

**LETTER OF RESOLUTION AMONG
THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
AUTHORITY, THE NEW YORK STATE OFFICE OF PARKS, RECREATION &
HISTORIC PRESERVATION, AND MOHONK PRESERVE, INC.
REGARDING THE
PROPOSED BROOK FARM REDEVELOPMENT PROJECT
TOWN OF NEW PALTZ, ULSTER COUNTY, NEW YORK**

23PR04935

WHEREAS, Mohonk Preserve, Inc. (“Applicant”) proposes to redevelop the Brook Farm Complex located along Lenape Lane, a private road, within the Foothills Parcel (“the Project”) in the Town of New Paltz, Ulster County; and

WHEREAS, the Project includes the rehabilitation of the Brook Farmhouse, stabilization of one barn (Barn No. 1), and the demolition of three barns (Barn No.’s 2-4) and several agricultural outbuildings due to structural deficiencies; and

WHEREAS, the Project will require the preparation of a Stormwater Pollution Prevention Plan or SWPPP and coverage under the General Stormwater Permit (GP-0-20-001) issued by the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the Project includes work within the regulated adjacent area of a state-regulated freshwater wetland and requires coverage under an Article 24 Freshwater Wetlands Permit issued by the NYSDEC; and

WHEREAS, the Project is partially funded by a Carbon Neutral Community Economic Development Program (CNCED) grant administered by the New York State Energy Research and Development Authority (NYSERDA); and

WHEREAS, the NYSDEC and NYSERDA have consulted with the Office of Parks, Recreation and Historic Preservation (OPRHP), in accordance with Section 14.09 of the New York State Parks, Recreation and Historic Preservation Act of 1980 and 9 NYCRR Section 428; and

WHEREAS, the Brook Farmhouse and all four barns (Barn No.’s 1-4) are contributing resources within the Lake Mohonk Mountain House Complex, listed on the State and National Registers of Historic Places and a National Historic Landmark; and

WHEREAS, the project site is subject to a Conservation Easement / Preservation Covenant dated October 4, 2017 and filed with the Ulster County Clerk’s Office at Book D, Volume 6238, Page 325 which is held by the OPRHP on the property due to prior Environmental Protection Fund grant funding; and

WHEREAS, OPRHP has determined that the demolition of Barn No.’s 2-4 constitutes an Adverse Impact to the historic resources; and

WHEREAS, it has been determined through consultation that there are no prudent or feasible alternatives which would avoid harm to Barn No.’s 2-4 given the condition of the structures and loss of structural integrity; and,

NOW, THEREFORE, in accordance with the New York State Parks, Recreation and Historic Preservation Law, the OPRHP, NYSDEC, and NYSERDA agree that the project may proceed subject to the following Stipulations:

STIPULATIONS

The Applicant, the Mohonk Preserve, Inc., shall ensure that the following measures 1-4 are carried out; and NYSERDA shall ensure that measures 5-6 are carried out:

I. Historic Resources

1. Barns 1 through 4 shall be documented with photographs prior to and subsequent to demolition in a report as described in Attachment A. The report shall depict the current conditions of the barns and follow standard documentation requirements (see Attachment A).
2. The Applicant as appropriate, will deliver one (1) copy of the report to the OPRHP for forwarding to the New York State Archives, one (1) copy of the report to the Town of New Paltz Historic Preservation Commission, an appropriate local repository, and one digital copy of the report for OPRHP to be uploaded to CRIS. It is expected that the local repository designated to receive a copy of the report shall confirm their willingness to accept the recordation package in writing. This confirmation ensures that the repository is aware of their responsibility and has agreed to receive the report for preservation purposes. The written confirmation serves as documentation of the repository's commitment to fulfilling their role in the archival process.
3. The Applicant will disassemble Barns 2, 3, and 4 and salvage, to the greatest extent practicable and safe, intact building components to either be, as appropriate, reused on site or offered to a qualified historic salvage company, or historic restoration contractor.
4. The Applicant will continue to consult with the OPRHP to review the stabilization and renovation of Barn 1 and the design of the proposed Facilities and Maintenance Building.
5. The Applicant will salvage and reuse of intact wood flooring in the Brook Farmhouse to the greatest extent practicable.
6. In order to meet the energy-efficiency goals for the project, existing wood windows in the Brook Farmhouse will be replaced with new windows that match the configuration and proportions of the existing windows. Replacement windows with muntins will be either true divided lites, or a three-part grid system which includes an interior grid, an exterior grid, and a spacer bar inside the insulated glass (also known as simulated true divided light). Existing wood windows will be salvaged, to the greatest extent practicable, to either be, as appropriate, reused at other Mohonk Preserve-owned properties or offered to a qualified historic salvage company, or historic restoration contractor.

II. Human Remains Discovery Protocol

If suspected human remains are encountered at any point during this project, OPRHP's Human Remains Discovery Protocol (Attachment B) will be followed.

III. Other Terms and Conditions

1. Dispute Resolution, Objections:

- a. Should any signatory to this LOR object at any time to the way the terms of this LOR are implemented, the NYSDEC and NYSERDA shall consult with other parties deemed appropriate to resolve the objection. Prior to reaching a final decision on the dispute, the NYSDEC and NYSERDA shall prepare a written response that considers any timely advice or comments from the signatories regarding the dispute and provide each with a copy of this written response. The NYSDEC and NYSERDA will then proceed according to its final decision.

1. Amendments:

- a. Any amendment must be agreed to in writing by all signatories and will take effect on the date it is signed by the last signatory. Signature pages may be scanned and transmitted to the other signatories by email. The Agreement may be amended to add other State agencies as parties if it is subsequently determined they also have jurisdiction for this undertaking.

2. Duration:

- a. This LOR will expire if the Project is not built out within five (5) years from the date of its execution by NYSDEC, NYSEDA and OPRHP. Prior to expiration, the NYSDEC, NYSEDA may consult with the signatories to reconsider its terms and propose amendments in accordance with Stipulation 2. The duration of this LOR may be extended only upon approval of all signatories.

3. Termination:

- a. If any signatory to the LOR determines that its terms will not or cannot be carried out, that signatory shall immediately confer with the others to attempt to resolve a dispute under Stipulation 1 or develop an amendment per Stipulation 2 above. If within thirty (30) days a dispute cannot be resolved or an agreement on an amendment cannot be reached, any signatory may terminate the LOR upon written notification to the other signatories.

4. Severability:

- a. If any section, subsection, paragraph, sentence, clause, or phrase in this LOR is, for any reason, held to be unconstitutional, invalid, or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this LOR.

5. Counterparts:

- a. This LOR may be executed in counterparts, with a separate page for each signatory. This LOR will become effective upon the date of the final signature. The OPRHP will ensure that each signatory is provided with a complete copy of the final LOR.

Execution of this agreement and implementation of its stipulations evidences that the NYSDEC and NYSERDA have considered the impacts of the undertaking on historic resources and have offered OPRHP the opportunity to comment, pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980.

SIGNATURE PAGES FOLLOW

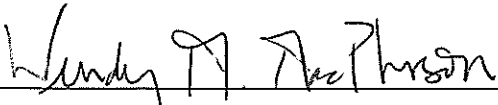
NYS Department of Environmental Conservation



Charles E. Vandrei
Agency Preservation Officer

Date: April 10, 2024

NYS Energy Research and Development Authority



Wendy M. MacPherson
Director of Contract Management

Date: June 5, 2024

NYS Office of Parks, Recreation and Historic Preservation

Daniel Mackay

Daniel Mackay
Deputy Commissioner, Division for Historic Preservation

Date: *4/10/24* _____

Mohonk Preserve, Inc.



Kevin Case
President and Chief Executive Officer

Date: 4/16/24

Attachment A:

See attached SHPO Property Documentation dated March 15, 2024.



SHPO Property Documentation

The photographic and historical documentation of a historic property to be demolished, relocated, or substantially altered is standard practice in the field of historic preservation, and is intended to provide a record of the property in perpetuity as mitigation for adverse impacts. Federal documentation guidelines are provided under the Historic American Building Survey/Historic American Engineering Record/Historic American Landscape Survey (HABS/HAER/HALS) program. This sheet provides state-level guidance for producing digital and hard-copy documentation reports to be held by our office (the State Historic Preservation Office/SHPO) and by the New York State Archives. Historic properties should be documented using the following guidelines, and SHPO may recommend that the documentation be prepared by a Secretary of the Interior-qualified professional.

Photographs*

- Photographs should be clear, well composed, and should provide an accurate visual representation of the property and its significant features. Submit as many photographs as needed to depict the current condition and character-defining features of the property.
- Digital photographs should be taken using a ten (10) megapixel or greater digital SLR camera.
- Images should be saved in Tag Image File format (TIFF) or RAW format images. This allows for the best image resolution. RGB color digital TIFFs are preferred.
- Selected images for the hard-copy documentation package should be printed as follows: one to three 8x10-inch views of the overall property. Sufficient 5x7-inch supplemental images to fully document the present condition of all aspects of the property (important site features, all façade elevations, major architectural features and details, and representative views of the interior spaces).
- Historical photos (if available) depicting the property should be reprinted at 5x7-inch size and included in the documentation.
- Images should be printed on a high-quality color printer using compatible high-quality photographic paper stock (HP printer use HP Paper, Epson printer use Epson paper)
- Each photograph must be numbered and that number must correspond to the photograph number on an accompanying Photo Log or Key. For simplicity, the name of the photographer, photo date, etc. may be listed once on the Photo Log or Key and doesn't need to be labeled on every photograph.
- Write the label information within the white margin on the front of the photograph using a photo labeling pen. Label information can also be generated by computer and printed directly in the white margin (adhesive labels are not recommended).
- Do not print information on the actual image – use only the photo margin or back of the photograph for labeling.
- At a minimum, photographic labels must include the following information: Photograph number, name or address of the property, date photograph was taken, and the county the property is located in.
- Photos should be placed in folders or photo sleeves.

Historical Narrative**

A narrative description should be prepared and should include the relevant historical context, a discussion of the development and construction history of the property, and a summary of the property's historical significance. Copies of primary source documentation (such as historic photographs, archival records, original architectural plans, and maps), if available, should be included, appropriately labeled, and referenced in the narrative text (e.g., Figure 1, Figure 2).



Plans/Drawings***

Copies of existing recent or current construction plans, if available, should be included.

Laser Scanning

Laser scanning should provide excellent details of the existing conditions and be printed on an archival stable medium for inclusion in the main report. The resulting information should be combined with the use of hand measuring in order to attain comprehensive and well informed documentation. Sketch drawings should be combined with the data collected to delineate a hard line for the otherwise indistinct edges that are created by the point cloud data.

Final Report

Two bound or boxed hard copies of the final documentation report (including photographs, historical narrative, and drawings) are requested: one copy of the report should be submitted to the SHPO for forwarding to the New York State Archives, and one copy of the report should be provided directly to an appropriate local repository. A digital copy of the report (saved on a thumb drive, CD or DVD) shall accompany the SHPO hard copy. **Completed documentation reports are to be submitted prior to demolition/relocation/renovations.**

PLEASE NOTE:

**Large-format (4 by 5) film photography may be warranted for National Historic Landmarks and properties possessing a high level of local, statewide, or national significance.*

***A useful model for the historical narrative is the HABS/HAER narrative report form, equivalent to HABS Level 2 documentation. The HABS Historical Report Guidelines can be found on the web at: <https://www.nps.gov/subjects/heritagedocumentation/soi-standards-guidelines.htm> or <https://www.nps.gov/subjects/heritagedocumentation/guidelines.htm>*

****Creation of as-built drawings may be warranted, and could be done using traditional drawing methods, CAD-type programs, or laser scanning.*

NOTICE: This form is meant to be used as general guidance. Requirements may vary depending on the historic property and project in question. Property-specific requirements such as number of buildings/structures may be called out in the Letter of Resolution (LOR) agreement document or as a modification of this document appended to an LOR.

Attachment B:

**State Historic Preservation Office/
New York State Office of Parks, Recreation and Historic Preservation
Human Remains Discovery Protocol
(January 2021)**

If human remains are encountered during construction or archaeological investigations, the New York State Historic Preservation Office (SHPO) recommends that the following protocol is implemented.

- Human remains shall be treated with dignity and respect. Should human remains or suspected human remains be encountered, work in the general area of the discovery shall stop immediately and the location shall be secured and protected from damage and disturbance.
- If skeletal remains are identified and the archaeologist is not able to conclusively determine if they are human, the remains and any associated materials shall be left in place. A qualified forensic anthropologist, bioarchaeologist or physical anthropologist shall assess the remains in situ to help determine if they are human.
- If the remains are determined to be human, law enforcement, the SHPO, the appropriate Indian Nations, and the involved state and federal agencies shall be notified immediately. If law enforcement determines that the burial site is not a criminal matter, no skeletal remains or associated materials shall be removed until appropriate consultation takes place.
- If human remains are determined to be Native American, they shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO and the Indian Nations. The involved agency shall consult SHPO and the appropriate Indian Nations to develop a plan of action. Photographs of Native American human remains and associated materials should not be taken without consulting with the involved Indian Nations.
- If human remains are determined to be non-Native American, the remains shall be left in place and protected from further disturbance until a plan for their avoidance or removal is developed. Please note that avoidance is the preferred option of the SHPO. The involved agency shall consult SHPO and other appropriate parties to develop a plan of action.
- The SHPO recommends that burial information is not released to the public to protect burial sites from possible looting.