

MINUTES

179th MEETING

**NEW YORK STATE BOARD FOR HISTORIC
PRESERVATION**

March 19, 2020

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

Kathy Howe verified that people checking into the WebEx remotely had access. The following were noted as attending remotely:

SRB Members

- Doug Perrelli, Chair
- Wint Aldrich
- Carol Clark
- Jay DiLorenzo
- Kristin Herron
- Erika Krieger
- Jennifer Lemak
- Wayne Goodman (arrived later)
- Tom Maggs
- Chuck Vandrei

Absent

Paul Stewart

The following staff of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) participated in the WebEx remotely

- James Carter
- Linda Mackey
- Jennifer Walkowski

The following OPRHP staff participated in the WebEx from Peebles Island

- Daniel Mackay, Deputy Commissioner for Historic Preservation
- Michael Lynch, Director, Division for Historic Preservation and board secretary
- Julian Adams, Director, Community Preservation Services
- Kathy Howe, Coordinator, Survey and National Register Unit
- Daniel Bagrow
- Virginia Bartos
- Jennifer Betsworth
- Kathleen LaFrank
- Daniel McEneny
- Chelsea Tower

To our knowledge, no guests participated in the WebEx.

Call to Order

The meeting was called to order at 10:36 a.m. by Chair Doug Perrelli. This was followed by the roll call-the following responded as present: Aldrich, Clark, DiLorenzo, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei. There being nine members participating, a quorum was confirmed.

Board Secretary Michael Lynch noted that all votes during the WebEx would be by roll call.

Board Members Introduction

There being no guests participating on the WebEx, the board member introduction was waived.

Approval of Past Minutes

There were no corrections to the minutes for the 178th meeting.

Motion to approve: Tom Maggs Second: Erika Krieger

Vote: nine in favor (Aldrich, Clark, DiLorenzo, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei), **none opposed**. **The minutes were approved**

Next Meeting Dates

Presented by the Secretary to the Board: Due to the rescheduling of the Statewide Historic Preservation Conference from late March to early December in Syracuse, it is proposed that the off-site meeting of the State Review Board be the December meeting, and the September meeting, which is usually the off-site meeting, be held at Peebles Island.

Vote: nine in favor (Aldrich, Clark, DiLorenzo, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei), **none opposed**. The following meeting dates are approved for 2020:

June 11, 2020 at Peebles Island

September 10, 2020 at Peebles Island

December 3, 2020 in Syracuse with Preservation Awards on December 2

REPORTS

Charles Vandrei (DEC): Courtland Street Cemetery (Rev. War burial site in Lake George)

Work at the site is suspended because of the COVID-19 situation, but there are approximately seven to nine working days left to finish recovery. We have recovered the remains of at least thirty individuals and are beginning discussions of what will happen regarding reburial.

W. Aldrich: is the assumption that they are all military, or might some of them be Native Americans?

C. Vandrei: at this point the assumption is they are all military, but some of them may have been Native American because there were a number of Stockbridge-Munsee with that army.

Deputy Commissioner's Report: Daniel Mackay

Thank you to the staff and Board for your willingness to switch formats. Under the State of Emergency declared by Governor Cuomo in response to the COVID-19 pandemic, the Open Meeting Law has been temporarily suspended, so we are able to hold an official State Review Board meeting via on-line conferencing for the first time ever. I would like to thank the staff for setting this format up on short notice and all of you for changing gears and adapting so quickly.

The OPRHP Executive Staff meets via conference call every morning, seven days a week. It is clear the Chamber has reassigned OPRHP's primary mission to be assisting New York State government with COVID-19 response. State parks will remain open and are in heavy use. Several state parks are being used as mobile testing locations, several staff have been trained and are assisting at the Emergency Operations Center, and other staff have volunteered to do data tracking and work at call centers for the Department of Health. State parks remain open, state historic site grounds are open, but most buildings and facilities are closed to the public indefinitely; that includes historic houses. All state park and historic site public events and

programming has been cancelled through April 30, 2020. Programming after that is still on schedule but at risk, and that call will be made sometime in April.

Division for Historic Preservation has 23 essential staff that are allowed to access the office at Peebles. These are primarily staff whose work cannot be done remotely, such as security, maintenance, conservators, and administrative staff. All staff have been encouraged to work from home if at all possible. Much of our SHPO work will proceed as usual, relying on electronic submissions through CRIS; most staff have remote access, and we are working on providing access to those who do not. The National Park Service staff affiliated with the National Register and rehabilitation tax credit programs are in telecommuting status, but they have requested that we do not send new projects to them. The NPS does not accept electronic submissions, and there is no one at their office to accept and log in new projects. We will assemble them at PI and send them down in chronological order once NPS instructs us to start sending applications to them.

I will sign nominations as soon as they are recommended by the Board so that they are listed on the State Register at the conclusion of this meeting, and we will queue them for transmittal to Washington when instructed to do so.

Last week, Dan McEneny and I participated in the NCSHPO meeting in Washington, D.C., and met with many members of our congressional delegation. We departed on Thursday, just as Capitol Hill was shutting down. At that point there were 15 signatures from the NYS delegation on the HPF sign-on letter. For the first time ever the preservation community asked Congress to support funding at the full authorization level of \$150 million annually, \$61 million of which is for the SHPOs nationwide. If funded at that level, New York State would see an increase of approximately \$500,000. In addition, there were already 8 signatures from the NY delegation on HR-2825 for enhancements to the Federal rehabilitation tax credit program.

The NCSHPO meeting included an update from NPS staff who confirmed that the Department of the Interior is proceeding with its intended rule making regarding the National Register program. NPS staff are finalizing responses to about 3,500 public comments. The comments and responses will be published. After the required public notice period, it is expected the final rule making will be published in the summer of 2020. That rule making will be effective immediately upon publication, so there will be no transition time. That rule making will likely be interrupted by legal action. We are assembling information for the New York State AG's office that is considering joining with other states to explore possible legal action.

Question from D. Perrelli: How does this affect camping reservation? Can you still camp at state campgrounds?

D. Mackay: At this point campgrounds are open, but reservations can be cancelled. The Agency will issue a cancellation policy, but we expect we will not charge a cancellation fee and there will be full reimbursement.

D. Perrelli: will Allegany campgrounds still be open for Memorial Day weekend?

D. Mackay: At this point the campgrounds are open, but you may have a larger selection of sites.

State Preservation Plan Report: Dan McEneny

Dan reviewed the six-step calendar for the 2021-2025 State Preservation Plan which is required by the NPS every five years for our Historic Preservation Fund grant. The HPF covers about 40% of the SHPO side of the office. 10% of our annual appropriation rolls into the CLG grants program. We're doing this plan differently than we have in the past. For the first time we are working with staff from the OPRHP Division for Environmental Stewardship and Planning, who recently completed the five-year SCORP [State Comprehensive Outdoor Recreation Plan], also for the NPS. This opened up different pathways for doing scoping documents and reaching out to our colleagues. The last preservation plan focused on celebrating the 50th anniversary of the National Historic Preservation Act. In preparing this plan we are taking a broader view. We will be reaching out through a general population survey to learn what are the general attitudes about preservation and historic sites. As part of the public outreach, we had planned on a number of public meetings, but now under COVID, we are switching to a WebEx platform working with regional organizations like Preservation Buffalo Niagara, Historic Ithaca, Troy Architectural Program, Historic Albany Foundation, Saratoga Springs Foundation, and the John Jay Heritage Center.

The draft scoping document will be released in April, and we'll be starting these WebEx meetings in April as well. There will be a lot more to report at the June SRB meeting, including some of the survey results. Although the NPS only requires we report on the SHPO function, we are excited to include the state historic sites system as well.

D. Perrelli: is there anything the SRB can do to assist in this process?

D. McEneny: yes, you will soon receive a copy of the draft scoping document to review and the survey questions. There will be much more information provided at or before the June meeting, and we'll have a discussion then about how the Board can be involved.

K. Herron: I applaud the general population survey. Can we help distribute that?

D. McEneny: our newest staff person, Fran Stern, formerly of the Preservation League, is establishing a vast database of colleague contacts, which we will distribute to you to suggest additional names and contact information.

K. Herron: can we post it on Facebook Groups?

D. McEneny: yes, we envision that a lot of this is going to be driven by social media.

Wayne Goodman joined the WebEx, there now being ten members participating.

NOMINATION REVIEWS

1. University Heights-Summit Park-Berkshire Terrace Historic District, Buffalo, Erie County

Presenter: Jennifer Walkowski.

- Letters of support: District 3 Erie County Legislator Lisa Chimera, City Councilmember Rasheed Wyatt, the University Heights Collaborative, and a resolution of support from the Erie County Legislature
- Letters of objection: two letters of objection from three property owners.
- Tax credit activity: The office has already started to receive commercial and homeowner tax credit applications

Discussion:

D. Perrelli noted the 2:1 ratio of contributing to non-contributing buildings, the large number of non-contributing properties, and, looking at the map, asked how well does the district hold up, how does the density of contributing properties and the fringe areas hold up? What thought has been given to removing those fringe areas, or was the boundary determined by a geographic neighborhood spaces that is more important than removing any fragmentary sections along the margin?

J. Walkowski noted the original historic resource survey was a much larger area, but Bailey Avenue seemed to serve as a natural boundary. The history of the three neighborhoods is consistent, and a lot of the non-contributing buildings are garages.

Motion to approve: Jay DiLorenzo Second: Tom Maggs

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

2. Barcalo Manufacturing Company Factory, Buffalo, Erie County

Presenter: Jennifer Walkowski

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: commercial tax credit project

Discussion: None

Motion to approve: Doug Perrelli Second: Wint Aldrich

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

3. Rugby Congregational Church, Brooklyn, Kings County

Presenter: Jennifer Betsworth

- Letters of support: put forward by NY Landmark Conservancy's Sacred Sites program, letter of support from NYC Landmarks Preservation Commission (CLG)
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

T. Maggs: this church looks very familiar to the church we saw at the last meeting. Is that because these neighborhoods are changed to a very Caribbean population?

J. Betsworth: that is very possible. We have had a lot of churches come in through the Sacred Sites program, and many of them have had a change of congregation.

Motion to approve: Tom Maggs Second: Carol Clark

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

4. Bay Ridge Reformed (Dutch) Church, Brooklyn, Kings County

Presenter: Jennifer Betsworth

- Letters of support: put forward by NY Landmark Conservancy's Sacred Sites program, letter of support from NYC Landmarks Preservation Commission (CLG)
- Letters of objection: NA
- Tax credit activity: NA

Discussion: None

Motion to approve: Carol Clark Second: Jay DiLorenzo

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

5. Hopewell Junction Depot, Hopewell Junction, Dutchess County

Presenter: Jennifer Betsworth

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion: None

Motion to approve: Tom Maggs Second: Wayne Goodman

Vote: nine in favor, none opposed, one absent. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Lemak, Maggs, Perrelli, Vandrei
Absent: Krieger

6. Deyo-Dubois House, Highland, Ulster County

Presenter: Jennifer Betsworth

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion: None

Motion to approve: Kristin Herron Second: Chuck Vandrei

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

7. Cerny's Bakery, Bohemia, Suffolk County

Presenter: Jennifer Betsworth

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

T. Maggs: what is fascinating about this is this was all done during the Depression. What courage to take on a project of that size given the conditions of the country at that time. It's inspirational.

J. Betsworth: the bakery was in high demand and the Cernys were welcomed into this neighborhood, and they apparently did quite well despite the Depression. This nomination was written primarily by members of the family, and if this had been the typical public meeting, a descendant would have been attending the meeting.

D. Perrelli: this is a really exemplary social history and commercial statement that is really nicely written.

W. Aldrich: this is very moving, wonderful that these people were going back to Czechoslovakia after the war. They must have celebrated the Velvet Revolution in 1989.

Motion to approve: Tom Maggs Second: Wint Aldrich

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

8. Al Held Home and Studio, Boiceville, Ulster County

Presenter: Jennifer Betsworth

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

K. Herron: will images of the art that was completed in the studio be included in the nomination? Since this studio is going for National level of significance.

J. Betsworth: I did not include images of the art as figures in the nomination. The images I did use were taken from the Al Held Foundation website. I will ask the Foundation director if they will approve use of the artworks as figures in the nomination.

Motion to approve: Jennifer Lemak Second: Jay DiLorenzo

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

9. Uptown Theatre, Utica, Oneida County

Presenter: Kath LaFrank

- Letters of support: City of Utica Preservation Commission (CLG), Assemblymember Marianne Buttenschon
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

W. Aldrich: it is hard to believe that Utica is effectively without a movie theater.

E. Krieger: are the storefront entrances to the movie theater original?

K. LaFrank: no they are not.

J. DiLorenzo: great to encourage this young couple from Brooklyn. The PLOfNYS gave them a grant from the Gratz Fund, that lead to a NYSCA TAG grant for code compliance.

Motion to approve: Wint Aldrich Second: Jay DiLorenzo

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

10. South Bay Mill, Hudson, Columbia County

Presenter: James Carter

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: Part III has been certified by NPS.

Discussion:

T. Maggs: about two years ago I brought a fellow named Coffin over from Nantucket whose ancestors were involved in the whale oil business, and he was very curious about this site. This is a nice project.

K. Howe: the Part III for this has already been certified by the National Park Service.

D. Mackay: Hudson has seen very little Investment Tax Credit activity, which is a surprise since it is within walking distance of the AMTRAK station. James, this was a very strong inaugural presentation; welcome to the staff.

J. DiLorenzo: if we're not sending nominations to the National Park Service, does that affect their ability to claim the credit?

K. Howe: the owner has 30 months after the Part III is approved to get the property listed on the National Register.

Motion to approve: Tom Maggs Second: Jay DiLorenzo

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

11. De Meyer-Burhans-Felten Farm, Ulster, Ulster County

Presenter: Chelsea Towers

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

T. Maggs: Great job for your first presentation.

Motion to approve: Erika Krieger Second: Wayne Goodman

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

12. Hardenbergh-Jenkins Farm, Gardiner, Ulster County

Presenter: Chelsea Towers

- Letters of support: NA
- Letters of objection: NA
- Tax credit activity: NA

Discussion:

D. Mackay: any idea what prompted this nomination?

C. Towers: this is primarily honorary.

Motion to approve: Wint Aldrich Second: Wayne Goodman

Vote: ten in favor, none opposed. Motion carried

Voting yes: Aldrich, Clark, DiLorenzo, Goodman, Herron, Krieger, Lemak, Maggs, Perrelli, Vandrei

ADDITIONAL BOARD BUSINESS

Wint Aldrich asked: Jay, is there anything new to add about the status of the State Barge Canal?

J. DiLorenzo: the League is continuing its advocacy with local, regional and other statewide partners. The focus has been the continuing function of the New York State Canal System. We have concerns about what NYPA is planning. We had a meeting scheduled but due to COVID-19 it was cancelled. We are doing targeted outreach to municipal officials where specific projects have been proposed, such as the new pedestrian bridge in Brockport that is to be built on the existing canal structure.

The *Urger* working group toured the *Urger* with NYPA, US Coast Guard, Canal Corp., and the Canalway. We feel good about potential new ideas.

The session we had scheduled for the Statewide Preservation Conference has been postponed until December.

W. Goodman: thanks to you and Erin for the work you are doing. The LSWNY board is on board with whatever help you need in the region.

W. Aldrich: reminded all that the Board is charged by State statute to advise the Government [sic] on matters of historic preservation. Perhaps it is late in the day, but perhaps it is not inappropriate that we take some position on this subject of the future of the canal. Before the next meeting members of the Board should consult with Deputy Commissioner Mackay and staff to see if we can formulate a resolution that is supportive of continued use and maintenance of the entire canal system.

J. DiLorenzo: I have a draft of something I'm willing to share and circulate to the whole Board.

D. Mackay: I suggest that the SRB formulate an advisory opinion independent SHPO staff, then we would be in receipt of it as an agency.

W. Aldrich: I agree that is the most appropriate way to proceed.

D. Perrelli: didn't someone mention at a previous meeting that the SRB could be a consulting party on canal issues?

D. Mackay: the SRB is entitled to consultation under Section 106 of the federal law, but also under Section 14.09 of the state law. Looking ahead, on a project-by-project basis, and the Reimagine report did indicate some specific projects and provided renderings of some projects, the SHPO will be reviewing these projects. The canal is considered US navigable waters, which triggers a Section 106 review if the project impacts the navigable waters.

In our office, all of the canal reviews will now be handled by a senior-level compliance team of John Bonafide (bureau chief), Nancy Herter (archaeology) and Beth Cumming (technical services) to assure consistency statewide. There is a webinar scheduled in the next few weeks between this team, NYPA and the Executive Staff.

K. LaFrank: since it is an NHL, does that bring it into an exceptional review? Can you bring the NHL program staff into it?

D. Mackay: we will look into that and report back.

D. Perrelli: Any additional business?

D. Perrelli: if anyone has any minor editorial comments they didn't want to make as part of this meeting, I encourage you to send them to Kathy Howe.

T. Maggs: I want to thank the staff for putting this all together. This is not the easiest task I'm sure, but you did a great job in making this all work.

ADJOURNMENT

Motion to adjourn by: Doug Perrelli Second: Erika Krieger
Voice vote with none opposed. Motion carried.

Meeting adjourned at 12:28 PM