

### **3.4 Cultural Resources**

#### **3.4.1 Introduction**

Section 14.09 of the New York State Historic Preservation Act of 1980 requires State agencies to consult with the Commissioner of the Office of Parks, Recreation and Historic Preservation (OPRHP) prior to approving a project. If a project requires any permits or is receiving funding/grants or any other approvals from State agencies, review by OPRHP is required.

This project is subject to New York State Department of Transportation (NYSDOT) and New York State Department of Environmental Conservation (NYSDEC) review and approval and thus must follow the criteria determined by OPRHP for cultural resource management, as set forth in the "Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State". These standards were developed by the New York Archaeological Council and adopted by the OPRHP to ensure uniformity in the review of cultural material in New York State.

Cultural Resource Management investigations are divided into three levels: Phases I, II and III. A project may receive OPRHP approval after the completion of any of these phases by a qualified archaeologist, based on the determination that the project site has undergone sufficient investigation to eliminate the probability of significant artifacts being recovered at that location. Phase I is subdivided into a Phase IA and Phase IB. The Phase IA consists of a Literature Review and Sensitivity Assessment, which entails the following:

- 1) a review of pertinent published historic material pertaining to the portion of the Village/Town that includes the project site;
- 2) a search of the historical or archeological site files of the New York Museum and the New York Historic Preservation Office at Peebles Island to identify documented cultural resources located on or adjacent to the property, and;
- 3) a reconnaissance of the parcel to identify areas of greater and lesser potential for containing buried cultural remains, to note areas where serious prior disturbance to upper soils may have eliminated such potential, and to photodocument any potentially affected standing structures over 50 years of age.

For any area that would be disturbed by the Proposed Action, Area of Potential Effect (APE), a Phase IB Field Investigation is conducted, which involves a systematic, on-site field inspection to verify the presence or absence of archaeological or historic artifacts. The most common method for conducting a Phase IB is systematic subsurface testing, which requires the excavation of small test pits at fixed intervals throughout the APE. The soil from these pits is examined for buried cultural remains. Significant findings can trigger the requirement of more extensive investigation via a Phase II. However, mitigation (Phase III) or avoidance of that portion of the site where remains are known or suspected within an APE may be accepted by OPRHP and allow a modified project to continue.

A Phase IA Literature Review and Sensitivity Analysis and Phase IB, Site Assessment were conducted between July and October, 2008, by CITY/SCAPE Cultural Resource Consultants (CITY/SCAPE). The final Phase I report documenting the results of both the Phase 1A and Phase 1B work (hereinafter the archaeological report) is included in Appendix G and summarized below. As a result of the findings documented in the Report, CITY/SCAPE

recommended that no further archaeological investigations be undertaken on the project site. The APE for the project site included all areas proposed for disturbance and totaled approximately 68 acres.

### **3.4.2 Existing Conditions**

#### Phase IA - Site Assessment Phase

The study area for historical and archaeological resources is defined as the project site and properties contiguous to the project site.

Topography maps indicate that the land slopes upward toward the north, rising approximately 100 feet to a high point of 600 feet above mean sea level (AMSL). The property contains a wetland of 3.68 acres that drains south into the Otter Kill, a tributary of the Wallkill River. The current conditions map, contained in the archaeological report, indicates that there are several areas of relatively steep slope, and the soils map, accompanying the archaeological report, indicates that there are areas on the site that exceed 25% in slope.

The project area adjoins commercial and residential development in the Village of Chester, to the east, south and southwest, but is adjacent to an active farm on the northwestern boundary. At the present time the project area is open fields, some of which have been or are being cultivated, woodland, wetland, and areas, particularly in the extreme southeast corner near the Chester Mall, that are reverting to scrub (old field succession). At present no structures are located within the project area, but the aerial photograph of the site suggests that a portion, specifically the area of Otisville and Hoosic soil complex (OVE), has been mined for sand and gravel.

Soil conditions on the site range from poorly drained (Ma) to excessively drained (OVE), however, most of the soils on the site are suitable for agriculture and would have been suitable for prehistoric occupation. The excessively drained soil complex, Otisville and Hoosic (OVE), is composed of sand and gravel derived from glacial outwash deposits, while the poorly drained area, Madalin silt loam (Ma), is derived from glacial lake deposits. The balance of the soils on the site are moderately well drains soils derived from glacial till deposits (MdB-D & ErB).

Although there is a wetland on the site, the project area is not crossed by any streams, but is located uphill from the Otterkill, a tributary of the Wallkill River. Although it was not observed in the walkover of the site, it was reported that there was formerly a spring on the site (Personal communication, Mr. Talmadge, May 2006). At the time of the site visit, the higher portions of the site had not yet been planted, but a local informant told us that the farmer who has used the land for many years would soon plant it with corn (Personal communication, Mr. Talmadge, May 2006). A small portion of the site, limited principally to the small parcel in the Village of Chester, has plants associated with the early stages of "old field succession," including the small trees and shrubs. Wetland vegetation was observed in the west central portion of the site. The steeper slopes on the site are tree covered by species associated with the transitional area between the Appalachian Oak Forest Zone and the Northern Hardwood Forest Zone. In the Northern Hardwood Forest Zone, sugar maple, birch, beech and hemlock are the predominant trees in this type of forest (Küchler 1964). In the Appalachian Oak Forest Zone, tall, broad-leaved deciduous trees predominate, particularly Red Oak and White Oak.

### Stone Walls

There are existing stone walls along the property frontage on NYS Route 17M and along the western property boundary with the Brookview Farm. These stone rubble walls are typical of stone walls found on farms and used to define agricultural areas and property boundaries in rural areas in the northeast. These walls have not been improved with mortar or cement and are in fair condition.

### *Site File Search*

As part of the initial research for the Phase 1A Literature Review, CITY/SCAPE: Cultural Resource Consultants examined the archaeological site maps housed at Peebles Island. These files indicate that no prehistoric sites have been identified within the project area or adjacent to it; however, a prehistoric village site has been reported within a 1 mile radius of the project area (OPRHP A071.51.004). The site, identified in 1983 during a survey for an apartment complex, yielded an end scraper, two chert flakes, and a fragment of Normanskill chert (Dumont & Dumont 1983). The site was located at an elevation of 500' AMSL, at the same elevation and in similar environmental conditions as those found within the lower portion of the project area. Some years earlier, a survey for the Chester Sewer System, identified a prehistoric camp site less than a ¼ mile northeast of the project area (Mead 1977). In the same time period, a small site was identified north of Meadow Avenue that yielded debitage and a chert knife (Dumont 1979). More recently, a small flake scatter was identified on a hill north of Meadow Avenue overlooking the Greycourt black dirt area (Oberon 2004).

Not included in the archaeological site files at Peebles Island is a prehistoric site, supposed to date to the Woodland period, that was reported to us during the site visit. That site is located in a protected environment immediately to the northwest of the project area on the Otter Kill (Personal communication, Mr. Talmadge, May 2006). Among the artifacts reportedly recovered was a mortar and pestle. There are reported historic resources located within a mile of the project area, the First Presbyterian Church of Chester was added to the National Register in 1998. That site is located at 106-108 Main St., Chester and was added to the register for its Greek Revival architecture. The other historic site within one mile of the project site is the Yelverton Inn and Store which was added to the National Register in 1979. That site is located at 112 Main St., Chester and was added to the register also for its architecture. Refer to Appendix G for the Nation Register of Historic Places Inventory Nomination Forms for more information on these historic sites.

Due to distance and topography, none of the reported resources will be impacted by the proposed project. During the site visit, we were informed by Mr. Talmadge that the highest point on the project area had been examined by avocational archaeologists interested in Revolutionary War site, and that an encampment area had been identified.

The presence of reported prehistoric resources within a mile in topography similar to that found within the project area indicates that the BT Holdings property has the potential to contain prehistoric resources; however, prehistoric resources reportedly recovered on and adjacent to the site raises the potential of the project area to high. This assessment is based on the following:

- the reported presence of prehistoric material recovered from the project area itself;
- a prehistoric site identified on adjacent property in environmental conditions considered extremely favorable (a protected location on the Otter Kill);
- the nearby presence of the Otter Kill, a known locus of prehistoric activity;
- the elevation of the site, which would have provided a lookout for game or the approach of groups of people
- the lower elevations on the site, at which prehistoric material has been recovered nearby;
- the reported spring on the property that could have provided potable water; and
- the presence of a wetland on the site that would have served as a magnet for prehistoric peoples.

#### *Sensitivity Assessment*

Professional surveys, the work of avocational archaeologists, and resources identified but not reported to OPRHP in the Town of Chester, indicate the presence of prehistoric sites on or adjacent to the project area. One unreported prehistoric site, located on the adjacent farm, reportedly yielded a mortar and pestle, as well as other prehistoric cultural material (Personal communication, Mr. Talmadge, May 2006). Although site visits did not identify prehistoric material within the project area, it was reported by Mr. Talmadge that material has been recovered from the site, and he provided chert debitage and possible tools that he stated had come from the BT Holdings property. Based on this information, which must be considered anecdotal until a professional survey has been undertaken, it is, nevertheless, judged that the project area has a potential to contain prehistoric cultural material.

The reported location where the prehistoric material was recovered was the highest point on the site, which provides extensive views of the surrounding countryside. However, it is also possible that the more level areas at a lower elevation might also have been utilized. The map research indicated that no structures dating to the 19th and 20th century were located within the project area; however, Mr. Talmadge reported that avocational archaeologists had identified a Revolutionary War encampment at the high point on the site. This was reported to consist of two lines of tents oriented generally south-north. Mr. Talmadge provided material said to have been recovered from the site, but, as noted above, it was not possible to ascertain a positive date for the material examined. However, in view of the statements made by Mr. Talmadge, admittedly anecdotal in nature, the possibility that the project area contains historic cultural resources dating to the Revolutionary War was considered.

Based on the archaeological and historical research, it was concluded that the BT Holdings property has potential to contain prehistoric cultural resources, based on information received from a local informant, which indicates a prehistoric site on the adjacent farm, the recovery of prehistoric resources in similar topography, and the environmental conditions on the site. It is

also considered possible that the property has the potential to contain historic cultural material dating, perhaps, to the Revolutionary War period. It was, therefore, recommended that a Phase 1B Archaeological Field Reconnaissance Survey be conducted to rule out the presence of prehistoric and/or historic sites within the limits of the APE.

#### Phase IB - Site Identification Phase

Results of the Phase 1A confirmed that the site is located in an area of prehistoric activity, and that the landscape closely conforms to an ecological model that indicates that the more level, undisturbed portions of the project area are sensitive for prehistoric cultural materials. In addition, local residents report that prehistoric material has been found on a neighboring farm. Prehistoric sites have been identified within the Town of Chester in areas containing similar topography, as well as in areas with similar environmental conditions as those on the BT Holdings property.

The Phase 1A also concluded that the property possessed a probability to yield historic cultural remains, based on the report of avocational archaeologists and local residents, who reported Revolutionary War era findings on the high point within the project area boundaries. Mr. Ted Talmadge, a local resident, has proposed, based on field research that included the use of metal detectors, that there were two rows of tents aligned north to south along this high point within the western central portion of the project area. (Personal Communication, Clifton Patrick, August 1, 2008). The archaeologist consultants were shown a series of musket balls, a small cannon ball (slightly smaller than a standard tennis ball), pipe stems, buckles, metal weights, a shoe piece, and unidentified buttons that were reported to have been recovered within the BT Holdings property. It would be possible to date the buttons, depending on their condition; however, these items remain as the property of Mr. Talmadge and were not made available for further analysis. As a result, additional research beyond the scope of the Phase 1A Literature Review, and close interval shovel testing was undertaken as part Phase 1B Field Reconnaissance Survey.

Areas selected for subsurface testing were identified during a comprehensive walkover of the property, which served to evaluate the site, assess loci of disturbance, rule out slope, assess available raw material and habitation resources, and determine former land usage. The areas selected for shovel testing were subjected to tests at intervals of 50' along transects conforming to the land surface. The location of the reported Revolutionary War encampment was subjected to additional shovel tests at a 25' (7.5 m) interval. A determination concerning the sensitivity of the various areas was based on environmental factors, topography, known activity patterns of prehistoric populations, and the purported location of the historic site. Areas in excess of 12% slope, were eliminated from testing, as were areas of prior disturbance. The locations of the tests and disturbed areas were recorded on a large-scale map that shows surveyed borders and the locations of the various structures identified on the site.

#### *Additional Research*

In response to concerns raised by Ruth Pierpont, Program Director at New York State Office of Parks Recreation and Historic Preservation, CITY/SCAPE: Cultural Resource Consultants completed a thorough investigation of the property deeds available for the BT Holdings property. Concerns raised by Ms. Pierpont regarded whether or not the Brookview Farm, now owned by Ted Talmadge had ever been included within the boundaries of the BT Holdings

Property, and whether the proposed plan of development on the subject property would impact the qualities providing for the "Farms" eligibility.

Land Deed research was conducted at the Orange County Government Center in the Town of Goshen, NY. Information available at the Orange County Genealogical Society was also reviewed. The project area, as noted, the bulk of the site is located in the Town of Chester, a number of small pieces fall within the bounds of the Village of Chester. The Nussbaum Property consists of four parcels, one in the Town of Chester (2-1-39), and three within the Village of Chester (108-1-1, 107-3-4 & 120-1-1). A thorough review of the land deeds for the "Farm" indicates that at no time was the subject property owned by the Talmadge Family, or part of Brookview Farm.

The site file research undertaken at OPRHP failed to locate or identify "Structure Inventory Forms" which would indicate structures potential eligibility for nomination to the State or National Registers, within a 1 mile radius of the Nussbaum Property. Ruth Pierpont, Program Director at OPRHP expressed concerns regarding impacts to the potential eligibility of the Brookview Farm, which has not yet been considered for eligibility or nomination to the National Register. Brookview Farm is located along the northern and northwestern boundary of the BT Holdings Property, with its main house and barns located along Route 17M (Chester Road), a significant distance from the project boundaries.

A thorough review of the existing body of data available at the New York State Office of Parks, Recreation and Historic Preservation. The site file search not only indicated an absence of historic and prehistoric sites, but failed to identify any Buildings and Structures Inventory Forms for locations within a 1-mile radius of the BT Holdings Property. At the present time no determination regarding the eligibility of Brookview Farm for nomination or listing on the National Register of Historic Places has been made. Based on a review of the existing documents pertaining to the ownership of the BT Holdings Property, CITY/SCAPE: Cultural Resource Consultants has determined that at no time was the subject property owned by the Talmadge family or a part of Brookview Farm. It has also been determined that the proposed plan for the subject property will not physically impact the structures or landscape associated with Brookview Farm. Portions of the proposed development will be visible from the farmstead, however the natural landscape, and certain mitigation measures such as a vegetation buffer, will prevent the visual effect on the current qualities of Brookview Farm. This supplemental research requested by OPRHP was submitted in February 2009. The Applicant has not received further correspondence from OPRHP to date.

#### *Phase IB Summary*

A thorough review of the existing body of archaeological data relevant to the project area was undertaken, and conclusions drawn concerning the probability of encountering prehistoric and/or historic cultural remains on the site. Disturbed areas, areas of wet soils, and areas of slopes greater than 12% were identified and eliminated from testing. Once this process was completed, areas possessing the potential to yield cultural remains were subjected to systematic subsurface archaeological testing and, in the area where corn had been planted, surface inspection.

A total of nine hundred and twenty (920) shovel tests were excavated on the BT Holdings property in areas considered to have potential to yield prehistoric or historic cultural material. Of the 920 shovel tests, none yielded prehistoric cultural material. Shovel tests placed at close intervals within the central portion of the site, identified by Clifton Patrick, Town of Chester Historian, and Ted Talmadge, an adjacent landowner, as the area of the Revolutionary War

camp, yielded a single plastic shot gun casing. Surface collections of three dump areas and the small corn field yielded material that dates exclusively to the 20th century.

In an effort to document the presence of a Revolutionary War camp on the property, CITY/SCAPE: Cultural Resource Consultants completed additional research as part of the Phase 1B survey. Based on the Phase 1A Literature Review and Sensitivity Analysis and the Phase 1B Archaeological Field Reconnaissance Survey, supported by findings in the field, it appears that reports of a Revolutionary War camp being located within the boundaries of the BT Holdings property are anecdotal, and that neither the Militia, Allied Forces, or the Continental Army camped within the boundaries of the site. One possible explanation for the previous finds, assuming that they date to the Revolutionary War period, is that they are the result of casual discard and/or loss by men returning from the war after the cessation of hostilities and the dissolution of the Continental army. Based on the findings of the Phase 1B survey, it is the conclusion of CITY/SCAPE: Cultural Resource Consultants that no additional archeological investigation of the BT Holdings property is warranted, and that the project may proceed without further consideration of either prehistoric or historic archaeological resources.

### **3.4.3 Potential Impacts**

There are no standing structures on the project site and no structures within its viewshed that meet the requirements for inclusion on the National or State Register of Historical Places. In addition, a field investigation of the APE yielded no artifacts of importance.

A search of the site files maintained by the New York State OPRHP in Albany indicated that there are reported historic resources located within a mile of the project area, the First Presbyterian Church of Chester, located at 106-108 Main St., Chester was added to the National Register in 1998 for its Greek Revival architecture. The Yelverton Inn and Store, located at 112 Main St., Chester was also added to the National Register in 1979 based upon its architecture. However, Due due to distance and topography, neither of these reported resources will be impacted by the proposed project.

Stonewalls, with the exception of those located within defined historic districts, or those identified as contributing factors to a National Register Listing, are not considered to be historic features. Stonewalls generally indicate a division of property and/or agricultural or pastoral fields. They are not considered to be structures, very rarely are they datable and are considered to be lacking archaeological integrity. The stone walls located along the perimeter of the site will remain undisturbed. The stone walls located in the interior of the site will be dismantled and the stone may be used in construction of the entryway, or other aesthetic features on the BT Holdings project site.

Therefore, no impact to historical or archeological resources are projected to result from the development of the Proposed Action.

### **3.4.4 Mitigation Measures**

The cultural resource investigation for this site yielded no significant findings in the archives in Albany nor through systematic field investigation which are expected to be affected by development of the BT Holdings site. No further archeological investigation is warranted therefore no mitigation is proposed.