

MINUTES

183rd MEETING

**NEW YORK STATE BOARD FOR HISTORIC
PRESERVATION**

March 11, 2021

**Meeting held by WebEx
Based at Peebles Island
Waterford, New York**

Before the start of the meeting, Kathy Howe verified that people checking in remotely to the WebEx had access. James Carter reminded all to mute their microphones when not speaking.

The following staff of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) participated in the WebEx remotely because the Open Meetings Law has been suspended due to COVID:

- Daniel Bagrow
- Virginia Bartos
- Jennifer Betsworth
- Daniel Boggs
- James Finelli
- Kath LaFrank
- Linda Mackey
- Daniel McEneny
- Chelsea Towers
- Jennifer Walkowski

The following OPRHP staff participated in the WebEx from Peebles Island:

- Daniel Mackay, Deputy Commissioner for Historic Preservation, acting secretary
- Kathy Howe, Survey and National Register Unit Coordinator
- James Carter

Call to Order

The meeting was called to order at **10:04 a.m.** by Chair Douglas Perrelli.

Roll Call

The roll was called, during which the following responded as present and briefly described their role or function as it relates to their service on this board:

SRB Members Present

- Doug Perrelli: Board Chair, Archaeologist, Clinical Assistant Professor of Anthropology, SUNY Buffalo; President of the New York Archaeological Council
- Wint Aldrich: Historian, former Deputy Commissioner for Historic Preservation
- Carol Clark: former Deputy Commissioner for Historic Preservation, Adjunct Professor of Historic Preservation at Columbia University, Pratt Institute, and the NYU School of Professional Studies
- Jay DiLorenzo: President, Preservation League of New York State
- Kristin Herron: Program Director for Architecture + Design | Museums, New York State Council on the Arts
- Erika Krieger, R. A.: Architect, Assistant Director of the Variance Unit, Division of Building Standards and Codes, New York Department of State
- Jennifer Lemak: Chief Curator of History, New York State Museum, State Education Department
- Wayne Goodman: Executive Director, Landmarks Society of Western New York
- Tom Maggs, proxy for Lucy Waletzky: Chair, New York State Council of Parks, Recreation and Historic Preservation
- Chuck Vandrei: Archaeologist, Agency Preservation Officer, Department of Environmental Conservation

Absent

- Paul Stewart, Executive Director, Underground Railroad Museum, Stephen & Harriet Meyer Residence

There being **ten** members participating, a quorum was confirmed.

[Note: the voting method for on-line meetings is: following a motion and second, there will first be a call for any “opposed” or “abstaining” votes. If there are none, the motion is carried by unanimous consent. If objections or abstentions are registered, a roll call vote will then be taken and recorded.]

Approval of Past Minutes

Acting secretary Mackay noted that there had been no comments received on the draft minutes and the final draft circulated to the board before this meeting. There were no corrections offered to the final draft minutes for the 182nd meeting held on December 3, 2020.

Motion to approve the minutes as submitted: **T. Maggs** Second: **C. Clark**

Vote: Opposed - none Abstaining - none

The minutes were approved by unanimous consent

Introduction of Guests

K. Howe: welcomed all the guests and visitors who are attending the virtual meeting from all over the state. Guests with an interest in a specific nomination will be introduced after each staff presentation.

Welcome to SUNY Albany students in John Bonafide’s historic preservation class.

REPORTS

Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer

My report consists of a review of accomplishments in 2020 and a look at some significant priority projects in the upcoming year.

- The work of this board in 2020 resulted in over 3,000 properties from 38 counties being added to the State and National Registers.
- The commercial rehabilitation tax credit, a combined state and federal incentive, has resulted in over 1,000 projects completed or significantly underway since 2011. Projects have occurred in all 62 counties. Since Governor Cuomo took office over \$12 billion in private investment has been made, creating over 65,000 jobs over the past five years, according to National Park Service data.
- Despite COVID and a resulting downturn in certain capacities of the state, DHP staff conducted over 19,000 archaeological and building reviews of projects triggered by receiving federal or state funding or permits.
 - Solar power is a significant growth area in compliance review. I thank the archaeological and survey staff for expediting reviews of these and other renewable energy projects to help New York State achieve its renewable energy goals.
- Statewide preservation awards that are usually presented in person after the December State Review Board meeting went virtual this year with a governor’s press release in January. Eleven projects received awards this year, from an eighteenth-century Dutch barn to an artist installation memorializing Black lives at John Brown Farm State Historic Site, and a host of other awards. The press release is available on the governor’s web site or you can request a copy from staff.
- There were a number of transitions in the Bureau of Historic Sites and Parks last year:
 - Greg Smith has been appointed acting director, filling the position vacated by the retirement of Chris Flagg.

- We hired Lavada Nahon as the first-ever interpreter of African American history.
- BHS and state historic sites staff have taken training in dialogic interpretation and begun to develop new tours that use that technique to engage the audience and match site history with current events.
- BHS has a new role in capital projects planning and selection for work at the state historic sites.
- We re-established the statewide historic sites conference to provide opportunities for professional growth, training, and team building for BHS and SHS staff. It will be held virtually this year in two weeks' time.
- We have acquired a cloud-based collections management system that will advance collections management at the sites and Peebles Island and enable public research and public access to our collections.
- There is a new generation of master planning happening at our state historic sites.
 - Johnson Hall is recently completed
 - Schoharie Crossing is underway
 - Susan B. Anthony or John Brown Farm is next in line
- In the new year, one of the governor's first priorities in the State of the State is the transformation of Philipse Manor Hall in Yonkers, Westchester County, into the Museum of African American History. This will be our agency's first site dedicated specifically to interpreting the history of African Americans in New York State. It is on an accelerated schedule and will open in 466 days.
- DHP is now actively involved in master planning efforts at state parks
 - Nissaquogue River State Park is underway
- Personnel issues this year include:
 - Division Director Michael Lynch has been on extended leave and expects to return full time on March 22nd.
 - John Bonafide has announced his plan to retire in May after more than thirty years of service, culminating in his current roles as director of the technical preservation services bureau and agency preservation officer. I ask the board to prepare a resolution acknowledging his significant service and accomplishments with this agency before the next meeting in June
 - The division has been approved to hire our first-ever interpreter of Native American history

State Historic Preservation Plan: Dan McEneny

I am pleased to report that we are wrapping up our draft submission of the 2021-2026 State Historic Preservation Plan. This is due April 1st after a generous extension provided by the National Park Service, due to COVID.

Our extension was built around the need to have more time for data collection. A lot was going on during this period, not just the pandemic, but our capacity to respond and engage when we couldn't hold public meetings. We received over 4,000 responses to our surveys from individuals, community groups, organizations, and colleagues that have helped form the plan.

Here is a list of the chapters in the plan. Please reach out to Daniel or me if you would like to be a reader over the next couple of weeks. Each chapter is organized with a general introduction, a goal or goals, and objectives or action items.

- Inclusion, Diversity, Equity & Access
- Preservation Partnerships
- Resiliency & Recovery
- Economic Growth
- Local Preservation
- Resource Identification
- Public Outreach & Education

The plan will also include a sub-section on historic sites. Although not a requirement of the National Park Service, since the state historic sites system is within the Division for Historic Preservation, we are pleased to include a lot of information that will help our colleague groups.

The plan will also include special sections on archaeology and technology, plus robust appendices on sources of funding and a list of colleague groups. This plan is going to include the SEQRA process, so it builds in a lot of public comment.

Before our next meeting, the board will receive a copy of the draft plan. By that point, we may or may not have the comments back from the National Park Service. I urge you to participate. This is not a plan for daily operations of the division, but a preservation plan for all New Yorkers.

D. Perrelli: Dan, what is the due date?

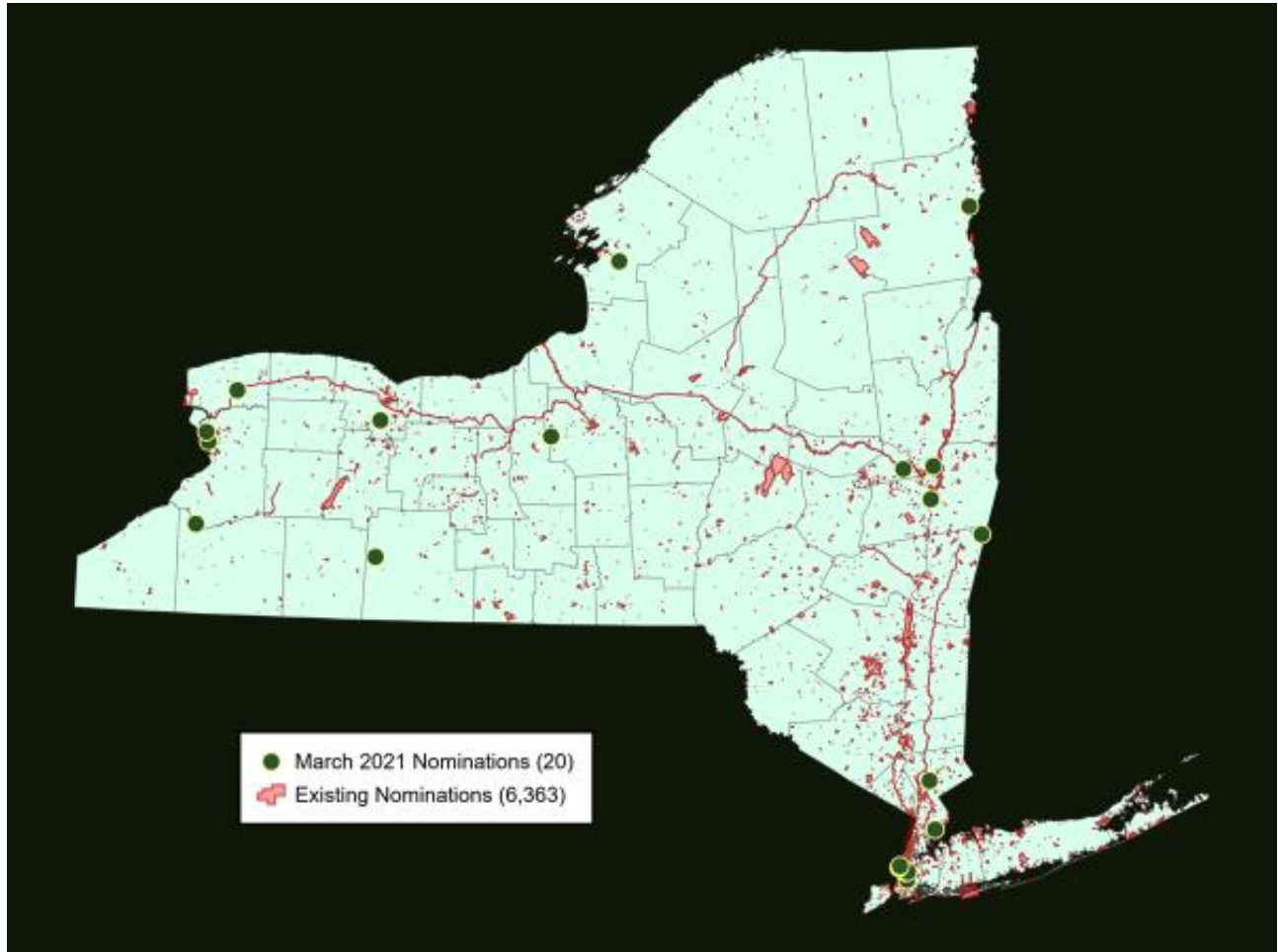
D. McEneny: We send the report to the Park Service on April 1st, at which point we will share it with the board.

D. Perrelli: I will work with the board members to help them select chapters in which they are most interested so that we can provide meaningful comments.

D. McEneny: That would be very helpful. We are very excited to be finalizing this report.

NOMINATION REVIEWS

K. Howe showed a map prepared by Matt Shepherd of our Information Resources Unit (thank you Matt) that showed the distribution of the properties being presented today. The map shows good statewide coverage.



K. Howe thanked the three senior staff who are mentoring the six NR staff-in-training: State Parks Survey Coordinator, Bill Krattinger; Parks Historian, Kath LaFrank; and Coordinator of the Community Engagement Unit, Dan McEneny. And thanks to James Carter for providing technical support during this meeting.

1. The Buffalo Club, Buffalo, Erie County

Presenter: Jennifer Walkowski.

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

The Buffalo Club is locally significant under Criterion A in the area of Social History as the preeminent mens' social club in Buffalo.

Guest Speakers: none

Board Discussion:

J. DiLorenzo: this a great nomination and a property worthy of designation. In Section 8, Page 1, the author describes other clubs that were offshoots of this club. Specifically, the Pack Club is described as “shadowy,” and I wonder if that is an appropriate term.

J. Walkowski: I am not familiar with that club and will research further what appears to be an editorial comment.

D. Perrelli: It is interesting to note that the Saturn Club was another offshoot of this club, but founded by the younger, more liberal offspring of the Buffalo Club members. I think it is noteworthy that Section 8, Page 12 mentions that it was not until 1988 that two women and a Black man were admitted as members.

Motion to approve: **J. DiLorenzo** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The motion was approved by unanimous consent

2. Harrison Radiator Corporation Factory, Lockport, Niagara County

Presenter: Jennifer Walkowski

- Letters of support: none
- Letters of objection: none
- Financial incentive program: commercial investment tax credit program

The Harrison Radiator Corporation Factory is locally significant under Criterion A in the area of Industry for its leadership role in the design and production of heating and cooling components, primarily for the automotive industry but over time for other industries as well. It is also significant under Criterion C in the area of Architecture as a significant example of a reinforced concrete daylight factory designed by Rochester architect James R. Tyler.

Guest Speakers:

Carolyn Coppola, Coppola Associates, consultant: The story of this factory starts in 1910 when Herbert Harrison patents the hexagon automobile radiator. Harrison Radiator employed talented engineers and designers throughout its history, keeping the company at the forefront of innovation and state-of-the-art technology. I visited Lockport frequently to research what happened inside this complex to prepare this nomination, but I was particularly struck by the impact this company also had outside its walls. During my research, I encountered many former employees who told me stories, provided photos, and assisted with research in the uncatalogued company archives. There is real pride in the community for what Lockport contributed to the modern era of automobiles and space exploration.

Thank you for your consideration of this nomination.

Board Discussion:

D. Mackay: This project is two blocks from Main Street and three blocks from the Erie Canal and the Flight of Five locks. It is a very critical piece of commercial infrastructure in Lockport

C. Clark: As a native Detroit, where there is a significant number of industrial daylight factories, I heartily endorse this nomination.

W. Aldrich: The historical industrial photography submitted with this nomination is just spectacular. It really shows how this industry functioned.

E. Krieger: It is fascinating that this is a company that started when people were hesitant to buy cars (because they overheated) all the way up to cooling space suits for astronauts. What a march through time that is. And it happened here in Lockport.

D. Perrelli: Based on the impact this company and its products had, was any consideration given to national or state level of significance?

J. Walkowski: We did not explore that. It would require looking at a broader view of other radiator companies in the state or nationally. We did not pursue that. We can expand the significance after it is listed if additional research is done that supports an elevated level of significance.

Motion to approve: **C. Clark** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

3. John Kam Company Malt House & Kiln House, Buffalo, Erie County

Presenter: Jennifer Walkowski

- Letters of support: Assembly member William C. Conrad; City Council member Joseph Golombek Jr.; Michael David, President of the American Malting and Barley Association; and Ethan Cox, local Buffalo author and brewery historian
- Letters of objection: none
- Financial incentive program: commercial investment tax credit program

The John Kam Company Malt House & Kiln House, constructed in 1901, is locally significant as the only remaining example of the Dornfeld drum and kiln system sub-type of malthouse architecture in Buffalo. The building was designed by John F. Dornfeld, the engineer who also patented the innovative pneumatic drum germinating system and pneumatic kiln technologies utilized at the site.

Note: Prior to today's meeting, all SRB members received a memo that provided a brief history and timeline for this proposed nomination from Kathleen LaFrank and Kathy Howe as well as a copy of the Part 1 comment letter from Roger Reed of NPS. These documents are attached at the end of the Minutes.

J. Walkowski: The question before the board today is does the property retain enough physical integrity? The grain elevator at the railroad siding and the steel storage silos have been demolished. Although not part of the malting process, they were the first two steps in the fundamental function of the facility. Also removed are the 42 Dornfeld rotating drums, which were sent to South America and Mexico, and the four rooftop cupolas that housed the fans atop the drying room. Are all four parts of the building necessary to convey the historic significance of what took place here, or are the two remaining sections in which the malting process actually took place sufficient?

Guest Speakers:

Kerry Traynor, kta preservation specialists: Jennifer did a great job of explaining the malt house and kiln house and the process. I want to focus on the significance of John Dornfeld. John Dornfeld and John Kam were pioneers in the malting industry. Dornfeld's patents defined the technology used across the United States. It is here at the Kam Malt House where the patents and architecture were realized for the first time in Buffalo, and perhaps the first time in the country.

Malting is the processing of grain, usually barley, into wort for beer making. As described in a 1901 publication, malting involves "every manipulation from the moment the crude grain leaves the elevator or storehouse." Malting involves three operations: steeping, germination, and kiln drying. All three of these operations occurred within the surviving building.

We argue that the building retains a high level of integrity for an understanding of the cutting-edge technology associated with Dornfeld's patents that this building was specifically designed to house.

The volumetric space and column grid in the two-story malt house are a direct reflection of this system. The forty-two pneumatic drums were placed first and the building constructed around them. Rings in the floor and collar beams above provide evidence of these drums. The horizontal and vertical conveyors that moved the germinated grain to the kiln house survive. The kiln house retains the kiln equipment as patented by Dornfeld: the kiln-turning apparatus, the kiln floor, the maltster, and the air-mixing chamber all survive.

There are six surviving malt houses in Buffalo. Two are listed on the National Register and one has been determined eligible for listing. The two others, besides the Kam Malt House, have lost integrity and have no surviving equipment. None of these other malt houses have or had Dornfeld equipment.

So, to answer Jennifer's question: how much is enough? We argue that although the metal silos and grain elevator are missing, they are not part of the Dornfeld-designed malting process; they were merely the storage apparatus for the handling of materials. We believe there is sufficient historic fabric remaining to allow for an understanding of Dornfeld's patented technologies.

The area of significance is Industrial History; specifically, the innovative, cutting-edge, patented technologies used in pneumatic malting and the pneumatic kiln developed by John Dornfeld and used at the John Kam Malt House & Kiln House.

This resource is a rare surviving example and the only example of a Dornfeld Malt House remaining in Buffalo.

Fred LoFaso, sponsor: I have been in real estate for thirty-five years and have been in a lot of historic buildings. When I first walked into this building it was plain as day what it was used for. It is like walking into a museum. One of the things that was not in the original Part 1 submission to the NPS was documentation of the kiln-turning equipment. That was not discovered until mid-January of this year.

Regarding the loss of the silos, you can still read the silo location in the discoloration of the brick wall along that elevation.

This is the tallest building in the Black Rock neighborhood. It has been here for 120 years and it means a lot to the community. It means a lot to them to see it repurposed. We don't want to lose the remaining structure.

Board Discussion:

D. Perrelli: In advance of today's meeting the board received a copy of the PDIL denial letter from the NPS and the timeline prepared by OPRHP. Was the nomination updated based on the NPS letter?

K. Traynor: Yes, it was.

J. DiLorenzo: If someone were to walk into this building and have a basic knowledge of the malting process, could this be read as using the Dornfeld process because of the equipment that remains plus the evidence of where the malting equipment existed?

K. Traynor: Yes, but it does require an understanding of the difference between the Dornfeld pneumatic system and the Saladin box system.

J. DiLorenzo: So, the argument is that this is not just a generic malt house, but it is significant because it reflects the patented process that you are able to read?

K. Traynor: Yes, because Dornfeld and Saladin had two different ways of malting grain.

J. DiLorenzo: So, the NPS didn't have the full story when they reviewed the initial documentation?

K. Traynor: The NPS put a lot of weight on the silos and elevator missing without an understanding of the importance of Dornfeld. They thought all the Dornfeld equipment had been removed.

K. Herron: We were recently provided with a video of images that provides information that is not in this nomination. I feel that some of that information supports the case you made today. For example, it said that Dornfeld held fifty patents. Can you clarify if those fifty patents are all related to this process? How many of them were in use in this building, and how many are extant? Today you have made the case that despite the missing drums there are many other examples of his patents in the building.

K. Traynor: Dornfeld didn't stop developing his process after this building was constructed. Most of those patents were issued after 1901. We can add a list of the Dornfeld patents in this building as an appendix.

K. Herron: That would be helpful.

C. Clark: I think the nomination needs to be overhauled based on the presentation today.

K. Herron: Are you saying it needs a major overhaul or could the case be made by some massaging?

C. Clark: I think a major overhaul is needed to support the central argument.

J. DiLorenzo: The Park Service denial letter muddied my understanding because it stated the equipment was missing but the nomination I was reading showed it to be extant. Should we move it but recommend changes or should we send it back for a rewrite?

D. Perrelli: You can form that as a motion.

J. DiLorenzo: I move that we approve the nomination with slight additions that make it clear that it is significant because of Dornfeld and that much of his patented equipment is extant or the evidence can be clearly read.

K. LaFrank: I want to offer some clarification. Roger Reed, the NPS reviewer, felt that all four parts of the building needed to be there as the reason for his denial. He gave Kerry another option to designate the building under Criterion C in the area of Architecture as an example of the Romanesque Revival. That has not been changed in this revised nomination.

I also have a question: were the kilns dramatically different from the kilns used in the Saladin system?

K. Traynor: Yes.

Fred LoFaso: Remember, the floor turning machinery and conveyors were not discovered until mid-January. It wasn't part of the original documentation sent to the NPS.

K. Howe: There is a precedent for moving a nomination forward with a condition that revisions be made subsequent to board approval.

Motion to approve, with the stipulation that it be revised to reflect the argument made during today's presentation: **J. DiLorenzo** Second: **K. Herron**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

4. Mottville Cemetery, Skaneateles, Onondaga County

Presenter: James Finelli

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

The Mottville Cemetery is locally significant under Criterion A in the area of Exploration and Settlement as a pioneer-era burial ground that provides information about the earliest citizens of the area. The cemetery also meets Criterion C in the area of Art for its collection of funerary monuments ranging from the early nineteenth century to the early twentieth century.

Guest Speakers: none

Board Discussion:

D. Perrelli: Do the yellow ribbons we see on some of these markers signify anything?

J. Finelli: The Cemetery Association is actively doing restoration work, and I believe the yellow ribbons are on stones on which they are keeping an eye.

D. Perrelli: The Criterion C is not for the landscape. It is just for the funerary art?

J. Finelli: Yes. It is a simple rural burial ground, so we focused on the headstones.

T. Maggs: As president of Oakwood Cemetery in Troy, usually those yellow ribbons are placed there to identify monuments that require repairs. I am aware that the state has a small fund and provides some funding for stone restoration.

Motion to approve: **T. Maggs** Second: **D. Perrelli**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

At 11:36 D. Perrelli called for a brief five-minute break.

The meeting resumed at 11:41 and D. Perrelli confirmed there was a quorum present.

5. 240 Broadway, Brooklyn, Kings County

Presenter: Linda Mackey

- Letters of support: NYC Landmarks Preservation Commission (a Certified Local Government)
- Letters of objection: none
- Financial incentive program: Approved Part 1 for commercial investment tax credit

The building at 240 Broadway is locally significant under Criterion C in the area of Architecture as a representative example of cast-iron commercial architecture in Brooklyn designed by Theobald Engelhardt.

Guest Speakers: none

Board Discussion: none

Motion to approve: **W. Goodman** Second: **W. Aldrich**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

6. Williamsburg Houses, Brooklyn, Kings County

Presenter: Linda Mackey

- Letters of support: NYC LPC (a Certified Local Government)
- Letters of objection: none
- Financial incentive program: Approved Part 1 for commercial investment tax credit

Williamsburg Houses is locally significant under Criterion A in the area of Community Planning, Politics/Government, and under Criterion C in the area of Architecture as one of the earliest public housing projects in the United States directly funded by the Public Works Administration, as one of the first and most successful projects built by NYCHA, and as one of the earliest public housing developments in the United States to incorporate some of the social and design ideas promulgated by European modern architects in the 1920s. The property also meets the registration requirements established in the *Multiple Property Documentation Form, Public Housing in the United States, 1933 to 1949*.

Guest Speakers:

Nate Curwen, Heritage Consulting Group, consultant: Thank you Linda for the presentation. I enjoyed working with her and Kath [LaFrank] on the nomination. We understand the significance of the property and are looking forward to the rehabilitation. I also thank the review board for their consideration of this nomination.

Board Discussion:

W. Aldrich: These are beautiful buildings and they have been beautifully rehabbed. They really are historic. I noticed in the nomination that before they were built there was slum clearance that displaced 5,400 people, and the new buildings only provided housing for 3,000. I'm sorry that it couldn't be otherwise. I am surprised it is not statewide or national level of significance.

Motion to approve: **W. Aldrich** Second: **C. Clark**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

7. New Lebanon District No. 8 School, New Lebanon, Columbia County

Presenter: Jennifer Betsworth

- Letters of support: none
- Letters of objection: none
- Financial incentive program: Part 3 approved by the NPS for commercial investment tax credit

The New Lebanon District School No. 8 is locally significant under Criterion C in the area of Architecture as a notable local example of the Second Empire style and a two-story brick schoolhouse. The school is additionally significant under Criterion A in the area of Education as a significant reminder of the New Lebanon school system during the late nineteenth century and in the area of Social History for its association with the local grange chapter that occupied the building from 1913 through ca.1947.

Guest Speakers: none

Board Discussion:

E. Krieger: Wearing my building code hat, being that there is a residential occupancy above a commercial use, I am concerned that I do not see a sprinkler system installed.

J. Betsworth: The photos may not show it, but I can put you in touch with the primary sponsor if you want to reach out to them.

E. Krieger: Sure.

D. Perrelli: Thank you Erica; safety first.

Motion to approve: **J. DiLorenzo** Second: **W. Goodman**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

8. Loew's Kameo Theater, Brooklyn, Kings County

Presenter: Jennifer Betsworth

- Letters of support: NYC LPC (a Certified Local Government)
- Letters of objection: none
- Financial incentive program: a Sacred Sites project of the NY Landmarks Conservancy

The Loew's Kameo Theater, now the Philadelphian Sabbath Cathedral, is locally significant under Criterion C in the area of Architecture as an intact example of a 1920s neighborhood movie palace in New York City. It is additionally significant under Criterion A in the area of Entertainment and Recreation for its forty years of use as a local entertainment venue in Crown Heights.

Guest Speakers: none

Board Discussion:

C. Clark: I frequently ride my bike past this building. It is a wonderful building.

Motion to approve: **C. Clark** Second: **D. Perrelli**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

9. Walker-Warren House, West Henrietta, Monroe County

Presenter: Virginia Bartos

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

The Walker-Warren House is locally significant under Criterion C in the area of Architecture as a Free Classic variant of the Queen Anne style with character-defining features that include: an irregular form, different textures in the siding, projecting bays, a wrap-around porch, a hipped and lower cross-gabled roof, a mix of wood clapboard and shingle siding, and fluted wood columns on the porch that are grouped in threes on tall, square bases.

Guest Speakers: none

Board Discussion:

W. Goodman: I am somewhat familiar with this property as I drive past it frequently. I particularly enjoyed seeing the interior photos in the nomination.

Motion to approve: **W. Goodman** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

10. Lorraine Hansberry Residence, New York, New York County

Presenter: Kath LaFrank

- Letters of support: NYC LPC (a Certified Local Government)
- Letters of objection: none
- Financial incentive program: NYC LGBT Historic Sites Project under our third Underrepresented Communities grant from the NPS

Previously listed in the Greenwich Village Historic District, but we are now listing it individually. The Lorraine Hansberry Residence is nationally significant under Criterion B in the area of Literature for its association with pioneering Black lesbian playwright, writer, and activist Lorraine Hansberry, who lived here from 1953 until 1960, during which she created her most important works, including her groundbreaking play, *A Raisin in the Sun*.

The Hansberry Residence is also significant under Criterion A in the areas of Social History: LBGT and Ethnic History: Black - because of Hansberry's place at the intersection of race, class, gender, and sexuality.

Guest Speakers:

Amanda Davis, project manager for the NYC LGBT Historic Sites Project: We're really proud of the Lorraine Hansberry residence. It is a wonderful tangible piece of LGBT history, in addition to all the other important histories she represents. The building is very close to the Stonewall National Monument and tours are given of Stonewall and surrounding buildings all the time (digitally these days). We love the fact that people can visit the Hansberry residence and understand the diverse history of the LGBT community and the impact on her work, pre-Stonewall riot, bringing this history even earlier.

We are also working with the NYC Department of Education. *A Raisin in the Sun* is a staple of high school students' studies. When we talk to the students and are able to include this residence, especially for gay students of color, we see the look in their eyes when they are able to see this work and Hansberry in a new light. It is an incredible opportunity to be able to teach this history.

Thank you for your consideration.

Board Discussion:

K. Herron: I want to acknowledge how important I thought this nomination was to recognize Lorraine Hansberry and her story. I thought it was wonderful pointing out that in her work, particularly *A Raisin in the Sun*, home and the power of place are so critical to that story. It all just ties in nicely.

I was wondering why the nomination doesn't include the historic photos of Lorraine Hansberry in the space that you showed us today. They are so powerful.

K. LaFrank: I didn't have a chance to gather them. Because of the pandemic, the consultant was not able to take interior photos, so I searched the Internet and found this collection of images. I am going to include a section with historic photos when I send this in.

Motion to approve: **K. Herron** Second: **C. Clark**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

11. Women's Liberation Center, New York, New York County

Presenter: Kath LaFrank

- Letters of support: NYC LPC (a Certified Local Government) and the NYC Department of Citywide Administrative Services (owner)
- Letters of objection: none
- Financial incentive program: NYC LGBT Historic Sites Project under our third Underrepresented Communities grant from the NPS

The Women's Liberation Center is locally significant under Criterion A in the areas of Social History: LGBT, and Social History: Women's Rights, as the first permanent advocacy space for women's and lesbians' organizations in New York City and as one of the earliest examples of a feminist advocacy space nationwide. Although the period of significance is 1972-1987, it is considered to have exceptional significance under Consideration G-less than 50 years of age.

Guest Speakers:

Emily Kahn nomination author, graduate student of Andrew Dolkart in the HP program at Columbia University GSAPP:

I have spoken to multiple women involved with this site, as well as employees of Nontraditional Employment for Women [current occupants of the building], and it has been universally expressed how important this building and this site have been in empowering women, in creating self-determination for women, and in being an inclusive space for all women regardless of their sexual identity, racial background, or socio-economic status.

Because this is Women's History Month, it is so appropriate that this community is now getting the recognition and the awareness it deserves. This nomination means a lot to many women in the women's and lesbians' liberation movements. It means a lot to us at the NYC LGBT Historic Sites Project, and I thank you for your consideration.

Board Discussion:

K. Herron: First I want to congratulate Emily. As a student you have presented two nominations, one previously and one today, and you really do an excellent job.

Earlier today we saw nominations where the period of significance ended at 1971 because that is 50 years out. The period of significance for this property doesn't even begin until 1972 and runs through 1987. Would you please explain how it is that we can consider a nomination for a property where the period of significance is less than 50 years? Does the Park Service have any issue with that?

K. LaFrank: The National Park Service allows properties less than fifty years old to be listed if they possess “exceptional significance.” On the nomination form I checked the box for “Criteria Consideration G-less than 50 years of age,” and the nomination justifies that exceptional significance.

We have had great luck recently with the National Park Service with properties less than fifty years old, especially with artists’ nominations, expanding things into the 1980s and 90s. The Park Service has been open to this if the scholarship is there because history is changing so fast, and if we are going to represent the traditionally underrepresented groups and themes, a lot of that occurred within the last fifty years. We’re not going to say “oh, you have to wait fifty years.”

The women’s liberation movement of the 1970s is considered the second wave of women’s liberation, the first wave being the suffrage movement. This second wave is considered exceptionally significant in its own right. In that context, this property is one of the first spaces in the country, if not the first (there is one in San Francisco that may or may not pre-date this one), devoted to women’s advocacy.

K. Herron: I was wondering if national level of significance would apply?

K. LaFrank: We considered it, but it would require additional research to find out what was happening in San Francisco or other places around the same time. [NB: additional research was done after the meeting and as a result, significance was upgraded to national level before it was submitted to the National Park Service.]

Motion to approve: **K. Herron** Second: **J. Lemak**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

12. Church Hill Historic District, Halfmoon, Saratoga County

Presenter: Daniel Bagrow

- Letters of support: Acting Town of Halfmoon Historian, the president of the Halfmoon Historical Society, and the Saratoga County Historian. The town board also passed a resolution supporting the nomination.
- Letters of objection: none
- Financial incentive program: none

The Church Hill Historic District is locally significant under Criterion C in the area of Architecture as a district reflecting popular nineteenth and early twentieth-century architectural styles with a period of significance from 1817 to 1925.

Guest Speakers:

George Harris, local resident and property owner: Expressed appreciation to the board, Bill Krattinger, who did the early work on this district, and Dan Bagrow. It has been a real pleasure.

Board Discussion:

D. Bagrow: I forgot to mention that there is one additional resource, the canal terminal structure at the end of Terminal Road, that was already listed as a contributing structure to the National Register-listed Barge Canal that will be added to this nomination.

D. Perrelli: Of the thirteen properties listed as contributing, the canal terminal is not included?

D. Bagrow: Correct. That will be added and the number of contributing resources increased to fourteen.

D. Perrelli: This nomination only identifies Criterion C for Architecture. Why not Criterion A for the canal history or for Col. Noxon [preeminent mid-nineteenth century resident and businessman]?

D. Bagrow: We discussed that and looked at other possible criteria, including commerce, but the building stock is entirely residential, except for the two canal-related structures. Architecture seemed to be the most straightforward approach.

T. Maggs: Isn't that bank building already listed? I seem to recall a discussion of that building at a previous board meeting.

D. Bagrow: Yes. There are two properties, the Noxon Bank building and Oakcliff, that were previously listed individually.

Motion to approve: **T. Maggs** Second: **W. Aldrich**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

13. Westport Historic District, Westport, Essex County

Presenter: Daniel Bagrow

- Letters of support: one e-mail in support from one local resident
- Letters of objection: although only private property owners can object, we received a letter of objection from the superintendent of the school district
- Financial incentive program: none

The Westport Historic District is locally significant under Criterion A, in the areas of Commerce, Entertainment & Recreation, and Community Planning and Development; and under Criterion C in the area of Architecture.

Guest Speakers:

Bill Johnston, local resident: This nomination has been a marathon process. It started back in the early 1980s when Ray Smith [former DHP staff] spoke to a group of people in Westport about the benefits of creating a historic district. Following Ray's presentation, NYSCA awarded funding to begin the survey process, which was designed and managed by Tania Werbitzky [former staff, Preservation League of New York State].

There were two areas in the village identified as potential historic districts: the so-called South Main Street HD and an area near the D&H Railroad depot, the so-called North Pleasant Street HD. The initial nomination was drafted along with almost 100 inventory forms completed. Then the nomination process lagged for a number of years. In the meantime, the Essex County Fairgrounds was listed separately.

In 2014 the Preservation League granted the town funding to upgrade the nomination to combine the two areas and to bring in the properties in between the two areas. OPRHP staff have been very helpful in bringing this nomination forward, and I thank the board for your consideration.

Board Discussion:

D. Perrelli: This is a large historic district with over 300 properties. I note that twenty-four were previously listed. There is an interesting early history of the area from the late 1700s, but am I correct in understanding that there are no buildings remaining from before 1825?

Bill Johnston: Yes, that is correct.

Motion to approve: **J. DiLorenzo** Second: **W. Aldrich**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

14. Stone Buildings of Jefferson County MPDF, Jefferson County

Presenter: Daniel Bagrow

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

This Multiple Property Designation Form (MPDF) serves as a cover document or umbrella that is used to make it easier to list individual resources. This form is specifically concerned with historic limestone and sandstone buildings erected in Jefferson County, New York, in the first three-quarters of the nineteenth century. In the future, authors nominating stone buildings in Jefferson County will be able to reference this context and avoid needing to rewrite it.

Guest Speakers: none

Board Discussion:

W. Aldrich: The write-up of the context, not only the historical and architectural, but also the geological, is terrific. It ought to open the way for more nominations for this building type.

Motion to approve: **W. Aldrich** Second: **T. Maggs**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

15. Samuel F. Ballard House, Watertown, Jefferson County

Presenter: Daniel Bagrow

- Letters of support: none
- Letters of objection: none
- Incentive program: honorary

The Samuel F. Ballard House is locally significant under Criterion C in the area of Architecture, as a well-preserved example of limestone construction in Jefferson County from the first quarter of the nineteenth century. The house is being nominated in association with the MPDF entitled *Stone Buildings in Jefferson County, New York, ca. 1800-1875* and satisfies the registration requirements as laid out in that document.

Guest Speakers: none

Board Discussion:

D. Perrelli: The building has a second-floor addition on the wood-framed wing. In general, we are advised that additions should not overwhelm the original building in size or placement. Are we safe here with this addition?

D. Bagrow: I believe we are. We considered this example when writing the MPDF. In this case, the original stone block predominates, especially from the front view.

Motion to approve: **D. Perrelli** Second: **W. Goodman**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

16. Solomon Resnick House, Chappaqua, Westchester County

Presenter: Chelsea Towers

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

The Solomon Resnick House, built in 1953 with additions in 1967, is locally significant under Criterion C in the area of Architecture as an excellent example of Modern residential architecture in Chappaqua, Westchester County. It was designed by Modern architect Leonard Feldman, with contributions by landscape architect Kaneji Domoto and additions by Aaron L. Resnick (unrelated).

Guest Speakers: none

Board Discussion:

W. Aldrich: This is a very handsome modern house. Looking at the photos it is hard to believe that it is seventy years old. It's as if it was made last year. The landscape is also beautiful.

Somewhere in the nomination it says it sits atop a 900-foot escarpment-I think it must be at 900 feet elevation because it would be very unusual to have a cliff that is 900 feet high in Westchester County.

Motion to approve: **W. Aldrich** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

17. Larchmont Avenue Church, Larchmont, Westchester County

Presenter: Chelsea Towers

- Letters of support: Assembly-member Steven Otis
- Letters of objection: none
- Financial incentive program: none

Larchmont Avenue Church complex, built in three campaigns in 1922, 1930, and 1953, is locally significant under Criterion C in the area of Architecture as an architecturally significant resource whose development mirrored the growth of Larchmont during the twentieth century.

Guest Speakers: none

Board Discussion:

D. Perrelli: The manse acquired in 1962 is used as the bookend for the period of significance, but it is such a different architectural style. Does that present any problem for the nomination?

C. Towers: We don't believe so. We considered using a different period of significance, but the manse was built in 1930 during the period of significance of the church proper, and it has been used for church purposes since it was acquired in 1962, so that is when we chose to end the period of significance.

Motion to approve: **T. Maggs** Second: **W. Goodman**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

18. Fitzgerald Building, Schenectady, Schenectady County

Presenter: James Carter

- Letters of support: none
- Letters of objection: none
- Financial incentive program: NPS approved Part 3 application for the commercial tax credit

The Fitzgerald Building is locally significant under Criterion A in the area of Commerce for its association with twentieth-century commercial activity and development in Schenectady. It is also locally significant under Criterion C in the area of Architecture as a representative example of early twentieth-century commercial architecture and the use of cage construction.

Guest Speakers: none

Board Discussion:

T. Maggs: Schenectady probably hit bottom about ten years ago or more. If you were to drive through today you would see the efforts made to turn things around. Proctor's Theater played a major part in that. It is amazing what the commercial tax credit program is doing in these cities. This building is an example of that.

A little background on Ter Bush & Powell. They did a lot of insurance work involving Robert Moses: the Power Authority of New York State, a lot of New York City projects, the New York Yankees, and such. Of course, with the Civil Service Employees Association there was a lot of politics associated with their work back in the 1970s and 80s. They were very active in New York State politics.

Motion to approve: **T. Maggs** Second: **J. Lemak**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

19. Park Mart, Albany, Albany County

Presenter: James Carter

- Letters of support: none
- Letters of objection: none
- Financial incentive program: NPS approved Part 3 for the commercial investment tax credit

The Park Mart is locally significant under Criterion A in the area of Politics and Government because of its important association with Albany's urban renewal program, and under Criterion C in the areas of Architecture and Engineering as a distinctive example of expressionistic Modern architecture designed by noted regional architect Robert Louis Trudeau and because of the unusual combination of construction methods used.

Guest Speakers: none

Board Discussion:

C. Clark: I think this is a really exciting nomination.

E. Krieger: It is nice to see an atypical building type.

Motion to approve: **C. Clark** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

20. Kimble-Nellé House, Gowanda, Cattaraugus County

Presenters: Dan Boggs (architecture) and Kathy Howe (Nellé history)

- Letters of support: none
- Letters of objection: none
- Financial incentive program: none

The Kimble-Nellé House is locally significant under Criterion C in the area of Architecture for the first period of significance, ca. 1875 to ca. 1913, which represents the date of construction for the house and the addition of the front porch.

The house is also locally significant under Criterion B in the areas of Performing Arts and Art for its association with internationally known Polish-born dancer, set designer, choreographer, director, and artist Anthony Z. Nellé, who lived here with his wife and fellow dancer, Margaret Donaldson, on and off from 1942 until 1956, then permanently until he died in 1977. Therefore, the second period of significance is 1942 to 1977.

Guest Speakers: none

Board Discussion:

W. Goodman: I really enjoyed reading this nomination. Excellent work. The house and the presentation were very impressive. The integrity of the house is so high, and the history of Nellé is fascinating.

Motion to approve: **K. Herron** Second: **E. Krieger**

Vote: Opposed - none Abstaining - none

The nomination was approved by unanimous consent

BOARD BUSINESS

D. Perrelli: I shared the State Council on Parks material with the members of the board. I'd be happy to receive comments via e-mail. I'm not sure if I sent the annual report, but if you haven't received it I'll send that out.

I want to return to the 2021-2026 State Historic Preservation Plan. We're going to be receiving information from Dan McEneny and I'll be circulating that for comment.

The only outstanding item is the request from Daniel to provide brief biographies from each board member to be posted on the agency web-site. Has anyone complied with that? Are we going to provide photos?

It was noted that some who serve as proxies for agency heads have to get approval before responding.

D. Mackay: A few have complied but not all. I will distribute a template. Since we don't have staff photos with their contact information on the web-site, photos of board members will not be required. The bios should be short and tailored to your function on the board and not be a general life history. They should be submitted before the next meeting on June 10.

NEW BUSINESS

The following dates were confirmed for the next meetings in 2021:

- Thursday, June 10
- Thursday, September 9
- Thursday, December 9

ADJOURNMENT

There being no additional action required of the board, a motion to adjourn was made by **W. Goodman**, seconded by **T. Maggs**.

By voice vote with none opposed, the motion carried.

Meeting adjourned at 2:01 PM

Prepared and submitted by board secretary Michael Lynch

Attachments: December 28, 2020 NPS letter
March 2, 2021 OPRHP memo



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240

RECEIVED

FEB 10 2021

DIVISION FOR
HISTORIC PRESERVATION

December 28, 2020

Mr. Frederic Lofaso
Shylo Group, Inc.
356 Hertel Ave.
Buffalo, NY 14207

PROPERTY: **John Kam & Co., Malt House and Kiln House, 356 Hertel Ave., Buffalo, NY**
PROJECT NUMBER: **42694**

Application: Part 1
Action: Denial

Dear Mr. Lofaso:

The National Park Service has reviewed the Historic Preservation Certification Application -- Part 1 for the property cited above and has determined that the property does not appear to meet the criteria for individual listing in the National Register of Historic Places. This finding is the opinion of this office only and is based on the Part 1 application submitted to this office. Therefore, this property does not presently qualify as a "certified historic structure" for purposes of the Tax Reform Act of 1986, and thus does not qualify for the historic preservation provisions that apply to "certified historic structures."

The draft nomination argues that the property is significant under National Register Criterion A as, "a rare extant example of malt and kiln house architecture in Buffalo, associated specifically with the innovative pneumatic drum germinating and pneumatic kiln technologies patented by John F. Dornfeld, who was the building's engineer and architect." The nomination further states that, "The John Kam Malting Company was one of the largest malt producers in the United States in the nineteenth and early twentieth century and is significant in Buffalo's long beer brewing history." The period of significance proposed starts in 1901 when the building was constructed, ending in 1918 when the Kam Malt House Company closed. Staff of the NY State Historic Preservation Office questioned individual listing due to the loss of essential character-defining features integral to the operation of the Kam Malt House and Kiln House and requested NPS review.

DESCRIPTION

The property is proposed for listing based upon its significance as a combined malt house (two to four stories) and kiln house (seven stories) in a large brick building designed in the Romanesque style in 1901. The building (apart from the one-story concrete block addition to be removed) ranges from two to seven stories using what was considered semi-fireproof construction with segmental tile arches supported on steel columns. The different heights of the building reflect the functions of the malt house and kiln house.

No longer extant are the 32 steel storage bins characterized in the nomination as, "not considered essential or innovative in the malting industry, as was the pneumatic technology used at the Kam Malt House and Kiln House." (P 7/10) The silos were located on the north side of the building where there are no windows. The tanks were clustered under a gable roof with clearstory windows.

Also, no longer extant and not specifically addressed in the nomination is the eleven-story brick grain elevator located at the west end of the storage bins. The elevator connected to the bins and the northwest corner of the building and was also integral to the operations. A spur of the railroad tracks ran below.

The nomination provides good documentation on the history and operation of the malt house during its proposed period of significance, 1901-1918. With the loss of the storage bins and elevator, the focus is on the treatment of the barley used to brew beer rather than storage and conveyance of the grain. As the nomination makes clear, this was the essence of the actual preparation of the barley for brewing. Nonetheless, it is incorrect to characterize the silos and elevator as not "essential" components.

The nomination takes the reader floor-by-floor through the interior of the building, documenting the integrity of the structure itself.

The four and two-story section (south and east) is the historic front entrance (now obscured by a one-story concrete block addition). The first two floors of this section contained the pneumatic drums and steeping tanks. Only the ghosts marking their location in the floor and ceiling remain. The malt drums were on the first floor along with storage space. On the second floor were the steeping vats. Office space occupied the two floors above (in the four-story section-partitions or finishes no longer extant except for a recently inserted apartment).

The seven-story section is described in the nomination as the kiln house. Grain was conveyed to the seventh-floor drying floor from the silos (presumably via the elevator). Above the seventh floor is a plenum space to allow heat to escape through ventilating towers (no longer extant). The sixth through fourth floors have still extant "drying compartments" formed by knee walls.

The second and third floors are a large volumetric space that allowed hot air to pass up to the drying rooms. This space also contained hoppers for the dried malt. On the first floor were brick kilns (no longer extant).

COMPARISONS:

The argument for Criterion A is based primarily on the association with John Dornfeld as architect/engineer rather than the significance of the Kam Malt Company. As noted in the SHPO preliminary review of the draft nomination, this focus on Dornfeld's innovations is problematical given the removal of all pneumatic equipment for which he is claimed to be significant.

NY SHPO has also noted in their review that the silos were a critical component of the process and, indeed, the Kam Malt Company claimed at the time they could store two million bushels. A search of other surviving Buffalo malt houses was requested of the consultants for this review and they generated a list (including "other brewing related architecture") for comparisons. Two Buffalo malt houses are listed in the National Register for industry and architecture under criteria A and C. They are the **Schaefer and Brother Malt House (10004737)** listed in 2019 and the **Kreiner Malt House and Grain Elevator (100001883)** listed in 2017.

Schaefer & Brothers has a malt house and attached grain elevator dating to 1880. The storage/shipping building was constructed in 1880 but with additions and alterations extending to 1969. The malt house is in the style of the German *Rungbogenstil*, a German antecedent to the Romanesque style of the Kam Malt House. The style and technology of construction, including the wood grain elevator, of Schaefer illustrates an earlier technology than the Kam Malt House.

The Kreiner Malt House and Grain Elevator was listed under the criteria outlined in the *Historic & Architectural Resources of the Buffalo Grain & Materials Elevator Multiple Property Submission*. The facility meets the following criteria outlined in the MPDF:

- It retains a high degree of integrity from its 1925 and 1936 construction dates, which is within the period of 1842-1954 outlined by the MPDF;
- It exemplifies the exposed reinforced concrete multiple silo elevator style;
- It is an inland silo located on a railroad line

Although a section of the Kreiner & Sons Malting Company malt house dates to 1894 (the architecturally undistinguished drying house/kiln), most of the buildings are part of enlargements made in 1925. These additions are the Malt House, Workhouse, and Elevator A. Elevator B was added in 1936 and both elevators were built of concrete. The significance of the property is based upon it being a complete complex. However, it largely reflects construction techniques of the 1925-26 period.

A third malt house, **Perot and Company**, on Childs Street, may be eligible for listing. Begun in 1907, this malt house is more contemporary to Kam. However, that appears to only apply to a section of the Romanesque style malt house as there are extensive additions. These include concrete silos and an elevator. The potential eligibility of this property would need to be confirmed in a survey.

CRITERION A (INDUSTRY)

The property does not retain integrity as a malt house due to the loss of the silos and elevators. It is also not clear that the involvement of John Dornfeld can justify significance with little that survives in the design of the building

that can be linked to innovative pneumatic malt treatment technologies. Based upon the draft nomination, I would concur with SHPO that individual eligibility is not supported under this criterion.

CRITERION C (ARCHITECTURE)

The draft nomination includes a sentence that the property may be eligible under Criterion C for architecture as a type, period, or method of construction. No context has been provided to support the significance of the property as a Romanesque style industrial building. The nomination documents that the design of the building, apart from the silos and elevator, retains a high degree of integrity for an industrial building. It is not clear, however, that there is a basis for architectural significance as the Kam Malt House appears to be an example of the nineteenth century Romanesque style with masonry load bearing walls and terra cotta floors supported on steel beams and iron columns typical for 1901. Neither the architectural style or the construction illustrates important architectural or engineering trends introduced in the early 1900s. As such, it has more in common with the 1880 Schaefer and Brothers Malt House, an earlier (and smaller scale) example of malt house architecture, than twentieth century reinforced concrete "daylight" factories common in Buffalo.

A denial of preliminary certification of significance cannot be appealed because other administrative options are still available to the owner. Should you wish to pursue the issue of individual National Register listing, your recourse at this point is to the formal Register nomination process (described in the enclosed Department of the Interior regulations, 36 CFR Part 60). Approval by the Keeper of the National Register of a nomination for the property carries with it automatic "certified historic structure" status for the property. You should contact your State Historic Preservation Office for further information.

A copy of this decision will be forwarded to the Internal Revenue Service. If you have any questions regarding the review of your application, please contact the SHPO or me at 202-354-2278.

Sincerely,



Roger G. Reed, Historian
National Register of Historic Places

Enclosure

cc: IRS
NY SHPO
Kerry L. Traynor, kta Preservation



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

TO: SRB Members

FROM: Kathleen LaFrank and Kathy Howe

RE: Project History: John Kam and Company Malt House and Kiln House, Buffalo, Erie County

Date: March 2, 2021

We have put together a brief history and timeline for this project, which has a long history but was formally initiated last spring. The applicant's (owner's) goal in listing the building is to qualify it for preservation tax credits. Because the National Park Service denied the applicant's initial application, it is now before you as a proposal for State and National Register listing. Attached is the most recent draft of the nomination and a copy of comments issued by Roger Reed, National Park Service reviewer, when he denied the project in December 2020.

October 2014

Jennifer Walkowski made a preliminary site visit

February 27, 2020

A preliminary submission was received seeking a determination of eligibility as a precursor to submitting an application for tax credits. NR and survey and senior staff reviewed, discussed, and held a peer review with staff and supervisors; the general consensus was that the building did not appear to be NRE due to the loss of the grain silos and elevator, two key functional features that were important in both uses of the building, first as a malt house and subsequently for grain storage and milling. However, staff provided the applicant's consultant with several options that might be explored to build a successful case for significance and overcome the lack of physical integrity. These included exploring the career of the important builder, John Dornfield, to see if this was perhaps the best or only example of his work or making a comparative study of other malt houses in the Midwest to see how those states handled the same kind of integrity losses.

March 4, 2020

The determination that the building was not eligible was conveyed to the consultant with the additional questions noted above about exploring the possible significance of the builder as well as finding similar projects in other states where malt houses had been nominated despite the loss of their silos and elevator. Consultant was told that we could certainly revisit the decision if more information was submitted.

Fall 2020

The consultant submitted a fully documented draft nomination requesting a PDIL – a preliminary determination of individual significance. PDILs are draft nominations that are submitted to the National Park Service for buildings that are not yet listed on the National Register as part of the tax credit review process. If NPS certifies that the building is *eligible* for listing, the applicant can proceed with the rehabilitation work and, if work is approved, take the tax credit while awaiting nomination [You review many drafts that have had such NPS certification]. The nomination explored the work of Dornfield but noted that all malt-related machinery had been removed from the building. Other examples of nominated malt houses and their integrity were not explored.

November 9, 2020

The PDIL was sent to NPS. Our staff memo to NPS (a normal part of the submission process) explained the project history and noted our doubts about the building's integrity, but it stopped short of recommending either certification or denial; instead, we asked NPS for an in-depth review.

November or early December 2020

NPS reviewer Roger Reed contacted the consultant directly to ask for additional information about a number of other National Register listed and eligible malt houses and grain elevators in Buffalo; the consultant submitted the information promptly.

December 22, 2020

After taking the project to a peer review of other NPS reviewers, Roger Reed denied the application, saying that the building lacked sufficient integrity to be eligible as a malt house [see letter from Roger Reed, attached]. Reed's detailed explanation said that the building lacked two key features that were vital to the malting process: silos and the elevator. Reed held out one possibility to the applicant's consultant, suggesting that the building could *possibly* be significant under criterion C as an example of a Romanesque Revival style malt house, but he did not guarantee that it would be successful, and he left it to the consultant to make the case. According to the tax credit regulations, the applicant cannot appeal a PDIL denial. The only option is to ask that it be brought before the SRB; if it is listed on the NR, the property can use the tax credit.

January 2021

Consultant asked that the proposal be submitted to the SRB

February 3, 2021

Consultant submitted a revised draft; staff have reviewed this draft and determined that it is not substantially different from the original. There is no additional information about the Romanesque Revival, as Reed had suggested, and the consultant expanded the argument that NPS already denied [that the building retains sufficient integrity under criterion A as a malt house].

Summary:

If the SRB decides that the property meets the NR criteria, the commissioner, as SHPO, will have the option of signing it, listing it on the State Register, and forwarding it to the Keeper of the National Register *or* not signing it, not listing on the State Register, and forwarding it to the Keeper of the NR as a disputed nomination, providing both the SRB's opinion and his own. If the SRB rejects it, the applicant will have the option of appealing to the Keeper. We cannot predict the Keeper's action; however, her decision is final. If the building is listed on the State Register only, it cannot use the federal tax credit and, therefore, cannot use the state credit either.

Unlike some other nominations, where there has been a disagreement between an applicant and staff, in this case, NPS has already offered an opinion on eligibility. Therefore, we invite you to consider the nomination and make your own judgement about whether the property meets the criteria and is sufficiently intact to convey its significance. As noted in the NPS *Manual for State Historic Preservation Review Boards* (1992), "The evaluation process is challenging because the concept of significance is relative, and therefore places considerable responsibility on board members to ensure that the evaluation is carefully considered and analytical" (p. 27). The manual also notes that the board shall not take into consideration such factors as tax incentives when making their decision (p. 28).

Jennifer Walkowski will present the proposal at the meeting, noting building history and integrity, and we will both be available to answer questions about the process. The consultant for the applicant will also make a presentation.

If you have questions prior to the meeting, feel free to contact Kathleen LaFrank Kathleen.lafrank@parks.ny.gov . We can certainly arrange for a phone call if necessary. This has been a long and challenging evaluation involving many staff; the nomination is quite thorough and interesting, and we look forward to your discussion and insights.