the challenges of applying historic preservation to underserved neighborhoods, most of which were heavily affected by the mortgage crisis of the past decade. Despite having previously invested more money on demolition, Cleveland showed how their Cultural Gardens and Grenville neighborhoods were able to benefit once the city took advantage of historic preservation benefits.

The second conference was held in Detroit, Michigan in 2016. Co-sponsored by the Legacy City Partnership, the conference’s theme of preservation was on the dichotomy in Detroit planning policies; how poverty is located next to wealth, how some schools flourish while others struggle, and how abandoned buildings and struggling communities are subject to debates between demolition and preservation. While investments are often centered on the downtown area, the conference highlighted Detroit’s Grandmont, Rosedale and Corktown neighborhoods as examples of combating blight and poverty by encouraging preservation opportunities.

The third conference will be held here in Buffalo July 11-14 under the moniker, “Buffalo ReGenerated.” Conference attendees will attend tours, special events, and panel sessions designed to spark discussion as we answer the question, “What type of city do we want?”

Conference tracks will be organized around the following themes: Preservation for Whom?; Neighborhood Health and Environmental Preservation; and Thinking Outside the Box. Each track and session has been carefully selected to provide insights for attendees to bring back to their own communities.

We hope you will be regenerated and reinvigorated, ready to lead our Legacy Cities into the 21st Century as positive, equitable, beautiful, and sustainable urban oases. If you would like to register for the event, or learn more about sponsorship opportunities, call our office at 716-852-3300, or visit the official website, http://www.bfloregenerated.com.
“It had always been a dream of mine when I bought the house,” said Christine B. of her Ashland Avenue home, “to turn it back into its single-family glory.” Built in 1894, the 2 ½-story front gable frame Queen Anne house had already been remuddled into two units when Christine bought the property 2007. Over the years she and her husband Ryan had pieced together an idea of how their house likely originally laid out by matching weird wall and door placements to things they saw in friends’ houses in the neighborhood.

Fast forward a couple more years and now expecting their second child, Christine and Ryan needed more space. They had started to do some smaller work to renovate the upstairs, but when they found out about the NYS Historic Homeownership Rehabilitation Tax Credit they decided to make a full commitment to returning the property to a single-family home.

“We consulted with PBN to learn the application process and what project expenditures qualified,” said Christine, “and then we met with our architect to see if we really could put it back or if too much had been lost.” Thankfully through proper research and planning, the project was a go and work on the downstairs of the house started in October 2017.

While they basically gutted the first floor, they were able to save a fair amount of the molding, flooring, and some original walls (which were still there but had been covered over with drywall in the previous remuddling). A major part of the project was realigning the stairs to match their historic footprint and restoring the cut-up original foyer. And the most surprising aspect of the project was when removing drywall in what was originally the dining room, they found six almost mint condition original stained-glass windows.

As far as navigating the tax credit project, Christine said it was a fairly smooth process, “We did have a back and forth with SHPO about some things, but as long as we kept them updated with our changes or issues that developed, there weren’t any major roadblocks.” She added that it all seemed intimidating at the start but that “once you go through the process and get the hang of documenting and explaining the work, it went by fairly easy.”

HISTORIC TAX CREDIT PREPARATION

NEED TO REHAB BUT DON'T WANT THE PAPERWORK?

PBN is now offering Homeowner Tax Credit application preparation services. Our trained staff can work with you through the entire process, including: determining eligibility, reviewing work to assess compliance with The Secretary of the Interior’s Standards, and preparing Parts 1, 2, and 3 of the State application.

For more information contact
Christiana Limniatis
Director of Preservation Services

The realigned stairs are part of a property restoration into a one-family home.
Docent Spotlight: Marla Bujnicki

Since our founding in 2008, Marla Bujnicki has been involved with Preservation Buffalo Niagara in a number of capacities, including as a Master Docent and as a member of our Board of Trustees. During her time on the Board, Marla was also on the Education and Buffalo Tours Committee. Since her retirement from the Board in 2014, Marla has remained an active member of the Docent Corps, and conducts our ongoing Queen City Downtown Tour as well as private tours. This role of educating the public is one that Marla relishes, and PBN often receives compliments from tour participants telling us about how much they enjoyed one of Marla’s tours.

In addition to her public education services, Marla is also highly involved with the training of future docent classes. With Marla's guidance, PBN was able to develop a streamlined curriculum for the incoming docent class training that included more opportunities for discussion and an emphasis on preservation, which Marla implemented in trainings. Marla was enthusiastic about sharing her knowledge with the trainees, who are eager to learn as much from her as they can. Her training lectures include deep discussions about various architectural terms, as well as highly researched Buffalo history, and humorous anecdotes about the major figures in the historical landscape.

Marla is currently working on a tour called Buffalo by the Book. The two-hour walking tour focuses on writers who resided in the Allentown neighborhood and the contributions they made to our city (and beyond) by putting pen to paper to showcase their diverse talents and creativity. More on this tour coming soon!

The NYS Model Preservation Ordinance - A gift from SHPO

While the National and State Historic Preservation Acts provide the framework for evaluating historic resources and access to various financial incentives, it is the local level preservation ordinance that provides the framework for protecting and regulating our historic built environment. While not every municipality’s law is the same, a local preservation ordinance typically establishes a board or commission and then outlines its powers, duties, and processes for designations (establishing new landmarks and historic districts) and regulations (reviewing proposed changes to designated resources).

To support local level preservation efforts and to offer legislative guidance, New York's State Historic Preservation Office (SHPO) drafted a model ordinance back in the late 1980s. In 2014 SHPO partnered with the Preservation League of New York State to substantially revise the model law, updating it to reflect new legal developments and approaches, and benefit from over three decades worth of community-based experience. Currently there are over 200 communities across New York State which have local preservation ordinances, many of which were crafted based on the model law.

The model law provides the essential elements and components that every local preservation ordinance should have to function effectively. That being said, it still isn't something that a municipality should just blanketly adopt. The model law meets the baseline requirements that a local preservation ordinance must have to qualify for the Certified Local Government (CLG) program, but it is advantageous for preservationists, advocates, and municipal leaders to evaluate the model law to make sure it meets their needs and circumstances. The essential purpose of a local preservation ordinance is to provide legal protection for historic resources so it is critical that the law is tailored to fit the needs that best suit the individual community.

Western New York communities have been adopting preservation ordinances since the late 1970’s, from larger cities like Buffalo, Niagara Falls, and North Tonawanda to smaller towns and villages like East Aurora, Clarence, and Albion. But none of these communities have adopted or incorporated the updated 2014 model law into their ordinance. Why is this problematic? Again, many of these local laws have been on the books for at least 30 years and throughout that time they’ve made ad hoc changes to address individual issues as they presented themselves. As you’ll read in the Preservation in Progress columns (page 9), the City of Buffalo has been doing this as well. While ad hoc changes may address that particular issue at the moment, it isn’t to the overall benefit of the ordinance or municipality-driven preservation planning. Making these independent changes negatively impacts the cohesiveness and effectiveness of the ordinance.

Currently, there are several Western New York communities who are reviewing the 2014 model law and working on adopting it as their local ordinance, and we will continue to work with those communities through that process. We cannot prevail in protecting and preserving our architecturally and culturally significant resources unless we have effective and unified legislation to guide that process. PBN stands ready to work with all communities looking to engage in preservation best practices and adopting the model law.
Tickets for the 2018 Preservation Awards are on sale until May 11th!

Get yours today by visiting our website, or by calling (716) 852-3300!

Special ticket discounts provided to PBN members!

Four ways to give to PBN!

Become a PBN member or renew your membership!

Make a donation to PBN!

Set up your donation to recur monthly!

Become a PBN volunteer or docent!

For more information on how to get involved, please visit our website at www.preservationbuffaloniagara.org, or call (716) 852-3300.
The Fruit Belt
On April 17th, the Buffalo Common Council voted to approve Local Landmark status for 238 Carlton Street! Securing landmark status is a critical part of our continued work to avoid demolition of this 142-year-old historic Fruit Belt property. Thank you so much to Council President Darius Pridgen for his support of this landmark application and to all our members and supporters who contacted the Preservation Board and Common Council sharing their support as well. We would also like to thank Commissioner Comerford and the Dept. of Permits and Inspection Services who have been working with us and the owner to find a productive future for this building.

The Fruit Belt Cultural Resource Survey is nearing completion by project consultant Preservation Studios. Once completed, the first-ever full-scale survey of this historic neighborhood will also provide recommendations for future preservation efforts. In preparation for the completion of the survey, PBN and Fruit Belt/McCarley Gardens Housing Task Force has been awarded a Spark Grant by the Buffalo Niagara Medical Campus, Inc. The Spark Grant will help us produce a brochure to not only highlight the information discovered during the survey, but also to encourage continued neighborhood conversations about future steps to celebrate and preserve the Fruit Belt.

Buffalo Preservation Board & Ordinance
In January, Mayor Byron Brown filled his final vacant spot on the Preservation Board with Joel Moore, Assistant Legal Counsel for the Buffalo Public Schools District. In April, longtime members Paul McDonnell and Richard Lippes both stepped down from the Board. Serving for ten years, the last six of which as Chairman, Mr. McDonnell was replaced by Catherine F. Schweitzer. Mr. Lippes, who held a spot reserved for a designee by the Buffalo and Erie County Historical Society, has yet to be replaced. In addition to member changes, the Preservation Ordinance itself has experienced some changes. Back in May 2017, the eligibility requirements for appointees by the Council President was simplified to just three members being chosen from the City at large. And currently, Councilmember Joel Feroleto is moving forward with efforts to change the notification requirements to property owners of pending landmark nominations. PBN continues to advocate for the adoption of the NYS Model Preservation Ordinance developed by the State Historic Preservation Office and the Preservation League of New York State. Adoption of the NYS Model Preservation Ordinance would eliminate the need for ad hoc changes and bring our ordinance up to current preservation best standards.

Lackawanna Public Library
As part of the 2018 NYS Budget, over $100 million dollars in funding has been set aside for library aid. To take advantage of this funding and with the assistance of NYS Assemblyman Sean Ryan, the Lackawanna Public Library is assembling an advisory board to contribute ideas and designs for renovation of the historic building. Completed in 1922, the Lackawanna Public Library is the last Carnegie Library to be constructed with funds from the Carnegie Trustees and has been a hub of activity for the community for nearly a full century. PBN is very excited to be included in this advisory committee to help plan much needed repairs and upgrades so it can continue to serve the community.
Broadway-Fillmore Historic District
The Broadway-Fillmore Historic District is headed for a vote before the Legislation Committee on May 8th and if approved, will be sent to the full Common Council on May 15th. Once approved by the Common Council, the Broadway-Fillmore Historic District will be the largest expansion of locally landmarked properties since the extension of the Linwood Historic District in 2015. But we’re not stopping with just a local historic district; following Common Council approval, we will coordinate with the Preservation Board to request certification of the district by the National Park Service, which would allow property owners within the Broadway-Fillmore Historic District to pursue historic tax credits for their rehabilitation projects.

Central Terminal
Thanks to the advocacy of NYS Senator Tim Kennedy, a $5 million dollar grant from the Buffalo Billion program has been given to the Central Terminal Restoration Corporation. The long-anticipated purpose is to restore the historic concourse and to provide further assistance to the organization, as they work to explore and implement reconditions from the Urban Land Institute (ULI) report released in January 2018.

ROCC Green Ribbon Campaign
On May 5th, the Restore Our Community Coalition hosted a Green Ribbon campaign in the Hamlin Park neighborhood. Preceding the fifth annual Sky Ride, the most ambitious bicycling event to date, volunteers from Canisius High School adorned dozens of trees with green ribbons as a visual reminder of the trees that once lined Humboldt Parkway. Through the growing efforts of ROCC, the need to restore Humboldt Parkway came to the attention of Governor Cuomo, who in 2016 allocated $6 million to the NYS Department of Transportation for an Environmental Assessment. The study includes project planning, as well as construction estimates and renderings for a park-deck over Route 33. Cities across America are working on long-term solutions for aging expressways, which have divided and devalued affected neighborhoods. Following successful examples from such larger cities as Klyde Warren Park in Dallas and Margaret T. Hance Park in Phoenix, ROCC is making progress in its mission to reclaim fourteen acres of land for community recreational use. The original Humboldt Parkway was a boulevard spanning nearly forty linear acres between Delaware Park and Martin Luther King (formerly Humboldt Park), as an important component for the Olmsted Parks System.

Central Terminal train station, built in 1929.
Interested in preservation? Need to log volunteer or intern hours? Want to work in an office with some pretty great people?

PBN is looking for office volunteers and interns for a variety of projects!

Interested? Contact Christiana at (716) 852-3300, or climniatis@pbnsaves.org.

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