



## Adirondack Park Agency

### PROJECT GUIDELINES: HISTORIC SITE CONSIDERATIONS

**Objective:** To avoid or minimize adverse impacts to the historic resources of the Park, including sites and structures registered or eligible to be registered on the New York State Register of Historic Places.

#### **Background:**

The stated “basic purpose” of the Adirondack Park Agency Act is “to insure optimum overall conservation, protection, preservation, development and use” of the Adirondack Park’s resources, including its historic resources. The Act then mandates that the Agency not issue any permit without first making a finding that “the project would not have an undue adverse impact upon the... historic... resources of the Park...” The Agency is specifically directed to examine “historic sites and structures” when making this finding.

Seven years after enactment of the APA Act, New York State passed the Historic Preservation Act of 1980. Regulations implementing this statute mandate that the Agency cannot authorize any project that “may or will cause any change, beneficial or otherwise, in the quality of” a property registered or eligible for registry on the State’s Register of Historic Places without first requesting a determination from the Commissioner of Parks, Recreation and Historic Preservation as to whether the project “will have an adverse impact” on the property.



John Brown Farmhouse, North Elba, NY

The Agency complies with all of the procedural requirements under the Historic Preservation Act, and thoroughly considers any recommendations related to an adverse impact finding. Importantly, however, the Agency may also find that a proposal cannot be permitted because of the potential for adverse impacts to historic resources even where there has been no adverse impact determination under the Historic Preservation Act.

### **Historic Preservation Act of 1980:**

Prior to issuing any permit, the Agency's assigned Project Review Officer or the Agency Preservation Officer (APO) determines whether any portion of the project site or any structure located thereon is:

- 1) *Registered*, meaning that the site or structure has been
  - listed or nominated for listing by New York State's Commissioner of Parks, Recreation and Historic Preservation (the Commissioner) on the National Register of Historic Places (the National Register), or
  - listed on New York State's Register of Historic Places (the State Register);
- 2) *Eligible*, meaning that the site or structure has been
  - determined by the United States Department of the Interior to be eligible for listing on the National Register, or
  - determined by the Commissioner to meet the criteria for listing on the State Register pursuant to 9 NYCRR §427.3; or
- 3) *Inventoried*, meaning that the site or structure
  - has been listed on the statewide inventory of historic property established under §14.07(2) of the Historic Preservation Act,
  - is located within the areas specified on the statewide archaeological inventory map<sup>1</sup>, or
  - has been listed on the New York State Office of General Services inventory of properties under the jurisdiction, control, ownership, or other use of any State agency.

If any portion of the project site or any structure located thereon is *registered* or *eligible*, staff determines whether approval of the project could cause any change, beneficial or otherwise, in the quality of the registered or eligible property, in which case the APO notifies the State Historic Preservation Office (SHPO) and requests a determination as to the impact of the proposal. Communication with the SHPO must be in writing and include both a cover letter describing the proposed project and a project review cover form from the website for the New York State Office of Parks, Recreation and Historic Preservation.

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<sup>1</sup> The Agency uses the State Office of Parks, Recreation and Historic Preservation's Geographic Information System for Archeology to determine whether a project is located within an area specified on the statewide archaeological inventory map.

If any portion of the project site or any structure located thereon is *inventoried*, the APO must request an eligibility determination from the Commissioner. If the Commissioner determines that the site or structure is eligible<sup>2</sup>, the Commissioner also issues an impact determination.

In determining whether a project will have an adverse impact on a registered or eligible site or structure, the Commissioner considers whether the project will likely cause: 1) destruction or alteration of all or part of the eligible or registered property; 2) isolation or alteration of the property's environment; 3) introduction of visual, audible, or atmospheric elements out of character with the property, or alteration of its setting; or 4) neglect of the property resulting in its deterioration or destruction.

The Agency fully explores and gives thorough consideration to any recommendations made by the Commissioner upon a finding that a project will result in an adverse impact to a registered or eligible site or structure. In reviewing the Commissioner's recommendations, the Agency also gives primary consideration to the policies stated in the Historic Preservation Act.

In general, the Agency requires that project applicants implement any recommendation suggested by the Commissioner. However, if the Agency determines that there are no feasible and prudent alternatives to avoid or mitigate identified adverse impacts, but that it is nevertheless in the public interest to proceed with the project, the Agency can give written notice of its determination to the Commissioner and approve the permit application.



Paul Smith's Electric Light and Power and Railroad Company, Saranac Lake, NY

<sup>2</sup> The same criteria are used to evaluate properties for listing on both the State and National Registers. Specifically, a review is undertaken as to the quality of significance in State and American history, architecture, archaeology, engineering, and culture of a district, site, building, structure, or object that possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and 1) is associated with events that have made a significant contribution to the broad patterns of our history; 2) is associated with the lives of persons significant in our past; 3) embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant distinguishable entity whose components may lack individual distinction; or 4) has yielded or may be likely to yield important information in prehistory or history.

**Adirondack Park Agency Act:**

Historic resources within the Park include archaeological sites, architectural structures, and surrounding districts and areas. Historic sites can be impacted by both above-ground activities, such as construction of structures and roads, grading, and landscaping, and below-ground activities, such as excavations and installation of utilities, footings, and foundations. Historic structures can be impacted by their demolition or physical alteration, or by a change in scale to their visual prominence or visual context, including through the construction of new structures.

The Agency examines the potential for impacts to all historic resources when reviewing a project application. These historic resources are often the same resources protected under the Historic Preservation Act, but the Agency has the authority to review and protect sites and structures not listed or determined eligible under that statute. In addition, the Agency has the authority to require mitigation or protective measures beyond any recommendations made by the Commissioner for listed or eligible resources.