

**LETTER OF RESOLUTION FOR MITIGATION OF ADVERSE IMPACTS ON THE  
CULTURAL RESOURCES WITHIN THE ANN LE HOME  
DEMOLITION PROJECT AREA**

**AMONG**

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION; NEW YORK STATE OFFICE OF PARKS, RECREATION &  
HISTORIC PRESERVATION; AND ALBANY COUNTY**

**22PR02311**

**WHEREAS**, Albany County (Applicant) proposes the demolition of a 3 level, 83,290 sq ft building at 875 Albany Shaker Rd. and known as Ann Lee Home, and demolition of an adjacent multi-bay garage

**WHEREAS**, the project will require coverage under a General Permit for Stormwater Discharges from Construction Activities (GP-0-20-001) from the New York State Department of Environmental Conservation (Department); and

**WHEREAS**, the NYSDEC has consulted with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), in accordance with Section 14.09 of the New York State Parks, Recreation, and Historic Preservation Act of 1980 and 9 NYCRR Section 428; and

**WHEREAS**, the structures to be demolished and the adjacent Church Family Farm Complex are a contributing features within the National Register listed Watervliet Shaker Historic District; and

**WHEREAS**, in a letter dated April 29, 2022, OPRHP determined that the proposed project constitutes an Adverse Impact to historic resources; and

**WHEREAS**, it has been determined through consultation that there may be no prudent and feasible alternatives exist given the condition of the structures and loss of historic features and that impacts to the property and historic district cannot be avoided; and

**NOW, THEREFORE**, in accordance with the New York State Parks, Recreation and Historic Preservation Law, the Department, OPRHP, and Albany County agree that the project may proceed subject to the stipulations set forth below:

**STIPULATIONS**

The New York State Department of Environmental Conservation will ensure that the following measures are carried out:

1. Prior to the scheduled demolition, efforts will continue to find an owner in adaptively reusing the buildings.
2. Building documentation to NY State Historic Structure Documentation Standards will be prepared and submitted within 6 month of demolition. (Attachment B and C)

3. A construction protection plan will be developed to ensure that adjacent historic structures are not harmed during the proposed demolition activities and that demolition activities avoid the Shaker Heritage Society site and activities to the greatest extent possible. (Attachment B, Project Site Map Drawing C1)
4. The building sites will be backfilled, graded to level and planted with grass.
5. Shaker Heritage Society and Historic Albany Foundation will be consulted on the potential to preserve certain building elements.
6. Any proposed new development of the site will be submitted to OPRHP for consultation as a new and separate project.

### **EXECUTION AND IMPLEMENTATION**

The signatories agree that by execution of this agreement the Department has satisfied its requirements for compliance with Section 14.09 of the New York State Parks Law of 1980 and 9 NYCRR part 428.

NYS Department for Environmental Conservation

\_\_\_\_\_  
Charles E. Vandrei  
Agency Historic Preservation Officer

Date: \_\_\_\_\_

NYS Office of Parks Recreation and Historic Preservation

\_\_\_\_\_  
Daniel Mackay  
Deputy Commissioner

Date: \_\_\_\_\_

County of Albany

\_\_\_\_\_  
Date: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

## **Attachment A**

# **State Historic Preservation Office/ New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol (August 2018)**

If human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented:

Human remains must be treated with dignity and respect at all times. Should human remains or suspected human remains be encountered, work in the general area of the discovery will stop immediately and the location will be secured and protected from damage and disturbance.

If skeletal remains are identified and the archaeologist is not able to conclusively determine whether they are human, the remains and any associated materials must be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if they are human.

No skeletal remains or associated materials will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.

The SHPO, the appropriate Indian Nations, the involved state and federal agencies, the coroner, and local law enforcement will be notified immediately. Requirements of the coroner and local law enforcement will be adhered to. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist will assess the remains in situ to help determine if the remains are Native American or non-Native American.

If human remains are determined to be Native American, they will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency will consult SHPO and the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance. Photographs of Native American human remains and associated funerary objects should not be taken without consulting with the involved Indian Nations.

If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred option of the SHPO. Consultation with the SHPO and other appropriate parties will be required to determine a plan of action.

To protect human remains from possible damage, the SHPO recommends that burial information not to be released to the public.

Siemens Industry Inc. shall submit this documentation to Albany County for submission to OPRHP through the CRIS website at: <https://cris.parks.ny.gov> for review and approval. The material should be submitted to the existing CRIS project file 22PR02311.

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