

NYS HOMES & COMMUNITY RENEWAL
Historic Preservation Worksheet For State-Funded Projects
Designation Compliance Certification

NYSHCR Program:

Project ID #:

Site Address:

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This Worksheet and these exemptions are for use by NYSHCR State-funded programs.¹ Complete and sign this form and attach to project environmental review documents.

Check one:

- A. The building is less than 50 years old and the site work consists of only the exempt activities listed in exemption 1 "Site Work" on the attached. The project will comply with Appendix A (Human Remains Discovery Protocol) and Appendix B (Unanticipated Discoveries) when dealing with site work. Review complete. *Sign this form and attach to environmental review documents along with proof of age of building.*
- B. The entire project (from all funding sources) consists solely of activities listed on the attached exempt activity list. The project will comply with Appendix A (Human Remains Discovery Protocol) and Appendix B (Unanticipated Discoveries) when dealing with site work. Review complete. *Sign this form and attach to environmental review documents.*
- C. The entire project (from all funding sources) consists of activities beyond those listed on attached exempted activity list. **Consult with SHPO.** Complete appropriate site-specific language and attach SHPO's determination letter. If the SHPO letter states anything other than no historic properties are affected, contact the NYSHCR Environmental Unit at environmental.reviews@hcr.ny.gov. In the subject line write "Program Name – Site Address – Project identifier."

Signature

I am the authorized signatory to the entity named below. I have read this Certification and by signing this document agree with the statements made herein and agree that this project will comply with the rules and regulations outlined herein and that a copy of this Certification is subject to further review by HCR.

Name:

Title:

Signature: _____

¹ In accordance with the June 28, 2024 "Designation By Office Of Parks, Recreation and Historic Preservation Under 9 NYCRR Part 428.12 of Exemptions From OPRHP Review For Certain Undertakings Relating To New York State Homes & Community Renewal State-Funded Programs."

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General Exemption and Definitions:

1. The exempt categories only address repairs or alterations in buildings that are 50 years or older - buildings less than 50 years old are exempt from review.
2. “In-Kind Repair” means an action to restore the mechanical, structural, or aesthetic function of an element of a historic resource using materials and methods compatible with the original nature and function of that element.
3. “In-Kind Replacement” means the removal of any element and the insertion of a new element with the same material matching the same design, form, dimension, color and texture as that being replaced.
4. “Previously disturbed soils” means the modification of natural landscapes or landforms through the removal and or displacement of natural soils by ground disturbing activities such as cuts, grading and excavation and/or the deposition of non-native soils or materials to existing or original ground surfaces, such as fill. In the case of the deposition of fill, disturbance is only attributed to the fill layer. Intact soils may exist below the fill layer. Note that agricultural plowing and disking is not considered disturbance. Guides to assist in identifying prior disturbed soils may come from the following sources: historic maps, soil borings, soil reports, utility records, etc.
5. “Substantial earth moving” includes: (1) grading and excavation more than six inches deep; (2) grubbing, tree and stump removal; and (3) trenches more than three feet wide.

Exemptions:

1. Site Work

- a. Streets, driveways, alleys, and parking areas. Repair and restriping of existing concrete or asphalt surfaces and parking areas provided that no changes are made in width, surface, vertical alignment or drainage.
- b. Curbs, gutters, sidewalks, retaining walls. Repair of existing concrete or asphalt surfaces or in-kind replacement of brick, rock, or stone materials for curbs, gutters, sidewalks, and retaining walls.
- c. Site work. In-kind repair/replacement of site improvements in existing footprint, including, but not limited to fences, landscaping, and steps.

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- d. Underground Utilities. Repair or replacement of existing water, sewer, natural gas, electric or telecommunication lines and in-place repair of septic systems if it occurs in or immediately adjacent to the existing trench and provided there is no substantial earth moving, as defined above. Directional boring of new/replacement utility lines within previously disturbed soils.
- e. Above Ground Utilities. Repair or replacement of existing wires, anchors, crossarms, and other miscellaneous hardware on existing overhead lines; not including pole replacement or installation outside city limits. Water tower replacement is not exempt.
- f. Street lighting and traffic signals. Repair and replacement of non-historic streetlights, traffic signals, and traffic signs, outside of a listed or eligible historic district.
- g. Park and playground equipment. Installation, repair or replacement of non-historic park and playground equipment, excluding buildings, with minimal ground disturbance.
- h. Temporary structures. Installation of temporary construction-related structures including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers or restrooms.
- i. Test holes and wells. Test borings, well drilling and perc tests that do not require a temporary or permanent new access road to the site and that do not impact historic paving.
- j. Generators. Temporary installation of generators, and permanent installation of generators that occupy an area under 50 square feet behind the building they serve and that are not visible from the public way.
- k. Plantings. Planting of grass, shrubs, bushes and trees unless the property is located within or adjacent to a listed or eligible historic property.

2. Exterior Rehabilitation

- a. Exterior repairs. In-kind repair of porches, cornices, exterior siding, doors, balustrades, stairs or other trim.
- b. Historic Windows. Caulking, weatherstripping, reglazing and repainting of windows, installation of new window jambs or jamb liners, repair, replacement or installation of storm windows (exterior, interior, metal or wood) provided they match the historic shape and size of the historic prime windows and that the any structural division, such as a meeting rail, coincides with that of the prime window.
- c. Non-historic Windows. Repair of non-historic windows, addition of storm windows, and replacement with new windows sized to fit the original window openings with structural components, mullions, and muntin configurations that approximate the historic window appearance. For example, if the historic windows were double hung, a meeting rail approximately in the middle.

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- d. Exterior Painting. Exterior painting of previously painted surfaces. Removal of exterior paint by non-destructive means, using lead-safe work practices (see 24C.F.R. Part 35.1330 (a) (4), and § 35.1350), limited to hand scraping, low-pressure water less than 600 p.s.i., heat plates, hot air guns, or chemical paint removers provided that the removal method is consistent with §35.140 Prohibited methods of paint removal, and National Park Service Preservation Briefs #10: *Exterior Paint Problems on Historic Woodwork*, and #37: *Appropriate Methods for Reducing Lead- Paint Hazards in Historic Housing*.
- e. Roofing. Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts with no change in roof pitch or configuration. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.
- f. Awnings. Repair or in-kind replacement of awnings.
- g. Mechanical systems. Placement and installation of exterior HVAC mechanical units and vents not on the front elevation and rooftop units that cannot be seen in conjunction with the front façade.
- h. Basement bulkhead doors. Replacement or repair of basement bulkhead doors and installation of basement bulkhead doors not on the front elevation.
- i. Mothballing. Securing or mothballing a property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building in accordance with National Park Service Preservation Brief 31: *Mothballing Historic Buildings*.
- j. Accessibility Ramps. Graded ground paths that provide access to a building, repair of existing ramps, and installation of temporary ramps that do not irreversibly impact porches or railings and that do not impact historic paving.
- k. Foundations. Below-grade repair of brick or stone foundations that does not include applying weatherproofing or sealers, and repairs to all other types of foundations.
- l. Attic Vents. Repair or in-kind replacement of historic attic vents in original openings or installation of new attic vents painted to match gable. Installation of ridge vents on replacement roofs provided that the historic gable vents are retained. Existing historic gable vents may be covered or sealed on the interior if required.
- m. Seismic and structural repairs. Seismic and structural repairs of buildings and parking facilities, provided that there is no substantial earth moving, such as new footings, foundation-trenching or excavation.
- n. Chimney liners. Repair or in-kind replacement of chimney liners provided that the work does not affect the exterior of the chimney.
- o. Replacement of mobile homes. Replacement of deteriorated or damaged mobile homes where there is no more than 0.25 acres of proposed associated land disturbance.

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3. Interior Rehabilitation

- a. Mechanical systems. Installation, replacement or repair of plumbing, HVAC systems and units, hot water heaters, furnaces, electrical wiring and fire protection systems, provided no structural alterations are involved. Included are bathroom improvements for handicapped access, provided the work is contained within the existing restroom walls. This allowance does not provide for the installation of new exposed ductwork nor does it allow for surface mounted wiring, conduits, piping, etc., unless previously existing.
- b. Surfaces. Repair or in-kind replacement of interior surface treatment, such as floors, walls, ceilings, plaster and woodwork. If covering historic features, such as wood floors, then carpet or sheet goods (linoleum or vinyl) shall be installed in a reversible manner, either through tacking or with an underlayment so historic floors shall not be irreversibly damaged.
- c. Insulation. Installation of non-spray insulation in ceiling, attic, and basement spaces.
- d. Radiant Barriers. Installation of radiant barriers in unoccupied attic spaces.
- e. Asbestos abatement. Abatement or control of asbestos that does not involve removal or alteration of interior features.
- f. Floors and stairs. Repair and in-kind replacement of floors and stairs, replacement of carpets, and installation or repair of concrete basement floor in an existing basement.
- g. Bath and kitchen fixtures. Repair or replacement of bathroom and kitchen equipment and fixtures.
- h. Accessibility. Modification of a bathroom or kitchen for handicapped access within the walls of the existing bathroom or kitchen. Installation of wedges and removal of thresholds to facilitate access through door openings.
- i. Lead-Based Paint hazard mitigation. Interior lead hazard mitigation and abatement using lead-safe work practices (see 24 C.F.R. Part 35.1330 (a) (4), and § 35.1350), when it is limited to washing, scraping and repainting, wallpapering, and chemical stripping of lead –painted surfaces, installation of new window jambs or jamb liners, installation of metal panning in window wells, and replacement of non-significant flat stock trim, provided that the work is consistent with §35.140 Prohibited methods of paint removal and National Park Service Preservation Brief #37: *Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*.

**State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(January 2021)**

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 shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.
- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.

Appendix B

UNANTICIPATED DISCOVERIES

Unanticipated archaeological discoveries may occur during construction. If during ground-disturbing activities artifacts and/or structural remains that appear to be of Native American or pre-modern (i.e. early 20th Century or earlier) origin are exposed, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that the following procedures be carried out.

1. If the discovery includes human remains or other indications of human interment, please follow our Human Remains Discovery Protocol.
2. If the discovery does not appear to include human remains or other indications of human interment, please do the following.
 - a. Suspend activities in the vicinity of the discovery and protect it from any further disturbance.
 - b. Notify OPRHP regarding the discovery, digital photographs which can be transmitted electronically would be very helpful.
 - c. OPRHP will then make a determination whether the discovery warrants additional examination and, if so, will recommend what should be done next.