

Appendix I – Cultural Resource Survey



New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

August 5, 2009

Philip Herrington
Town of Brunswick
308 Town Office Road
Troy, New York 12180

Re: SEQRA
Duncan Meadows Planned Development
McChesney Ave. and McChesney Ave. Ext
Town of Brunswick, Rensselaer County
08PR01507

Dear Mr. Herrington:

Thank you for requesting the comments of the Field Services Bureau of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Field Services Bureau and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

The OPRHP has reviewed the Phase I Report submitted for this project. The *Duncan Farm Complex II-1 (A08302.000232)*, the *Duncan Prehistoric Site P-1 (A08302.000231)* and the *Colehamer House Site and Cemetery (A08302.000233)* are not located within the Area of Potential Effect (APE) so they will be avoided. No further work is required for the *Hotelware Site (A08302.000234)*, which has been identified as a new agricultural site type. It is our opinion that the work conducted at the site is sufficient to begin developing a context for evaluating these sites in the future and developing research questions.

Based upon this review, it is the OPRHP's opinion that your project will have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places, with the following condition:

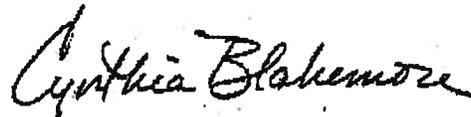
The Avoidance Plan is implemented for short and long term protection of identified and any unidentified resources that exist beyond the APE limits.

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The Covenant(s) transferred with each property (or lot) will include the name of this project and the OPRHP identifier: 08PR01507.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please call me at (518) 237-8643, extension 3288.

Sincerely,



Cynthia Blakemore
Historic Preservation Program Analyst

cc. Mike Pigliavento, ECM Land Development, LLC
Sarah Majol, ARCH TECH (*e-mail only*)

6.0 CONCLUSIONS AND RECOMMENDATIONS

Since a SPEDES permit will be required from the Department of Environmental Conservation (DEC) and since the project area falls within a known archaeologically sensitive area defined by OPRHP, a Phase I Archaeological Survey was undertaken to address potential impacts to cultural resources within the project's Area of Potential Effect (APE). Previous archaeological work had been undertaken for portions of the project area from August of 2006 through January of 2008 as part of a study for the development at that time. In August of 2008, Michael Pigliavento, on behalf of Pigliavento Builders, authorized the completion of the cultural resource investigations to address revised project impacts. The Phase I study consisted of a complete and thorough Phase IA Literature Search/Sensitivity Study followed by comprehensive Phase IB Archaeological Field Investigations. This work continued through June of 2009 as research was completed, field investigations were conducted, and formal maps were prepared. Specific tasks undertaken for the study adhered to the relevant OPRHP accepted guidelines for the conduct of the work.

Since the Phase IA study revealed the project area was considered to have an elevated potential for the identification of evidence of Native American occupation or use within the project APE, as well as limited potential for historic resources, Phase IB archaeological fieldwork was undertaken to identify if such resources existed within the project's area of potential effect. These investigations consisted of the excavation of a total of 541 shovel tests and the visual examination of approximately 30.8 acres (12.5 ha) of plowed and disked fields and transects. A total of 1,092 artifacts were recovered during the course of the Phase IB archaeological field investigations completed for the Duncan Meadows project. Although historic resources were recovered as part of these investigations, most of these artifacts were mid-20th century resources associated with systematic and cyclic discard related to animal husbandry, specifically pigs, and as part of normal activities associated with waste management. No early ceramics, such as delft, creamware, or pearlware were recovered, or evidence of foundation remains, middens or shaft features found within the project APE limits.

While most of the recovered sources were considered to represent casual deposition resulting from the continual historic occupation and use of the property, indication of Native American use or activity was identified in one location. As a result, limited additional work was undertaken at the Phase IB level in the form of radial shovel tests and narrower interval visual inspections. Since no additional prehistoric resources were recovered as part of the additional work, the Duncan Prehistoric Site P-1 has been determined to represent a stray or isolated occurrence. As a result of project redesign, the Duncan Prehistoric Site P-1 now falls outside the proposed project's area of potential effect (APE).

Two historic sites were also identified during the conduct of the Phase I cultural resource investigations. However, as with the prehistoric site, both historic sites, denoted as the Duncan Farm Complex H-1 and the Colehamer House Site and Cemetery (Colehammer #1 Cemetery) H-2, are outside the proposed APE limits. An APE covenant letter outlining the short term and long term approaches in place for avoidance of these sites has been provided in Appendix B.

While portions of the Duncan Farm Complex H-1 may be within the project area, the Colehamer house and Cemetery Site H-2 is situated entirely outside the project limits on adjacent property. Therefore, no further work has been recommended for the Duncan Meadows Project, providing that the APE limits remain as shown upon the provided mapwork and that the terms and conditions of the APE letter are fulfilled.

1.0 INTRODUCTION

For the purposes of the Phase I study, the project is designated as Duncan Meadows and will involve the construction of residential properties on 100.49 +/- acres (40.7 ha) of land. The project area is located in the Town of Brunswick, in Rensselaer County, and is a privately funded development. It is the understanding of ARCH TECH that the Town of Brunswick will be the declared lead agency for the project under SEQR and that there is no Army Corps of Engineers (ACOE) involvement. However, it is anticipated that a SPEDES permit will be required from the Department of Environmental Conservation (DEC). Accordingly, as the property falls within an archaeologically sensitive area as defined by OPRHP (<http://www.oprhp.state.ny.us/nr/main.asp>), a Phase I Archaeological Survey was undertaken to address potential impacts to cultural resources within the project's Area of Potential Effect (APE).

ARCH TECH, Archaeological Technical Experts, Cultural Resource Specialists and Historic Researchers, had previously undertaken archaeological field investigations for portions of the project area from August of 2006 through January of 2008 as part of a study for the development at that time. In August of 2008, Michael Pigliavento, on behalf of Pigliavento Builders, authorized the completion of the cultural resource investigations to address revised project impacts. The Phase I study consisted of a Phase IA Literature Search/Sensitivity Study followed by Phase IB Archaeological Field Investigations. Subsequent to receipt of more refined concept plans, additional Phase IB field investigations were conducted to ensure assessment of the revised area of potential effect (APE). The cultural resource investigations continued through June of 2009 as research was completed, field investigations were conducted, and formal maps were prepared. Specific tasks undertaken for the study adhered to the OPRHP accepted guidelines as outlined within the "Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State" (NYAC 1994) and "State Historic Preservation Office Phase I Archaeological Format Requirements" (OPRHP 2005).

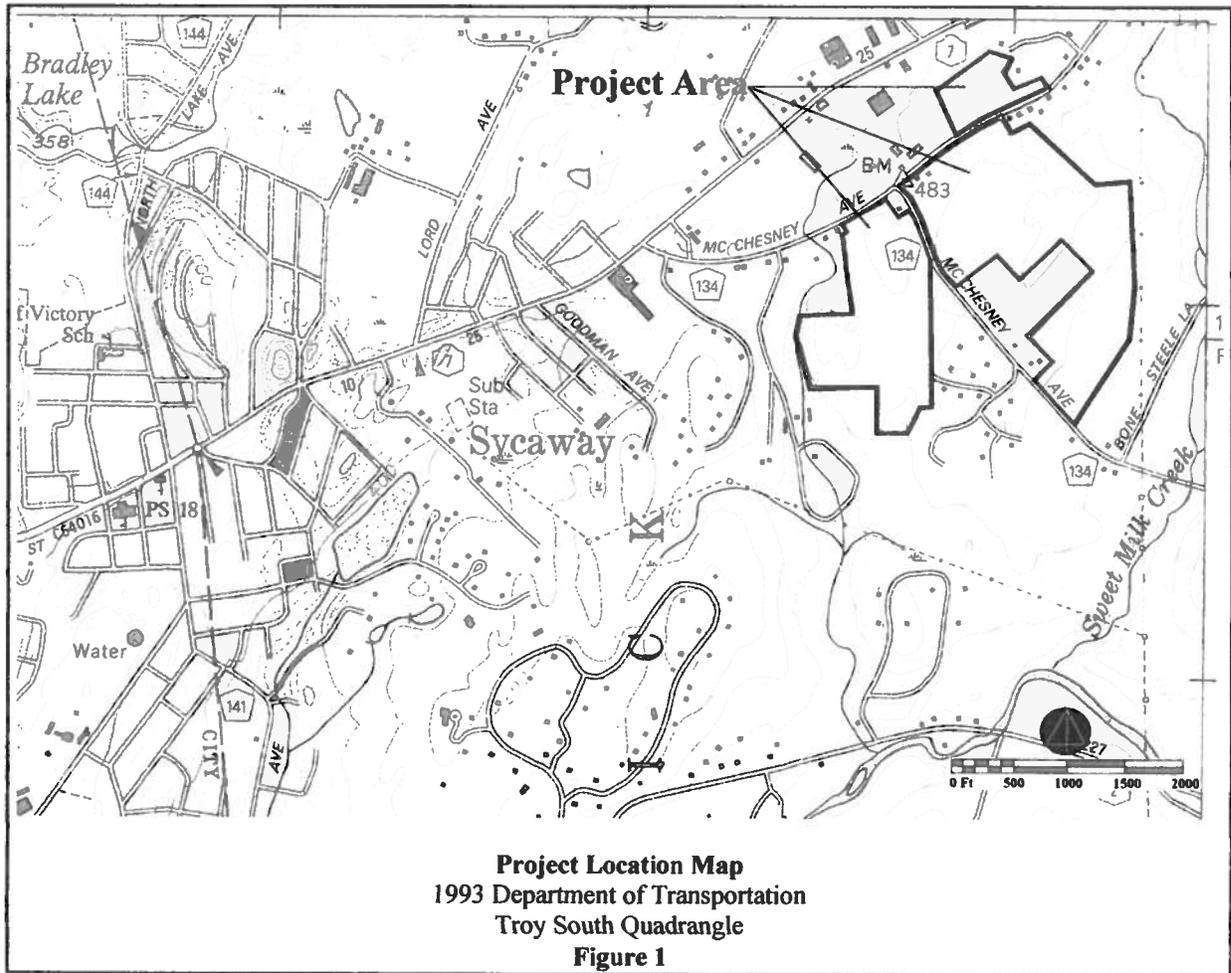
This report serves to present the results of the Phase I study undertaken for the project from the initial work undertaken in 2006 through its completion in 2009. Field notes, electronic records, photographs, and/or negatives developed for the project will be archived at the main offices of ARCH TECH. Artifacts and samples recovered as part of the field investigations will also be maintained by ARCH TECH until a final repository is secured. Cultural resource investigations conducted by ARCH TECH are designed to follow the instruction and intent of Section 106 of the National Historic Preservation Act, as amended (Public Law 89-665), and the Procedures for the Protection of Historic and Cultural Properties (36 CFR 800), in compliance with the National Environmental Policy Act, CFR 14 (1963). Sarah Majot was the primary author for the report and the director of the field investigations. She has authored, managed and conducted over 450 cultural resource projects, spanning a period in excess of 20 years with reports on file at OPRHP and municipal agencies. David Starbuck, Ph.D., served as the Principal Investigator for the project and editor for the report. Dr. Starbuck is qualified according to 36 CFR 61 professional standards and has over 35 years of practical field experience. Jessica Maul, MA, was a Crew Chief for the field investigations, as well as assisted with the research and analysis. Field and laboratory technicians involved in the archaeological investigations, analysis and processing included Nathaniel Covert, MA, Lenna Freedman, MA, Brian Gosselin, Karl Hemker, April Morovich, Shaun Pekar, Kelly Roberts, Bibianna Sakai, and Randy Sherman.

1.1 Project Area – Location and Description

The project will consist of the development of new residential housing on approximately 100.49 +/- acres (40.7 ha) of land in the Town of Brunswick in Rensselaer County. The property contains three relatively distinct parcels and straddles McChesney Avenue Extension and McChesney Avenue in the Albany-Troy-Schenectady Metropolitan Urban Area (Figure 1). Despite this location, the parcel has been maintained as pastureland, woodland, and agricultural fields from the early 19th century through the present (Appendix B-General Photographs). Since the property was part of an established farm, there are two large barns, several outbuildings and an existing residence associated with the agricultural fields (Appendix A-General Photographs). An OPRHP Building/Structure Inventory form has been prepared that documents the existing structures and buildings as part of the Duncan Farm Complex (Appendix C). However, with the exception of a modern pole barn, these buildings have been retained by the prior owner and have been separated out of the project area.

The existing conditions and proposed development as part of the project have been depicted upon a map "*Concept Plan Duncan Meadows, McChesney Avenue, Town of Brunswick, Rensselaer County, NY*" prepared by Ingalls &

Associates and dated January 14, 2008 and received March 4, 2009. As shown upon this plan, the overall project area encompasses three main parcels of land. The first parcel is situated north of McChesney Avenue and is identified as the lands of Leonard and Ruth Duncan, directly east of their similarly identified house lot (Appendix B). This particular parcel contains about 8.9 acres (3.6 ha) of land. According to the provided conceptual plans, these open fields will not be utilized as part of the project development. However, the remaining two parcels located south of McChesney Avenue will be constructed upon (Appendix B).



The aforementioned concept plans indicated the second parcel under investigation as part of this project development was generally situated south of McChesney Avenue and west of McChesney Avenue Extension. It contains approximately 35.5 acres (14.4 ha) (Figure 1). This part of the property is bound along its western limits by lands now or formerly of Morin/Bushey, J. Digiovanni, and Ricarrdi Lane Property, as well as other individual homeowners whose property fronts Ricarrdi Lane. With the exception of the Digiovanni residence, these are modern houses constructed during the last half of the 20th century. Accordingly, an OPRHP Building/Structure inventory form has been prepared for the Digiovanni house (Appendix C).

The northern limits of this second parcel extend to McChesney Avenue and the lands of Robert and Joyce Duncan at the intersection (Appendix B). McChesney Avenue Extension, along with the Sugarhill Apartment complex owned by the Brunswick Associates, frames the eastern limits, while the property of the Brunswick Associates also abuts the southern edge of the parcel. This land has generally been utilized as active and passive agricultural fields (Appendix A-Photographs 18-19, 30 and 31). However, wooded areas exist along the western and southern property limits (Appendix B). Similarly, low brush and secondary wooded growth is evident near the southeastern corner of the parcel (Appendix A-Photograph 17).

The third cohesive parcel comprising the project area is situated east of McChesney Avenue Extension (Figure 1). While its northern boundary runs along McChesney Avenue, the eastern limits abut the lands of Hepp, Kurl/Orberg, and Harrington Properties (Appendix B). The western boundary line is convoluted and follows along McChesney Avenue Extension, as well as the lands of the Rensselaer County Industrial Development Agency, and the property of Burns and Kneeland/Jorgensen. This portion of the project encompasses about 56.09 acres (22.7 ha) of land that is currently used as passive hay lots, pasturelands and active agricultural fields (Appendix B-Photographs 2-6 and 10-11).

According to the preliminary concept plans, the project development will consist of two types of residential construction, differentiated by size and building construction. These have been identified as "8-Unit Condominium Buildings," and "2, 3, and 4-Unit Townhouses" (Appendix B). The residential structures will be accessed via an interconnected road system and associated parking infrastructure. Proposed stormwater management areas will control the resulting surface drainage, with four areas depicted upon the plans. While the final overall plans will reflect the final input of the Town, extensive or significant changes to this configuration outside the defined area of potential effect (APE) are not anticipated.

1.2 Potential Project Impacts and Area of Potential Effect (APE)

A determination of the potential project impacts was developed through a review of the final concept maps and conversations with Ingalls & Associates, LLP. The resulting limits of the area of potential effect (APE) were demarcated upon provided plans and have been presented in Appendix B. These limits are intended to represent the extent of proposed construction activity, ground disturbance, grading and/or lay down areas.

As shown upon the final plan, the defined APE boundary establishes the work zone for the building contractor. An area of potential effect (APE) documentary confirmation letter has been provided in Appendix B to substantiate those limits as shown upon the provided map and provide a mechanism for the continued involvement of OPRHP should future impacts be proposed to areas not addressed by the current archaeological study. This letter outlines the short-term and long-term approaches that will be in place to address concerns with respect to any additional impacts outside the limits of the investigations undertaken as part of the cultural resource study.

Of the approximately 100.49 acres (40.7 ha) of land within the parcel, only 24.3 (9.8 ha), or approximately 24% of the project area, will be affected by the planned development (Appendix B). In general, the project will entail the creation of residential structures of varying designs, sizes and functional use. As such, it is reasonable to assume that the lot areas will undergo excavation for the foundation footings, grading and/or filling for landscaping elements, and clearing of existing vegetation. The footprints for the proposed buildings, roadways, parking lots, forebays, and storm water management areas have been separately denoted upon the APE mapwork provided in Appendix B. All of the proposed construction features are contained within the projected APE limits. Extant structures abutting McChesney Avenue in the northern section of the western parcels will not be affected by the proposed development and, as such, are denoted as outside the APE limits.

Some of the greatest potential impacts will result from the development of the access roads and parking areas. This corridor will need to be cleared and the land modified to accommodate the required road grades. Other anticipated and related potential impacts involve the construction and connection of services and utilities such as water, sewer, and electric, along with the creation of storm water retention areas. Utility and service connections will be made at the main thoroughfares and brought through the project within the proposed road corridors. All these activities will result in alterations to the existing topography, whether for filling, grading or excavations and thus have the potential to affect buried archaeological resources should they exist.

Areas that will not be subjected to ground disturbance or tree clearing include wetland zones, land preservation areas, and covenanted open space. Additionally, the barn and trailer in the northern part of the eastern parcel will remain as is. These areas are depicted as outside the limits of the APE and will be protected from future development by the means outlined in the letter provided in Appendix B. As such, these areas were generally not subjected to testing unless direct impacts were previously shown as part of the earlier proposed development.