

### **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 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 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, 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 project site. 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 may be accepted by OPRHP and allow the modified project to continue.

A Phase IA Literature Review and Sensitivity Analysis and Phase IB, Site Assessment was conducted in November and December, 2006, by STRATA Cultural Resource Management (Strata). The final Phase I report as well a qualifications statement are included in Appendix D and summarized below. As a result of the findings documented in the Report, Strata recommended that a Phase II Site Evaluation be conducted on two areas on the project site. The Area of Potential Effect (APE) included areas where stormwater basins are proposed and totaled approximately 40 acres of the site.

A Phase II Site Evaluation was undertaken by Strata during 2007 as recommended by the findings of the Phase I report and directed by the OPRHP. The Report documenting the results of this Site Evaluation is included in Appendix D herein and was forwarded to the OPRHP for review. Strata recommended that the historic resources along the proposed SSTS access road be avoided to the maximum extent possible and concluded that no further testing is required to document the prehistoric resources in the field where Building A is proposed.

### **3.4.2 Archaeological Resources**

#### 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.

The study area consists of flat to sloping upland, formerly devoted to farming or pasture. A stream crosses the property in a north-south direction. A wetland is located in the northeast portion of the property resulting from groundwater runoff dammed by the elevated surface of US Route 6. A second wetland is located in the northwestern portion of the parcel, also created by the construction of US Route 6. Several other drainage courses occur on the property, generally separating the fields. Dry-laid field stone farm walls are present throughout the project site from former use of the site as agricultural and/or pasture fields. Such walls are not normally considered significant cultural resources.

The Phase IA Analysis was conducted to evaluate the potential for proposed construction to cause impact to standing or buried Native American and/or European American era cultural resources.

##### *Native American Era*

A site file search identified no OPRHP sites, but one New York State Museum (NYSM) site located within one mile of the project. This is a large site covering approximately 200 acres on the western slope of Joe's Hill, to the north of the project site. It is described as "Traces of Occupation", with no additional information. This site terminates several hundred feet from the proposed Stateline Retail Center parcel.

There are no rock outcrops within the project area that suggest the potential for either rockshelters or quarries.

The better-drained, flatter portions of the study area are recognized as having the potential for supporting seasonal Native American occupation.

##### *European American Era*

A search of the site files maintained by the New York State OPRHP in Albany indicated no properties determined to be eligible for listing or are listed on the National Register of Historic Places located within one mile of the project parcel. 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.

Maps dating back to the 1800's indicate two structures were located in the northeast corner of the project parcel. These structures are not shown on later maps and it is presumed that they were removed prior to the generation of these later maps. A three-sided stone foundation was identified in the eastern portion of the parcel, near US Route 6. As previously noted, stone walls traverse the property. The westernmost wall has a distinct opening and indicates that a gate had been located there.

A walkover of the site identified several stone features on the project parcel. The stone walls on either side of the stream create a wide opening through which the stream passes. A large gap occurs in the stone wall located on the west side of the stream. Located in this gap is an "L"-shaped stacked stone construction differing in style from the typical stone wall assembly, from which a spring emanates. A second stone formation creates an aqueduct suggesting these structures are a type of bridge foundation related to a stream crossing that may have been constructed at this location.

It is evident by the maps and topography, that a realignment of US Route 6 occurred in the project area. US Route 6 used to curve to the south around a knoll on which an old schoolhouse sat on property separate from the Project parcel. Significant disturbance occurred on the northern portion of the project parcel during the realignment of US Route 6 and at the southern portion of the project parcel during the construction of Interstate 84.

#### *Phase IA Summary*

The Phase IA Assessment determined that there is the potential for portions of the project site to contain subsurface cultural resources and that they could be impacted by the proposed project. Thus, the Phase IA recommended that a Phase IB Site Identification Survey be conducted.

#### *Phase IB - Site Identification Phase*

Based on the findings of the Phase IA, the Phase IB, Site Identification Survey, was conducted to determine whether such cultural resources actually exist on the subject property. Due to areas of prior disturbance along US Route 6 and the proposed limits of disturbance, approximately 25 acres of the project parcel was sampled. This entailed systematic subsurface sampling of the project area by means of hand-dug shovel test holes of which the contents were screened through hardware cloth to recover any cultural items.

Archaeological sampling in the western portion of the project parcel identified no subsurface cultural resources for either Native American or European American cultures.

Two large open fields separated by a stone wall occupy the central portion of the site. A single test hole in the western portion of these two fields, located near the gap in the stone wall, yielded cultural resources during subsurface testing. East of the wall, in the eastern portion of these two fields, cultural material, consisting of both prehistoric and historic remains, were recovered from a total of 25 shovel tests, with a concentration in the southwest corner of the field. The prehistoric remains consisted primarily of lithic debitage, a waste product of stone tool manufacture and curation. A large amount of charcoal was recovered in one test hole in this area and may indicate a hearth feature was located here. The historic artifacts consisted of ceramics, glass, nails and other ferrous objects, as well as a large copper safety pin.

Historic artifacts were also recovered from within the three-sided stone foundation located near US Route 6. Artifacts were located within a mass of charcoal, indicating the structure may have been destroyed by fire. Additional foundation remains and historic artifacts were located to the south of this foundation and indicate an extensive use of this area in the past.

The man-made stone features near the stream were investigated. As previously indicated, it appears these features were related to a stream crossing that had existed at this location. Further investigation identified an abandoned road alignment that apparently utilized the stone bridge stream crossing and passed through the project parcel. A significant amount of surface finds were recovered from alongside the stone bridge, which most likely dates to the end of the 19th century, although the bridge appears to have been constructed prior to that date.

Using a combination of historic maps, field observations, and the results of subsurface testing, it appears likely that an early road traversed the eastern part of the project parcel, possibly dating to the Colonial Period and the initial settlement of this area by Euro-Americans. The cultural remains associated with this road may provide insight into the type of travel that passed through here, as well as the period of history when the bridge was in use. The remains have a high degree of integrity since they were abandoned in favor of a bridge crossing further to the north and subsequently fell into disuse, preventing future disturbance.

#### *Phase IB Summary*

Due the concentration of cultural material recovered in the eastern and east-central portion of the project parcel, as well as the presence of stone formations which may be related to stream crossing by an early road, a Phase II Site Evaluation, was recommended for the east central field and the area where access is provided to the proposed septic field. Also, secondary impacts would need to be evaluated for the stone formations located outside of the limits of disturbance resulting from the increased potential for pot-hunters or vandalism due to the introduction of people to the site. As such, the areas located outside of the limits of disturbance, including the stone formations, have been included in the Phase II investigation due to the potential for secondary impacts as a result of the proposed project.

For the western and west-central portion of the project parcel, no items associated with either the Native American or pre-World War II era European American occupation were found, thus, no on-site archeological resources would be impacted by the proposed development of this portion of the project site.

#### *Phase II - Site Evaluation Phase*

In consideration of the Phase I conclusions noted above, the Applicant had an extensive Phase II Site Evaluation performed for two areas of interest on the project site as identified by the OPRHP. The Phase II Site Evaluation, was conducted to determine the extent of the cultural resources on the subject property.

The Phase I Report identified the Brush's Corners Historic and Precontact Site in the eastern portion of the project area surrounding both sides of Wetland A totaling approximately five acres. The five acres consists of Wetland A, a raised terrace to the east of Wetland A along a proposed access road, and an open agricultural field to the west of Wetland A. Artifacts were found in two areas on either side of the wetland, the east side (Area A) containing mostly historic artifacts and the west side (Area B) containing mostly precontact artifacts.

As part of the Phase II Site Evaluation, extensive historic research was also conducted based on the presence of the Fowler Residence and Inn depicted on maps from the 18th and 19th centuries and located in close proximity to the project site.

### *Phase II Summary*

Architectural remains, subsurface features and related artifacts exist within the site. The integrity of these cultural resources is variable across the site depending on disturbance of individual areas.

Area A, to the east of the Wetland A, contains foundation structures possibly related to a stagecoach inn owned by the Fowler family along the New York-Vermont Post Road and terrace. The Inn itself no longer exists, its location, across US Route 6 from the subject property, has been developed for and is occupied by an industrial use. Based on historic research, it was concluded that two smaller buildings were sited on the subject property. The foundation of one of these building still stands whereas the other structure was likely destroyed during the realignment of US Route 6. The lands immediately adjacent to US Route 6 on the project site have been disturbed through cutting and filling especially where the existing access road has been lowered to meet the highway.

The one remaining foundation and other historic features in Area A were investigated. Forty shovel tests were dug throughout Area A and eight 1 meter by 1 meter units were excavated. Quartz flakes were found indicating aboriginal usage of the steam side. A large variety of artifacts representing historic accumulation in the area through site usage, along with materials dumped after the site was abandon, were found and identified. Refer to the Report in Appendix D for a complete inventory of the items found. No diagnostic artifacts were recovered that would allow secure dating of the foundation remains.

Area B, which extends across the field immediately to the west of Wetland A, was the focus of an extensive effort to determine the presence of potential cultural resources. Approximately 700 shovel tests were dug and 33 square meter units excavated in this area. In addition, the field was cut, plowed and disked and a visual survey performed.

The effort uncovered a relatively low volume of Native American artifacts including seven projectile points and point fragments, quartz, quartzite and chert debitage (stone fragments) and a single, ceramic rim sherd of prehistoric pottery. The relatively low densities of precontact materials recovered from Area B appear to span a range of periods from the Late Archaic into the Early/Middle Woodland. The assemblage of diagnostic projectile points tends toward the earlier periods while a single ceramic sherd suggests a Woodland component.

Long-term precontact settlement of the project site is not supported by the long span of time suggested by the artifact collection and the overall low artifact density. It is likely that the location was used as a seasonal migratory camping and hunting ground by groups that "migrated" through this area.

Also recovered were a number and variety of historic artifacts from post settlement times. The Report in Appendix D provides details on all items found.

The findings of both the Phase I and Phase II studies have been presented to OPRHP for review concurrent with progressing the Proposed Action through the Planning Board Approval process.

Potential Impacts of the Proposed Project

The Phase II Site Evaluation of the Brush's Corners Historic and Precontact Site (A07906.000077) produced a wealth of information regarding both the precontact and the historic occupation of this site.

Area A appears to be eligible for the National Register and therefore extant remains along the access road should be avoided as much as possible during construction. An avoidance plan has been developed for Area A (see 3.4.3 Historic Resources for details).

The entire field containing Area B will be disturbed by the proposed retail building, parking lots, and stormwater retention basins; avoidance is not possible. The Phase II Site Evaluation investigated an area covering more than two acres with a variety of methodologies and recovered 200 precontact artifacts.

Based on the findings documented in the Phase II Report, the OPRHP has determined that Area B is eligible for inclusion in the State and National Registers of Historic Places (see the letter from OPRHP dated March 27, 2008 in Appendix B Correspondence). The Applicant's Archeological Consultant is working closely with the State to develop a Data Recovery Plan (DRP) for this portion of the project site. The DRP will require additional investigation of the site and the collection and cataloging of all resources collected.

**3.4.3 Historic Resources**

Existing Conditions

A search of the site files maintained by the New York State OPRHP in Albany indicated no properties determined to be eligible for listing or are listed on the National Register of Historic Places located within one mile of the project parcel. 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.

Several historic foundations and structures were identified on the project parcel during the Phase I and Phase II archeological investigations. The Phase II Site Evaluation identified architectural remains, subsurface features and related artifacts within Area A. Possible criteria for inclusion in the National Register may be met with regards to the Post Road, the stone terracing and terraforming of Area A and the stone foundations identified along the existing access to the proposed SSTS field.

Potential Impacts of the Proposed Project

There are no historic resources currently listed on the State or National Register of Historic Places. Several historic foundations and structures were identified on the project parcel during the Phase I study that were investigated during the Phase II Site Investigation

The revised site plan includes measures for the avoidance of the identified resources in Area A. Discussions between the Principal Investigator, the Project Engineer, and the Applicant resulted in an avoidance plan for the access road to the proposed SSTS. Refer to Appendix D for figures depicting the resources and the proposed access road route. The existing traveled way, approximately eight feet wide at its narrowest point, would be upgraded to 12 feet in width and stabilized with 6" of crushed stone. In the vicinity of the southern foundation the existing traveled

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way will be widened eastward toward the stone wall to avoid any cultural resources adjacent to the foundation remains to the west. The entire length of the access road will be lined on both sides with orange construction fencing to prevent disturbance to the adjacent areas. The proposed upgrades to the access road would not significantly impact the cultural resources identified in Area A. Therefore no further archeological investigation is warranted, nor would there be any significant adverse impacts to historic resources with this project (see the letter from OPRHP dated March 27, 2008 in Appendix B Correspondence).

The majority of Area B is proposed to be disturbed with the construction of the Proposed Action. The Phase II Site Evaluation did not identify historic resources in this area. As such, The proposed disturbance would not significantly impact potential historic resources in this area.