



May 6, 2025

Nathan Herzog
Passero Associates
242 West Main Street, Apt 100
Rochester, NY 14614

Re: DEC
Route 9W Multi-Family Development
1530 Route 9W, Ulster, Ulster County, NY 12449
24PR08574

Dear Nathan Herzog:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials 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 Division for Historic Preservation 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.

OPRHP has reviewed the Phase IA/IB and Phase IA/IB Addendum Archaeological Survey Reports prepared by Atlas Archaeology, LLC (Atlas) for this project. The Precontact Locus 4 Site (USN 11118.000046) site, originally identified in 2002, was reidentified through this survey, and the Wolf Rock Hall Bottle Dump site (USN 11118.000174) was newly identified. The Rock Hall Bottle Dump Site was determined by OPRHP to not be eligible for the State and National Registers of Historic Places (S/NRHP), and thus, we have no further concerns for this site. The eligibility of the Precontact Locus 4 quarry site for the S/NRHP remains undetermined. OPRHP has reviewed and concurs with the Site Avoidance Plan prepared by Atlas (3/28/2025), which includes a fifty-foot (50-ft) buffer around the archaeological site, and short- and long-term avoidance and protection measures to be implemented for the protection and preservation of the site (see attached). With the implementation of the Site Avoidance Plan for the Precontact Locus 4 Site, no further archaeological investigations are warranted for this project.

The Department of Environmental Conservation (DEC) initiated consultation with the interested Indigenous Nations on April 9, 2025, and they were informed of the intent to avoid the Precontact Site. It is OPRHP's understanding that the Delaware Nation, Stockbridge Munsee Community, and the St. Regis Mohawk Tribe responded and were content with the plan to avoid the site.

It is, therefore, the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project, **with the condition** that the attached Site Avoidance Plan for the The Precontact Locus 4 Site (USN 11118.000046) is adhered to.

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It should be noted that further consultation with the OPRHP/SHPO will be necessary if there are any changes to the project/undertaking. PLEASE ALSO NOTE that an updated consultation letter may be required if more than five (5) years have elapsed since the above date of issue.

If you have any questions, I can be reached at Josalyn.Ferguson@parks.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Ferguson".

Josalyn Ferguson, Ph.D.
Scientist – Archaeology

via email only

c.c. CRIS Contact List
Attch. (6 pages & map)

Avoidance Plan USN 11118000046 Locus 4

9W Multifamily Development 1A/1B PR#24PR08574 Lake Katrine, Town of Ulster, Ulster County
Management Summary

SHPO: Project Review #: **PR#24PR08574**

Involved State and Federal Agencies: **DEC, OPRHP**

Location Information: **Town of Ulster**

County: **Ulster**

Name of Site to be avoided: **11118000046 Locus 4**

Description: Precontact site 11118000046 Locus 4 is a small quarry workshop site in the center-easters portion of the parcel, located at approximately 1530 Ulster Ave, Lake Katrine, NY 12449. An early modern mansion and associated structures are located in the western portion of the property. Sand mining can be seen along the southern perimeter. A large wetland is found in the far eastern section. Locus 4 is found in the center of the property along the ledge of a chert bearing limestone outcrop. Five positive shovel tests yielded 13 precontact finds, all quarry debris. No diagnostic material was found.

Short-term Protective measures: 1) Fencing, construction controls, 50 foot buffer. The original site plan was modified to allow a 100 foot buffer from Locus 4.

Long-term Protective measures. 1) All land to the east of the site plan will not be developed.

Plan Author (Dylan Lewis MA, RPA): Date of Plan: **3/28/2025**

Abstract

A total of 412 shovel tests were placed across the project area within the APE. Due to the sensitivity and the likelihood of other sites located around the eastern bedrock outcrop, two 25-foot (7.7m) interval shovel test transects were placed along the ledge (north to south). After confirming the location of the precontact quarry site that HAA found, Atlas Archaeology consulted with the engineers at Passero Associates and the client so that they could adjust their plans to allow for an ample buffer to avoid the quarry altogether. With the addition of the five flakes and three positive tests that Atlas Archaeology LLC recovered, Locus 4 has five positive shovel tests with thirteen rough lithics, indicative of testing material and ultimately not a larger-scale operation. No formal tools or formal tool fragments were found.

Introduction

This cultural resource survey evaluated a proposed residential development on US Route 9W in the Town of Ulster, Ulster County, N.Y. The parcel is 65.39 acres/ 26.46 hectares in extent. The project area is bounded north and east by private property and a gas line, south by Route 209/199, and west by Route 9W. The project area has an existing driveway that runs from Route 9W up the hill to a mansion overlooking the Esopus drainage.

Project Description

The proposed project consists of removing the early modern mansion and two outbuildings and the construction of several long multifamily residential structures, parking lots, access roads, buried utilities, and stormwater management areas. The construction will be focused in the western portion of the parcel.

Identified Archaeological Resources

412 shovel test locations were placed across the project area within the APE. When we were approached for this project, we informed the clients that the area outlined with the APE would likely come in contact with Locust 4. Due to the sparse material located by Hartgen Archaeological Associates in 2002 in Locus 4, it was essential to locate the site, which had no GPS coordinates. Passero Associates overlaid the 2002 Hartgen STP map on their existing site plan, and a very close approximation of the location was found through shovel testing. Two 25-foot (7.7m) interval shovel test transects were placed along the ledge where Locus 4 was located. Three isolated Indigenous finds were found STP 190, 204, 185. Radials were placed around each when applicable, all sterile.

Historic material included a modern refuse and a bottle dump associated with the original mansion inhabitants (Wolf Rock Hall USN 11118.00174).

USN : 11118000046 Locus 4. Thirty-seven shovel tests were placed at 25 foot (7.7.m) intervals along the bedrock ledge that contains bands of chert along the top margins of the rock face. Three positive shovel tests #354, #355, and #371 had a blocky chert, two shatter, and another blocky and secondary, respectively. The Hartgen survey illustrated that shovel tests #85 and #32 revealed three positive shovel tests. One of which was a northern radial of shovel test #32. Shovel test #32 had two flakes: a thinning flake and a primary flake with cortex. The positive radial had four flakes (primary, core, blocky and thinning flake). Shovel test #85 contained two pieces of debitage one of which was a biface thinning flake and another one was a trim flake. With the addition of the five flakes and three positive tests that Atlas Archaeology LLC recovered, Locus 4 has a total of five positive shovel tests with thirteen rough lithics, indicative of testing material and ultimately not a larger scale operation. No formal tools or formal tool fragments were found.

Recommendations:

It is recommended that the quarry site be avoided entirely and that at least a 50-foot (15.2m) buffer around the location be provided. In this circumstance, the client and engineers modified the site plan to include a 100-foot (30m) buffer. The site's boundary must be clearly delineated in the final construction plans and must be identified as an environmentally sensitive area with no access. Temporary fencing will need to be installed around the boundaries of the avoidance area prior to any clearing or construction activities within the APE and shall be maintained until construction has concluded. There will need to be preconstruction meetings in which people are made aware of the area needing to be protected and the existing landscape will need to be maintained.

Inadvertent construction impacts are to be reported to the SHPO immediately. Activity shall cease in the vicinity of the site, so the damage can be assessed, and a recommendation provided to remediate the situation. Existing landscape at the site(s) will be maintained. Locus 4 is located along a long and robust limestone outcrop and will be left untouched. Any proposed modifications to the site plan will require consultation with the OPRHP. In the event that human remains are encountered during construction, all work must stop in the vicinity of the find and be reported to the SHPO.

This proposal has been written prior to comments from Indigenous Nations. It may yet be determining that this site does not meet their requirements for avoidance or a Phase II. The purpose of a Phase II would be to determine whether or not there are significant deposits associated with pre-contact site Locus 4 that would allow the site to be considered eligible for the National Register of Historic Places. A Phase II would need to determine how old the deposits were, their horizontal extent and depth, and if precontact features below the A horizon could be related to the quarry area. A Phase II would evaluate whether or not Locus 4 meets Criterion D. That is if the site “has yielded, or may be likely to yield, information important to prehistory or history.”

Correspondence

The following are e-mail correspondence from OPRHP.

“OPRHP will be concurring with your recommendation for Site Avoidance or a Phase II Site Examination. If the site is to be avoided, OPRHP would recommend the development of Short- and Long-Term Site Avoidance measures to be instituted during and after construction for the preservation and protection of the site. You are correct, we will no longer be recommending Deed Covenants be placed on properties that contain archaeological sites. If appropriate, discussions with Conservation Groups (i.e., Rondout-Espous Land Conservancy, Open Space Institute, etc.) may be appropriate for some sites and projects, but those would be more for burial sites, or very clearly culturally and/or archaeologically significant sites. Typically, OPRHP recommends a 50-foot buffer around a site’s boundary, as established by the archaeologist. The recommendation for the Restrictive Covenant has been removed from this document, and we will no longer be asking for them, so please remove references to it from the report. The avoidance documents will also need to be shared with all four of the interested Indigenous Nations, along with the final report when DEC conducts its Nation-to-Nation Consultation with the Nations.” (February 3 2025 Josalyn Ferguson Ph.D).

This proposal is pending correspondence with Sovereign Indigenous Nations. Currently, the Stockbridge Munsee Band of Mohican, Delaware Indians, and Delaware Tribe of Indians are the descendants of the communities that will be provided with this proposal for review. These descendants of the original Indigenous People of the Mid-Hudson Valley were forced off their land during the late 18th and early 19th centuries. As the original stewards of the land, they must be involved in the review process.

Summary

11118.000046 precontact Locus 4 will be avoided with a minimum of a 50 foot boundary in all directions.

Protective Measures

Two forms of protective measures will be followed in this plan. There will be a short-term and long-term avoidance, which have different parameters for the protection of precontact Locus 4 (11118.000046). First and foremost, the original site plan has been modified to accommodate an ample buffer to protect the precontact site (attachment 1 and 2). There is currently a 100-foot (approximate) space between the proposed construction and the location of the pre-contact quarry site. The archaeologist and the engineers collaborated to redesign the footprint of the proposed structures so that they were on the other side of a deep ravine. This means that there is a ravine/wetland and a bit of substantial slope separating the precontact site from the proposed construction. This extra separation, as well as the topographical and hydric soil barriers, makes it improbable that there would be accidental construction damage to the precontact site. Additionally, as a long-term protective measure, this separation and landform barrier acts as a natural deterrent for trespassers. The entire eastern portion of the property has a large wetland that is impassable. The precontact quarry site borders a rugged limestone outcrop, which the client has no intention of removing as it would require blasting. The attached engineering plan (attachment 3) depicts the defined boundaries of Locus 4 and the 50-foot buffer surrounding it in all directions. There are no plans to remove any of the trees or foliage from the region, nor are there any plans to grade or level the area in or surrounding the precontact quarry.

Short-term avoidance

The OPRHP has a bulleted list of requirements for short term avoidance. These are:

- At a preconstruction meeting with the construction contractor, the person in charge shall be notified regarding the need to protect and avoid the archaeological site.
- The avoidance area (see attached Avoidance Plan Map) shall be indicated on the construction plans and identified as a “Environmentally Sensitive Area—No Access.”

- Temporary fencing shall be installed around the boundaries of the avoidance area prior to any clearing or construction activities within the APE, and shall be maintained until all construction has ceased.
- Inadvertent construction impacts are to be reported to the SHPO immediately. Activity shall cease in the vicinity of the site so the damage can be assessed and a recommendation provided to remediate the situation.
- Existing landscape at the site will be maintained. Any proposed modifications will require consultation with the OPRHP.
- In the event that human remains are encountered during construction, all work must stop in the vicinity of the find and be reported to the SHPO. See Appendix 1 and 2.
- After construction is fully completed, protective fences may be removed.

We anticipate, that all of the bulleted items above will be met and adhered to during the construction process.

For Locus 4 (11118.000046) short term avoidance, as stated above, is the total avoidance of the area where shovel tests produced precontact Native American artifacts. This also includes a 50 foot (15.2 meter) and 25 foot (7.6m) buffer that will be formalized by an orange snow fence during construction. This will prevent incursions by any and all forms of construction machinery, and will protect the site during the construction process.

The client and archaeologist will also follow the OPRHP Guidelines for short-term avoidance, as noted above.

Long-term avoidance

Due to the natural topography, bedrock exposures, and wetlands, the eastern portion of the property will not be developed. This creates a natural buffer which will include Locus 4. The client has no intention of removing any of the trees through logging or other means in or around the precontact site location. The area containing precontact Locus 4 will remain untouched as green space.

Contact Information:

Jeffrey C. Bendremer Ph.D., RPA Tribal Historic Preservation Officer, Stockbridge-Munsee Community. 413-884-6029
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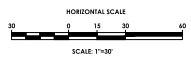
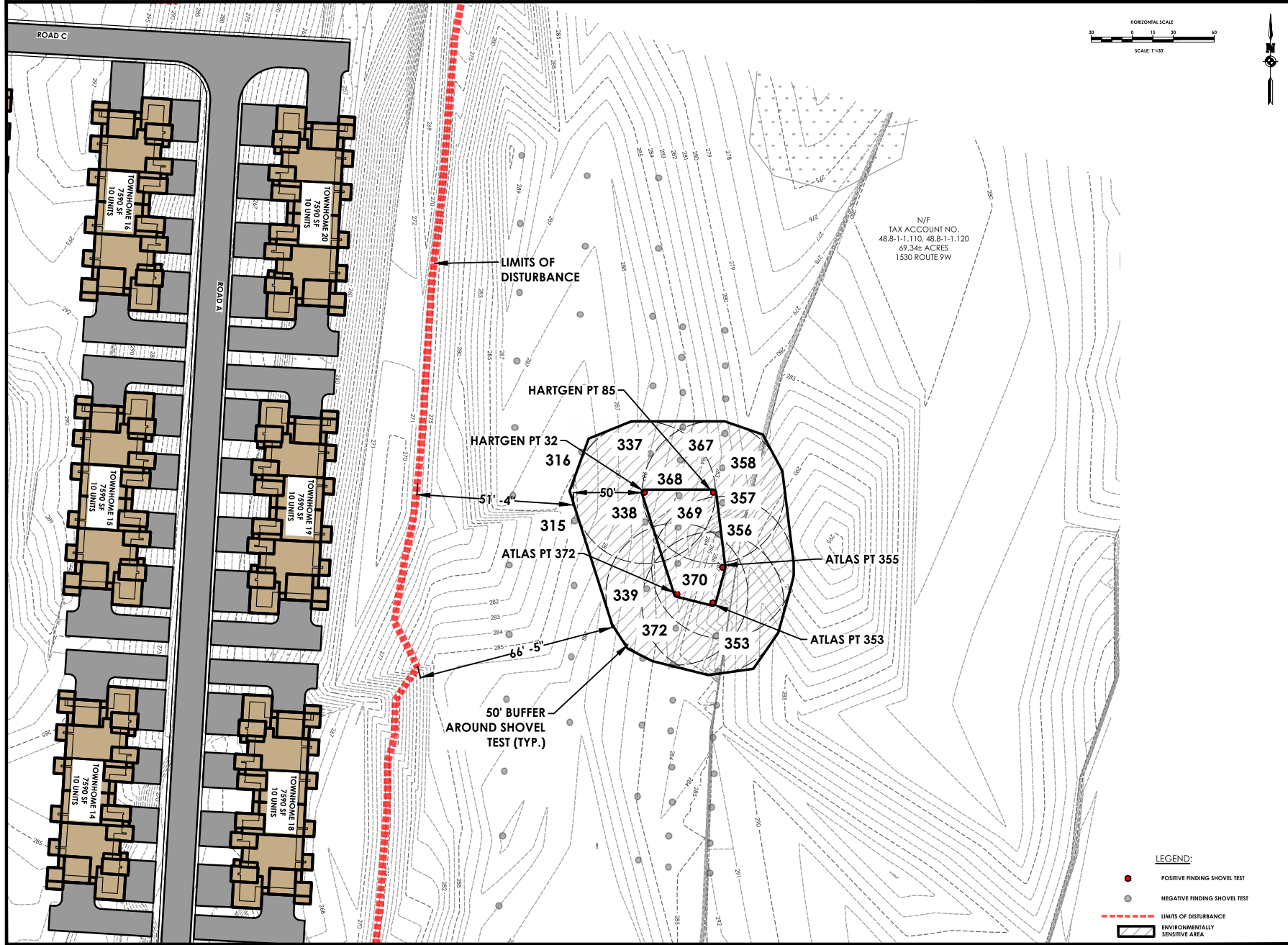
Nathan Herzog Project Manager. nherzog@passero.com 585-760-8559

Bibliography

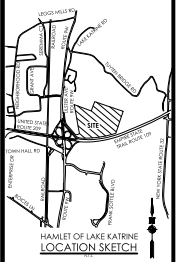
Lewis Dylan
2025 9W Multifamily Development 1A/1B PR#24PR08574 Lake Katrine,
Town of Ulster, Ulster County.

OPRHP Human Remains Discovery Protocol (January 2021).
2021

Stockbridge-Munsee
2022 Stockbridge-Munsee Community Band of Mohican Indians Policy for
Treatment and Disposition of Human Remains and Cultural Items That May
be Discovered Inadvertently during Planned Activities (updated May 2022).



PA
PASSERO ASSOCIATES
engineering architecture



Client:
WHITESTONE DEVELOPMENT PARTNERS
1170 PITTSFORD-VICTOR ROAD
ROCHESTER, NY 14534

PASSERO ASSOCIATES
142 West Main Street, Suite 100
Rochester, New York 14614
Phone: 585-425-1000
Fax: 585-425-9497
Principal-in-Charge: David Cox, P.E.
Project Manager: Trevor Mead, P.E.
Designed by: Cole Overhoff



REVISIONS			
No.	Date	By	Description

AREA OF POTENTIAL EFFECT
ROUTE 9W MULTI-FAMILY DEVELOPMENT

Town/City: ULSTER
County: ULSTER State: NY

Project No. 20233684.0001

Drawing No. SK-1 Sheet No.

Scale: 1" = 30'

Date: FEBRUARY 2025

- LEGEND:**
- POSITIVE FINDING SHOVEL TEST
 - NEGATIVE FINDING SHOVEL TEST
 - LIMITS OF DISTURBANCE
 - ENVIRONMENTALLY SENSITIVE AREA

NOT FOR CONSTRUCTION

Y:\PROJECTS\NY\2023\20233684_0001\1 - CAD\DWG\MODELS\CIVIL\20233684_0001_ARCHD_POTENTIAL_EFFECTS_BUFFER_MAP.dwg 3/11/2025 3:22 PM Trevor Mead