



Preservation League of NYS

2017 OFFICERS

Anne H. Van Ingen, chair
Jan C. K. Anderson, vice chair
Karen Arrison, vice chair
Chiu Yin Hempel, vice chair
Dede B. Nash, vice chair
John Sare, vice chair
Carol Bentel, secretary
Scott Duenow, treasurer
Anne G. Older, chair emerita,
ex-officio

2017 BOARD OF TRUSTEES

Duncan Barrett
Ildiko Butler
David Christensen
Suzanne Clary
Dr. Georgette Grier-Key
Gerald A. Holbrook
Dudley D. Johnson
Gregory R. Long
Lee Miller
Dianne S. O'Neal
Rev. Dr. Thomas F. Pike
Frank Emile Sanchis III
David Schnakenberg
Miriam Trementozz
Arete Swartz Warren
Mark W. Warren
Charlotte Worthy
Caroline Rob Zaleski

Jay DiLorenzo
President

2017 TRUSTEES COUNCIL

Kent Barwick
George H. Beane
William L. Bernhard
Constance L. Clapp
William Clarkson
Randall T. Crawford
Joan K. Davidson
Steven C. Engelhart
Stephen A. Facey
R. Brandon Fradd
Dorothy Twining Globus
Lionel Goldfrank III
Roberta Brandes Gratz
Christopher Holbrook
Anne A. Hubbard
Robert J. Kafin
Marilynn G. Karp
Robert J. Kresse
Alexia Lalli
Richard J. Lippe
Robert B. MacKay
Richard A. Maitino
Jean M. McCarroll
Henry A. McCartney
Norman M. Mintz
Gregory O'Connell
Ellen Phelan
Paul R. Provost
Robert C. Quinlan
Daniel G. Romualdez
Janet C. Ross
Thomas J. Schwarz
Robert D. Snedeker
Robert A.M. Stern
Cynthia C. Wainwright
Diana S. Waite
Steven J. Weiss

May 19, 2017

James J. Eldred
Environmental Analyst
NYS DEC – Division of Environmental Permits
625 Broadway
Albany, NY 12233-1750

By email to: SEQRA617@dec.ny.gov

Re: 2017 Proposed Amendments to the SEQRA Regulations

Dear Mr. Eldred,

The Preservation League of New York State, along with our local and regional colleagues across the state, write in response to the proposed amendments to the State Environmental Quality Review Act (SEQRA) regulations. As organizations that champion the essential role of preservation in community revitalization, sustainable economic growth, and the protection of our historic buildings and landscapes, we know SEQRA serves an important function in requiring state and local governments to consider a project's impact on historic resources. We also believe that SEQRA plays a significant role in public notification and comment on projects seeking local or state funding or approval.

Our comments focus on the changes in 6 NYCRR Part 617.4(b)(9), specifically modifications of the Type I list definition relating to historic resources.

The Preservation League has long advocated for SEQRA to define actions including properties eligible for listing on the NYS and National Register of Historic Places as Type I. We applaud the change in Part 617.4(b)(9) that adds NYS and National Register Eligible properties to the Type I list. This change brings SEQRA into alignment with the New York State Historic Preservation Act of 1980 and National Historic Preservation Act of 1966. As noted in DEC's Draft GEIS on the Proposed Amendments (pages 10 & 11), OPRHP's new Cultural Resources Information System makes it possible for local and state agencies to readily identify historic properties eligible for the National Register (NRE).

The revision within Part 617.4(b)(9) that places a threshold requirement on Unlisted actions occurring within or contiguous to a historic resource gravely concerns us. Currently, if an Unlisted action occurs within or contiguous to a

National Register-designated historic property, the lead agency must consider it as a Type I action. The revised Part 617.4(b)(9) states that Type I actions relating to properties on or eligible for the State and/or National Register must exceed “25 percent of any threshold established” in that section. If the project does not meet that threshold, it is considered an Unlisted action.

The Draft GEIS notes that this change brings historic resource treatment in line with resource-based Type I thresholds placed on agricultural districts and parklands. We contend that historic properties often see much smaller development proposals compared to agricultural or park land, which by their nature are often larger sites on multiple acres.

For example, in historic villages, downtowns, and neighborhoods we frequently see proposals for small convenience stores and markets (e.g. Stewarts, Cumberland Farms, Dollar General) on lots often containing a building listed in or adjacent to a National Register Historic District. Under the current SEQRA regulations, those projects would be Type I actions and require a full EAF. Under the proposed amendment’s threshold requirements, a typical newly-constructed Stewarts shop of 3,500 square feet falls well below the 25,000 square feet it would need for Type I consideration (*25% of 100,000 square feet of gross floor area in revised Part 617.4(b)(6)(v) for a city, town or village with a population of 150,000 or less*).

Page 10 of DEC’s Draft GEIS states that because the revised Short EAF required for Unlisted actions now contains specific questions regarding the presence of historic resources, the proposed revision to add the 25% threshold in Part 617.4(b)(9) “does not change the substantive requirements of a SEQRA review.”

Part 1 Question 12 of the Short EAF, however, does not include State or National Register Eligible resources. The Preservation League believes this question should include sites eligible for listing on the State and/or National Registers. Indeed, DEC’s *Short EAF, Response to Public Comment* (January 25, 2012) notes in response to General Comment 23 that the language in the Short EAF is intended to mirror that in Part 617.4(b)(9). Under this justification for excluding State and/or National Register Eligible resources from the Short EAF, we would like now to see the inclusion of State and/or National Register Eligible resources.

Part 2, Question 8 of the Short EAF asks whether the proposed action would “impair the character or quality of important historic, archeological, architectural or aesthetic resources?” Without an objective definition of “important” we have seen many instances where a state or local agency disagrees with preservation professionals and local advocates on project impact and resource importance. We do not believe that this question substitutes for the proposed regulation change to Part 617.4(b)(9).

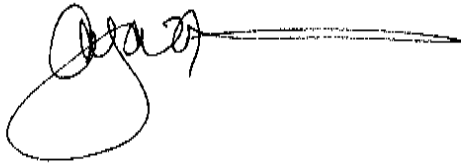
We appreciate DEC's considerable time and effort to streamline the SEQR process without sacrificing meaningful review. We believe that including State and National Register Eligible historic resources in Part 617.4(b)(9) achieves that goal. **We also believe adding the 25% threshold requirement for Type I classification of historic resources will sacrifice meaningful review and lead to loss of historic resources.** We ask you to please revise the SEQRA regulation amendments to eliminate that 25% threshold.

We welcome the opportunity to further discuss our thoughts on the proposed SEQR amendments. Please do not hesitate to contact the Preservation League of NYS or our colleagues with any questions. Thank you for your time and consideration.

Sincerely,



Jay A. DiLorenzo
President
Preservation League of New York State



Elizabeth Goldstein
President
Municipal Art Society



Simeon Bankoff
Executive Director
Historic Districts Council



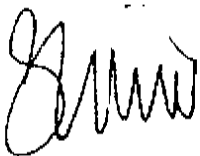
Alexandra Parsons Wolfe
Executive Director
Society for the Preservation of Long Island Antiquities



Jessie Fisher
Executive Director
Preservation Buffalo Niagara



Wayne Goodman
Executive Director
Landmark Society of Western New York



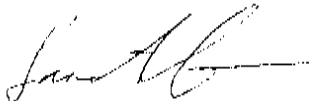
Steven Engelhart
Executive Director
Adirondack Architectural Heritage



Susan Herlands Holland
Executive Director
Historic Albany Foundation



Samantha Bosshart
Executive Director
Saratoga Springs Preservation Foundation



Sara Johnson
Interim Executive Director
Historic Ithaca