

3.7 Historic and Archaeological Resources

This section addresses the potential impact of the Project on historic and archaeological resources. The narrative first describes the regulatory framework for the review of actions that may have an impact on historic resources. It then summarizes findings of an Assessment conducted by the project sponsor's cultural resource consultant. It then describes the potential impact of the project on historic and archaeological resources. Lastly, it identifies mitigation measures to address project impacts.

3.7.1 Existing Conditions

New York State Historic Preservation Office ("SHPO")

Under Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act, the SHPO's role in the review process is to ensure that effects or impacts on eligible or listed properties are considered, avoided or mitigated during the project planning process. Consultation is required where an applicant is seeking a federal or state permit or approval. In addition, the SHPO advises local communities on local preservation environmental reviews, upon request, under the provisions of the State Environmental Quality Review Act.

City of Yonkers Landmarks Preservation Board ("LPB")

At the local level, the City of Yonkers regulates activities that would affect designated historic structures and properties. Chapter 45, Historic and Landmarks Preservation, of the City of Yonkers Code regulates proposed activities that may have an impact on historic districts and landmarks, as those terms are defined in Chapter 45. "Landmark" is defined as follows:

"LANDMARK -- A building, structure, site, object or parcel of land, designated pursuant to this article, which may or may not be located in a designated historic district and which

A. Possesses one or more of the following characteristics:

(1) Is associated with persons or events of historic significance to the city, region, state or nation;

(2) Is illustrative of historic growth and development of the city, region, state or nation;

(3) Embodies distinctive characteristics of a type, period or method of construction or represents the work of a master;

(4) Contains unique architectural, archaeological or artistic qualities; or

B. Has been duly included on the National Register of Historic Places maintained by the United States Secretary of the Interior; or

C. Has been duly included on the New York State Register of Historic Places maintained by the New York State Office of Parks, Recreation and Historic Preservation."

Chapter 45 is administered by the Yonkers Landmarks Preservation Board. Among its numerous responsibilities, the Board prepares reports on, and nominations of, areas, buildings,

structures, sites or objects as landmarks or historic districts. It also issues or denies certificates of appropriateness for landmarks, buildings, structures, sites or objects in historic districts. In the City of Yonkers, any person may make a nomination to designate a landmark or historic district. The nomination must be accompanied by various data and information regarding the structure, property, etc., to be designated.

The Board must refer a nomination to the Planning Board for an advisory recommendation. Subsequent to receipt of a Planning Board report, the Landmarks Preservation Board holds a public hearing on the proposed designation. After the public hearing, the Board issues a report of its findings. If the report favorably recommends historic designation, the report is forwarded to the City Council which may: (1) accept the recommendation of the Board and designate one more landmarks and historic districts; (2) remand the report to the Board for additional work or information; or (3) reject the report of the Board and refuse to make the designation.

No application for approval of a zone change, variance, special exception, subdivision, site plan, building permit, demolition permit or sign permit can be granted by the City for any property proposed as a landmark or historic district from the date of the filing of the proposal with the Board until the final disposition of the proposed designation by the Board or the City Council, unless such alteration, removal or demolition is necessary for the public health, welfare or safety. In no event shall the moratorium be for more than 180 days.

Once a designation is made by the City Council, none of the following activities shall be commenced without the issuance of a certificate of appropriateness by the Landmarks Preservation Board: (1) any alteration or repair which causes any material change in appearance of any feature of a building, structure, site or object in a designated historic district or of a designated landmark; (2) any new construction in a designated historic district; or (3) any demolition or removal of a building, structure, site or object in a designated historic district or of a designated landmark.

When considering an application for demolition or removal in whole or in part of a landmark, the Board applies the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings in its decisionmaking. The Board must consider whether: (1) the landmark is of such architectural or historic interest that its demolition or removal would be to the detriment of the public interest; (2) retention of the landmark would help preserve and protect an historic place or area of historic interest in the city; and (3) retention will promote the general welfare by maintaining and increasing real estate values and encouraging interest in American history, architecture and culture.

An applicant whose certificate of appropriateness has been denied or approved with conditions may apply for appropriate relief from the requirements of this article or conditions imposed by the Board on the grounds that such requirements or conditions imposed will result in a hardship.

The Trolley Barn, as a property presently listed on the National Register of Historic Places, is eligible to be a "landmark" as defined by Chapter 45. However, based on a communication with the City planning office¹, the building has not been formally landmarked by the City Landmarks Preservation Board. There are other structures within the Project Site that have been identified as potentially eligible for landmark designation and thus also may fall within the purview of the

¹ September 2, 2010, email communication from Christine Carney, based on consultation with Mario Caruso, Yonkers Department of Planning and Development.

Landmarks Preservation Board pursuant to Chapter 45. The former Teutonia Hall, built by one of the German organizations operating in Yonkers at the end of the 19th century and designed by a prominent Yonkers architectural firm (George Rayner & Sons), would likely be considered eligible for listing on the National Register of Historic Places. Lastly, two of the multifamily buildings on the east side of Buena Vista Avenue (at 68 and 72 Buena Vista Avenue) appear to have been in the ownership of Lizzy A. Otis, wife to Norton Otis who was a member of the Otis Elevator Company and served as a mayor of Yonkers and as a state assemblyman. These structures are associated with historic personages in Yonker's city history and could also be eligible for local landmark status. The Applicant has met with the Landmarks Preservation Board and expects to work closely with it as development and SEQRA review proceeds.

Buena Vista Avenue Redevelopment, Assessment of Archaeological Potential & National Register Eligibility ("BVA Redevelopment Assessment")

CITY/SCAPE: Cultural Resource Consultants ("Cityscape") completed an assessment of the archaeological potential and the National Register eligibility of two city blocks located on the east and west side of Buena Vista Avenue. The analysis included an examination of the parcels that are the subject of the Buena Vista PUR special use permit application. The Phase IA Report is included as Appendix H of this DEIS.

All cultural resource investigations were performed in accordance with the guidelines established by the New York State Historic Preservation Office ("SHPO") and the *Standards for Cultural Resource Investigations and the Curation of Archaeological Collections* published by the New York Archaeological Council. The report also meets the specifications of the Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation*.

The report specifically sets forth:

- Information on known National and State Register and eligible historic sites in the area, including the Yonkers Trolley Barn;
- Research that included file searches and the review of relevant historic maps;
- Identification of known historic and prehistoric sites located within or in the vicinity of the proposed project area;
- and, field analysis.

This section of the DEIS summarizes the findings of the Assessment.

Prehistoric Potential

An examination of relevant archaeological site maps indicates that no prehistoric sites have been identified in or immediately adjacent to the project area. Anecdotal reports indicate that there was at least one Native American village site located on the banks of the Saw Mill River near the point where it entered the Hudson River, but the area in which the village would have been located has experienced numerous episodes of disturbance over the last 300 years, and it would not be expected that any evidence of prehistoric sites along the former river's edge would be intact.

Based on an examination of the environmental model used to assess the potential of an area to contain prehistoric sites, the project area would, if undisturbed, have high potential to contain prehistoric sites. The potential for such resources to be present is, however, significantly

reduced by the fact that the entire area is located in a part of Yonkers where the land has been heavily disturbed and the city heavily developed for the last 150 years. The construction of various buildings, most of which include basements, as well as the subsequent demolition of several of them, has a profound impact on the potential for the area to contain intact prehistoric sites of any kind. The Phase IA report concludes that the project site lacks the potential to contain prehistoric sites of any kind within its boundaries.

Historic Potential

The historic potential of the Project Site is summarized in a series of tables, figures, maps, and text contained in the Phase IA Report. Historic land uses of properties within the project area are described in Tables 2 and 3 of the report. In addition, a narrative history of the project area is provided from a review of Sanborn and other historic maps. The Phase IA report also specifically evaluates the history of Teutonia Hall and the Josiah Rich Estate as the history of these properties is specific to the project site. The following is a summary of the history of the project area:

- The project area presently consists of commercial and residential buildings;
- Buildings are generally 2-4 stories tall;
- Buildings are generally wood frame or brick, though it may be that in an earlier period brownstone, masonry, and cast iron facades were also present;
- Buildings in the project area generally have flat roofs, though gable roofs are observed, particularly on older residential buildings dating to the mid-19th century;
- Properties have open rear yards;
- Buildings often had outbuildings in the rear yard areas;
- The project area contains buildings designed for a variety of purposes, including cultural and recreational purposes;
- Commercial business in the project area was largely limited to the Yonkers Railroad Company and the National Sugar Refining Company until the late 20th century, when other types of commercial activity were introduced;
- The project area, particularly Block 511, is principally residential, but even within this residential area some commercial activity took place;
- Cultural institutions, such as Teutonia Hall, later Prospect House, were later replaced with commercial activity;
- Dwellings in the neighborhood changed from single-family owner occupied to rental units as the dynamics of the neighborhood shifted;
- Although the area changed from residential to commercial use, there was little industrial activity within the project area; only the northern portion of Block 512 can be considered such. This means that there is a coherence to the streetscape that would not have been possible if large scale industrial buildings had been built;
- In the residential lots on Block 511 and 512, the structures are centrally located on the lot, allowing yard space both on the street side and in the rear of the lot;
- The lots within the project area were combined over time, to make larger tracts of land;
- Cartographic research conducted indicates that the structures located on the southern portions of the project area date to the mid-19th century.

Conclusions of the Assessment

The Trolley Barn is a National Register site located on the northern portion of the project site. The former Teutonia Hall is located in the center of Block 512 and on the Project Site. This structure was built by one of the many German organizations operating in Yonkers at the end of the 19th century. Based on the fact that it was built by a prominent Yonkers cultural organization and was designed by a prominent Yonkers architectural firm (George Rayner & Sons), and continued in use as an important social institution after 1911 when it was known as Prospect House, Teutonia Hall, despite the fact that it is in a deteriorated condition, would likely be considered eligible for listing on the National Register of Historic Places by SHPO.

Two of the multifamily buildings on the east side of Buena Vista Avenue (at 68 and 72 Buena Vista Avenue) that are part of the PUR application were formerly in the ownership of L.A. Otis, who may have been Norton Otis' wife, Lizzie A. Mr. Otis was a member of the Otis Elevator Company and served as a mayor of Yonkers and as a state assemblyman. Thus, these structures are associated with historic personages in Yonker's city history.

The Phase IA report recommends that a Phase IB survey plan be developed that will specifically identify any areas requiring archaeological investigation. These would be the rear yards of lots that have been undisturbed, and have the potential to contain a privy or cistern feature.

3.7.2 Potential Impacts

The Applicant proposes to remove all structures located on the west side of Buena Vista Avenue to construct a 25-story apartment building with ancillary uses, including an automated clean-tech parking garage and hydroponic garden. In addition, the project would result in modifications to the Trolley Barn to connect the new structure to the Trolley Barn building. The facade of Teutonia Hall and other selected elements would be preserved and reconstructed within the Project Site. The remaining aspects of the Teutonia Hall structure would be removed to accommodate the new building.

The Trolley Barn's southern exterior wall would be altered to allow an opening that would connect the interior space of the new apartment building to the Trolley Barn lobby area. Otherwise, no changes are proposed to the Trolley Barn and no significant adverse impacts are anticipated.

The three residential buildings on the east side of Buena Vista Avenue would be rehabilitated. Figure 2-8 illustrates the rehabilitated facades of these three buildings. The Applicant proposes to remove the aluminum siding and restore the three buildings with Victorian style architectural details and materials as shown in Figure 2-8. The proposed renovations would result, in the Applicant's opinion, in a positive aesthetic impact to these properties and their environs.

Cityscape, the Applicant's cultural resource consultant, has determined that no additional archaeological investigation is necessary for the properties on the east side of Buena Vista Avenue since significant alterations are not proposed to these properties which would disturb on-site subsurface conditions. In addition, it has been concluded that given the extensive on-site alterations to subsurface conditions at the nonresidential properties located on the west side of Buena Vista Avenue, these properties have low archaeological sensitivity. Specifically, Cityscape states that the nonresidential properties have low potential to contain historic cultural

resources in the form of shaft features (i.e., privies and/or cisterns), dump sites or sheet midden deposits. The conclusion is based on the following:

- The lots are entirely covered by structures, precluding the presence of intact shaft features of dumps/sheet middens;
- The structures were constructed at a time when water and sewer was available in Buena Vista Avenue, making it unlikely that privies or cisterns would be present;
- The rear yard areas would have been impacted by new construction, which would have impacted any rear yard features, including dumps and sheet middens, that might have been present.

The two residential properties on the west side of Buena Vista Avenue, i.e., 61 and 65 Buena Vista Avenue, are considered to have high potential to contain shaft features, dumps or sheet middens. Each lot contains a residential structure that was built between 1851 and 1876, when water and/or sewer was unavailable on Buena Vista Avenue, making privies and/or cisterns a necessity. It is Cityscape's recommendation that each lot be tested at the level of a Phase IB archaeological survey to determine whether such resources are present and if present, the degree to which they are intact. Ultimately, based on the dating of material, it will be determined whether the material obtained requires additional examination through preparation of a Phase II archaeological investigation. The Phase IB and Phase II analyses will result in on-site disturbances to properties that are presently occupied by residents as trenches need to be dug to test for the archaeological materials. Depending on the Phase IB and II investigations, a Phase III data recovery plan may be required. The need for such a plan will be determined in consultation with the New York State Department of Parks, Recreation and Historic Preservation.

3.7.3 Mitigation Measures

It is possible that prior to Planning Board or City Council action on the PUR special use permit, the Landmarks Preservation Board may seek to designate one or several of the buildings included in the PUR as local landmarks. The applicant at this time has not submitted any application for landmark status as it relates to the subject property. The need to submit an application will be determined based on comment received during the SEQRA and special use permit review process, including comments specifically issued by the LPB.

With regard to the landmarking process, a written proposal for the designation of a building, structure, site or object as a landmark may be submitted by any person or any public or private entity to the LPB. Various data must accompany the application - those requirements are set forth in Section 45-5.B of the applicable chapter of the Yonkers Code. As mentioned previously, prior to holding a public hearing on the proposal, the application is referred to the Planning Board for an advisory opinion. The LPB may retain consultants or other professionals in the review of the proposal. The LPB will hold a public hearing after receipt of the Planning Board's recommendations. After the public hearing is closed, the LPB will write a report of its findings and issue a recommendation regarding landmark status - the report and recommendation are forwarded to the City Council for formal action. The City Council may either: approve the landmark designation; remand the report back to the LPB for additional input; or, reject the recommendation of the LPB. During the proposal review process, no application for approval of a special use, site plan, building permit, or demolition permit (those actions which are required to implement the proposed project) shall be granted for any property proposed as a landmark from the date of the filing of the proposal with the LPB until the final disposition of the proposed

designation by the Board or the City Council, unless such alteration, removal or demolition is necessary for the public health, welfare or safety. This moratorium may not exceed 180 days. Upon landmark designation, activities including but not limited to demolition and alterations may occur without a certificate of appropriateness issues by the Landmarks Preservation Board.

The Applicant does propose to conduct the Phase IB, and if necessary, Phase II and III analyses as mitigation prior to the demolition of the two on-site residential structures located on the west side of Buena Vista Avenue. By that time, the occupants of the residential building will have been relocated so that the resident's are not disrupted by the activities associated with the cultural resource investigations.

The facade of Teutonia Hall is proposed to be preserved and reconstructed elsewhere on the project site. In late 2008, the Applicant obtained a cost estimate from M.T. Peters & Associates, Inc., to determine the cost of stabilizing and supporting the facade in its present location. The cost to preserve the facade in place totaled \$3.44 million. Even with the substantial bracing and stabilization proposed, project engineers could not guarantee that the facade would not crumble as a result of the significant earthwork required to remediate this Brownfield site and construct the new apartment building. The Applicant has determined that a reasonable mitigation measure is to carefully remove the Teutonia Hall facade and reconstruct it elsewhere on the project site, integrating into the street facade of the automated parking garage (see Figure 2-5). The facade of Teutonia Hall would maintain a public presence as its main door would become the entrance to the classroom space. The second floor of the Teutonia Hall facade would mask the second floor of the automated parking garage. Teutonia was originally freestanding, and the introduction of the driveway to the north will recreate this historic condition, with the side of Teutonia Hall and its pitched roof visible for the first time in many years. Relocation of the Teutonia Hall facade provides a symmetry to the facades at street level, as it complements and balances the comparably scaled facade of the Trolley Barn building's lobby area on the north side of the new apartment building. It also sets up a rhythm with the small-scale garage doors to the south, and with the multi-gabled greenhouse on the third floor.