



Office of
General Services

ANDREW M. CUOMO
Governor

ROANN M. DESTITO
Commissioner

June 9, 2015

Ruth L. Pierpont
Deputy Commissioner for Historic Preservation
Peebles Island State park
P.O. Box 189
Waterford, New York 12188-0189

Re: Third Amended Application Pursuant to
9 NYCRR Part 428
Office of General Services ("OGS") / DOCCS Facilities

RECEIVED

JUN 17 2015

OGS LEGAL

Dear Ms. Pierpont:

I enclose an executed copy of the above-referenced document executed by Jim Jamison of OGS. As per prior e-mails, I have included the reporting requirement set forth in Part V and have revised Appendix "A". Please note that there are additional facilities in Appendix "A" which may close and be transferred in the future, however, I left these eleven (11) facilities on the list until circumstances change.

If you have any question please call me at (518) 473-2024 or e-mail me at Kieran.broderick@ogs.ny.gov. If the Application is acceptable to you please forward to me an executed copy. Please retain the original (with Jim's signature) for your records. My address is NYS Office of General Services, Legal Services, Empire State Plaza, Corning Tower 41st Floor, Albany, New York 12242.

Sincerely yours,

Kieran P. Broderick
Senior Attorney

**THIRD AMENDED APPLICATION TO OFFICE OF PARKS,
RECREATION AND HISTORIC PRESERVATION PURSUANT TO 9
NYCRR PART 428: STATE AGENCY ACTIVITIES AFFECTING
HISTORIC OR CULTURAL PROPERTIES/ APPLICATION
PURSUANT
TO 9 NYCRR 428.12**

The Office of General Services ("OGS"), Executive Department, 41st Floor, Corning Tower Building, Albany, N.Y. 12242, through its Design and Construction Group ("D & C"), acts on behalf of the Department of Corrections and Community Supervision ("DOCCS") to provide design and construction services to DOCCS facilities located throughout the State of New York. On August 1, 2006 OGS prepared an Application and submitted the same to The Office of Parks, Recreation and Historic Preservation ("OPRHP") on August 8, 2006. An Amended Application was submitted on October 30, 2006 to more properly reflect the understanding of OPRHP, OGS and DOCCS. The Amended Application was approved by OPRHP on December 18, 2006 and obtained exemptions from review by OPRHP relating to design and construction services provided by OGS to DOCCS including the repair, restoration, rehabilitation and construction of existing DOCCS facilities located throughout the State; a list of those facilities is annexed hereto as Appendix "A" ("DOCCS Facilities"). Both OPRHP and OGS sought to continue the Amended Application made pursuant to 9 NYCRR 428.12 and therefore submitted a Second Amended Application on May 8, 2012 which included revisions made by both parties over the prior five (5) years to reflect the parties understanding of the application for exemption (the "Second Amended Application"). The Second Amended Application was approved by OPRHP on August 2, 2012.

In 2013 it was determined that the list of facilities attached as Appendix "A" to the Amended Application and Second Amended Application needed modification and correction. In addition OGS, DOCCS and OPRHP determined that a new Section IV be added to the Application which involves earth disturbing activities inside the existing secure perimeter of DOCCS facilities as set forth in the new Appendix "A". This new Application dated April 16, 2015 includes the new Appendix "A" and Section IV as well as extending the original Application for a period of five (5) additional years from the date of this Third Amended Application. This Third Amended Application therefore modifies, corrects and supersedes both the Amended Application and the Second Amended Application and shall be in full force and effect until April 1, 2020.

OPRHP, 625 Broadway, Albany, N.Y. 12207, is charged with determining the impact of design and construction projects conducted by state agencies as set forth in detail at 9 NYCRR Part 428. OPRHP determines whether the proposed project will cause a change, beneficial or adverse, in the quality of any historical, architectural or cultural property listed on the national register of historic places, property listed on the State register of historic places, or property determined to be eligible for listing on the State register as determined by the Commissioner of OPRHP.

In order to improve and streamline the process of review by OPRHP on design and construction projects undertaken by OGS on behalf of DOCCS at DOCCS Facilities throughout the State, this Application seeks in Parts I - IV to:

- I. Designate categories of undertakings at DOCCS Facilities which are exempt from review pursuant to 9 NYCRR 428.12, which include maintenance projects, in kind replacements, heating and cooling systems replacements, interior work, plumbing and heating projects and roof projects with minimal pitch at DOCCS Facilities, and
- II. Designate categories of undertaking at DOCCS Facilities which are exempt from review pursuant to 9 NYCRR 428.12 involving buildings located at DOCCS Facilities which are less than 50 years old.
- III. Designate categories of undertaking at DOCCS Facilities which are exempt from review pursuant to 9 NYCRR 428.12 which involve buildings located in inmate areas in which the inmates sleep, eat, recreate and work based on the paramount consideration of public safety.
- IV. Designate categories of undertakings at DOCCS Facilities which are exempt from review pursuant to 9 NYCRR 428.12 which include earth disturbing activities inside an existing secure perimeter of DOCCS Facilities which including new buildings, building additions, appurtenant facilities, and site work.

This Application seeks to harmonize the requirements and mission of OPRHP with the practical concerns of OGS D & C on behalf of DOCCS to perform design and construction projects at DOCCS Facilities effectively, safely and economically.

- I. Application to Designate Categories of Undertakings Exempt from Review Pursuant to 9 NYCRR 428.12 which include maintenance projects, in-kind replacements, interior work, plumbing and heating projects, and roof projects with minimal pitch at DOCCS Facilities.

As set forth in 9 NYCRR 428.12 the Commissioner of OPRHP shall consider the designation of certain categories of undertakings as being exempt from review. In order to be designated as an exempt category, the category of undertaking must not likely change the quality of historic resources. In support of the Application under this part the following narrative is presented:

- A. ~~A complete description of the nature of all activities at DOCCS Facilities that would be implemented in the particular category of undertaking exempt from review:~~

1. Maintenance projects that restore existing components to original working condition.
2. In kind replacements of materials, finishes, and fixtures which match the original condition and function.
3. Roof projects with minimal pitch, with or without parapets, where repairs, replacements or modifications to the roofs maintain their pitch and are not apparent from the ground.
4. Heating and cooling systems, including system variables such as ductwork, vent locations, and mechanical equipment locations.
5. Plumbing repairs and replacements to piping, plumbing connections, fixtures, and accessories are made as required. New plumbing as required to meet evolving building functions, building code and ADA requirements.
6. Interior work such as remodeling, renovation, painting, floor and ceiling finishes. Where practical, original finishes, moldings, doors and/or other elements deemed to be of architectural importance by the Agency Preservation Officer of OGS ("APO") will be retained.

B. A statement from the APO concerning the reasons for believing that activities implemented in the particular category of undertaking at DOCCS Facilities will not cause a change to any registered or eligible property:

Maintenance projects and in kind replacements do not affect the exterior appearance of the building.

Flat roof projects do not visibly affect the appearance of the building.

Mechanical (HVAC and Plumbing) projects do not affect the appearance of the building. Most system components are typically located in uninhabited or concealed spaces.

Interior work projects are not invasive, do not affect the historic elements of the exterior of the building, and are not visible from outside the building.

In conclusion, it is requested that the activities set forth in Part I, A, 1 through 6, be designated as categories of undertakings exempt from review pursuant to 9 NYCRR 428.12 which involve DOCCS Facilities throughout the State of New York.

II. Application to Designate Categories of Undertakings Exempt from Review Pursuant to 9 NYCRR 428.12 which include projects at buildings located at DOCCS Facilities which are less than 50 years old

As set forth in 9 NYCRR 428.12 the Commissioner of OPRHP shall consider the designation of certain categories of undertakings as being exempt from review. In order to be designated as an exempt category, the category of undertaking must not likely change the quality of historic resources. In support of the Application under this Part II the following is presented:

A. A complete description of the nature of all activities at DOCCS Facilities that would be implemented in the particular category of undertaking exempt from review:

This portion of the Application seeks to exempt from review by OPRHP any buildings located at DOCCS Facilities which are less than 50 years old. It is the position of OGS and DOCCS that buildings of architectural significance or artistic value have not been added to the inventory of DOCCS Facilities during the last half of the 20th Century. Therefore, OGS design and construction projects on buildings located at DOCCS Facilities which are less than 50 years old will be exempt from OPRHP review. The age of the structure shall be determined by the date of completion of initial construction as evidenced by contract documents, design or construction drawings or similar evidentiary information.

B. A statement from the APO concerning the reasons for believing that activities implemented in the particular category of undertaking at DOCCS Facilities will not cause a change to any registered or eligible property:

Buildings less than 50 years old may meet the criteria for inclusion for listing as a registered or eligible property under the provisions outlined in the National Register of Historic Preservation Criteria Consideration G. However, it is the opinion of DOCCS that no buildings within its jurisdiction meet the test of exceptional importance as defined in the criteria exception.

In conclusion, it is requested that activities set forth in Part II, A be designated as a category exempt from review by OPRHP pursuant to 9 NYCRR 428.12 which involve DOCCS Facilities throughout the State of New York.

III. Application to Designate Categories of Undertakings Exempt from Review Pursuant to 9 NYCRR 428.12 which include projects at buildings located at DOCCS Facilities which involve buildings located in inmate areas

As set forth in 9 NYCRR 428.12, the Commissioner of OPRHP shall consider the designation of certain categories of undertakings as being exempt from review. In order to be designated as an exempt category, the category of undertaking must not likely change the quality of historic resources. In support of the Application under this Part III the following is presented:

A. A complete description of the nature of all activities at DOCCS Facilities that would be implemented in the particular category of undertaking exempt from review:

Design and construction projects at buildings located at DOCCS Facilities which involve inmate contact areas shall be exempt from review by OPRHP. "Inmate contact areas" shall be defined as buildings facilities located at DOCCS Facilities (in either maximum, medium or minimum security areas) where the primary use of the facility is the regulation and control of inmate occupancy. Facilities which shall be exempted from review include sleeping areas, visiting areas, program areas, recreation areas, kitchens, work facilities, educational facilities and hospital facilities where public safety is of paramount concern. Also included within the definition of "inmate contact areas" shall be administrative facilities where inmate contact could pose a safety threat to non-inmate populations working at the DOCCS Facility as determined by DOCCS but "inmate contact areas" shall not include superintendents' offices, reception areas or other largely public spaces within administrative facilities where there is only occasional inmate presence. An exemption from review shall be granted in inmate contact areas on all OGS/DOCCS design and construction projects. Such projects shall include security fencing, doors and entrances, perimeter wall repair and replacement, window replacement, pointing of masonry, repair and replacement of towers and interior and exterior walls. In inmate contact areas, OGS/DOCCS shall strive to provide sympathetic replacements.

Buildings at DOCCS Facilities with architectural or artistic significance as determined by the APO such as non-inmate buildings, chapels, libraries, museums and auditoriums shall not be included in the definition of "inmate contact areas". In addition in "inmate contact areas" architectural and artistically significant features including stained or art glass, cupolas and pitched roofs shall not be included within said exemption.

B. A statement from the APO concerning the reasons for believing that activities implemented in the particular category of undertaking at DOCCS Facilities will not cause a change to any registered or eligible property:

In buildings which involve the housing of inmates and their daily activities,

the paramount concern is one of public safety, including the safety of the daily activities of inmates and the safety of the non-inmate population working at the DOCCS Facilities. The vast majority of OGS/DOCCS projects involving DOCCS Facilities do not affect the quality of historic resources.

In conclusion, it is requested that the activities set forth in Part III, A, be designated as categories exempt from review pursuant to 9 NYCRR 428.12 which involve DOCCS Facilities throughout the State of New York.

IV. **Application to Designate Categories of Undertakings Exempt from Review Pursuant to 9 NYCRR 428.12 which include earth disturbing activities inside an existing secure perimeter of DOCCS Facilities which include new buildings, building additions, appurtenant facilities, and site work.**

As set forth in 9 NYCRR 428.12 the Commissioner of OPRHP shall consider the designation of certain categories of undertakings as being exempt from review. In order to be designated as an exempt category, the category of undertaking must not likely change the quality of historic resources. In support of the Application under this part the following narrative is presented:

A. A complete description of the nature of all activities at DOCCS Facilities that would be implemented in the particular category of undertaking exempt from review:

1. Construction of new buildings and building additions, including excavations for foundations, and associated site grading.
2. Construction of program related appurtenant facilities such as recreation areas, vehicular and pedestrian circulation, and security related features.
3. Site work for storm water management; installation of mechanical, electrical, and sanitary utilities and features.

B. A statement from the APO concerning the reasons for believing that activities implemented in the particular category of undertaking at DOCCS Facilities will not cause a change to any registered or eligible property:

Construction of new buildings, building additions, program related appurtenant facilities and site work occurring within the limits of an existing secure perimeter will likely affect areas that have already been disturbed during the facility construction process.

V. Reporting/ Review of Application

A. Reporting:

OGS and or DOCCS will provide OPRHP with a quarterly report, commencing on July 1, 2015, as to the activities that have been undertaken at DOCCS facilities pursuant to this determination. The report will include the name of the facility, specific building involved and the work undertaken and will identify which provision of this determination was applied (Section IA (1-6), Section II, Section III and/or Section IV).

B. Review:

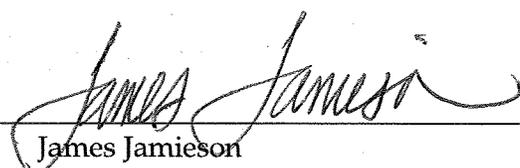
From time to time until the end of the time period of this Application being April 1, 2020, OPRHP, OGS and DOCCS will consult to assess the effectiveness of the terms and conditions hereof.

In conclusion, it is requested that the activities set forth in Part I, Part II, Part II and Part IV, A, 1 through 3, be designated as categories of undertakings exempt from review pursuant to 9 NYCRR 428.12 which involve DOCCS Facilities throughout the State of New York.

It is also understood that this Application shall remain in effect until April 1, 2020 when it may be renewed upon application by OGS with the review and approval of OPRHP. The Application shall also be subject to review under Section V. B throughout the term of this Application.

It is therefore requested that Part I, Part II, Part III and Part IV of this Application be granted as to DOCCS Facilities set forth in Appendix "A" pursuant to 9 NYCRR 428.12.

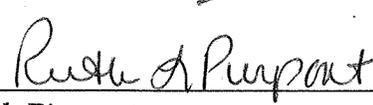
By: _____


James Jamieson

Agency Preservation Officer, Office of General Services

Date: 4-16-15

By: _____


Ruth Pierpont

Title:

Office of Parks, Recreation and Historic Preservation

Date:

Appendix "A"

DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION FACILITY LISTING (2014 List)

Facility Listing	
1.	Adirondack Correctional Facility Box 110, Route 86 Ray Brook, New York 12977-0110
2.	Albany Training Academy 1134 New Scotland Avenue Albany, New York 12208
3.	Albion Correctional Facility 3595 State School Road Albion, New York 14411-9399
4.	Altona Correctional Facility 555 Devils Den Road Altona, New York 12910-2090
5.	Arthur Kill Correctional Facility 2911 Arthur Kill Road Staten Island, NY 10309-1101
6.	Attica Correctional Facility Exchange Street Attica, New York 14011-0149
7.	Auburn Correctional Facility 135 State Street Auburn, New York 13021-1800
8.	Bare Hill Correctional Facility 181 Brand Road, Caller Box #20 Malone, New York 12953-0020
9.	Bayview Correctional Facility 550 West 20 th Street New York, New York 10011-2678

10.	Beacon Correctional Facility P.O. Box 780, 50 Camp Beacon Road Beacon, New York 12508-0780
11.	Bedford Hills Correctional Facility 247 Harris Road Bedford Hills, New York 10507-2400
12.	Buffalo Correctional Facility 3052 Wende Road Alden, New York 14004-0300
13.	Butler Correctional Facility P.O.Box 388, Westbury Cutoff Road Red Creek, New York 13143-0388
14.	Camp Pharsalia 496 Center Road South Plymouth, New York 13844-6777
15.	Cape Vincent Correctional Facility Route 12E, P.O. Box 599 Cape Vincent, New York 13618-0599
16.	Cayuga Correctional Facility P.O. Box 1150, Route 38A Moravia, New York 13118-1150
17.	Centralized Services Building 10-06 35 th Avenue Long Island City, New York 11106
18.	Chateaugay Correctional Facility State Route 11, P.O. Box 320 Chateaugay, New York 12920-0320
19.	Clinton Correctional Facility Route 374, Cook Street P.O. Box 2000 Dannemora, New York 12929-2000
20.	Collins Correctional Facility P.O. Box 490, Middle Road

	Collins, New York 14034-0490
21.	Coxsackie Correctional Facility Box 200, Route 9W Coxsackie, New York 12051-0200
22.	Downstate Correctional Facility 122 Red Schoolhouse Road P.O. Box 445 Fishkill, New York 12524-0445
23.	Eastern NY Correctional Facility Box 338, Institution Road Napanoch, New York 12458-0338
24.	Edgecombe Correctional Facility 611 Edgecombe Avenue New York, New York 10032-4398
25.	Elmira Correctional Facility P.O. Box 500, 1879 Davis Street Elmira, New York 14902-0500
26.	Fishkill Correctional Facility Box 307 Beacon, New York 12508
27.	Five Points Correctional Facility Caller Box 400, State Route 96 Romulus, New York 14541
28.	Franklin Correctional Facility P.O. Box 10 Malone, New York 12953
29.	Gouverneur Correctional Facility Scotch Settlement Road, P.O. Box 370 Gouverneur, New York 13642-0370
30.	Gowanda Correctional Facility P.O. Box 350, South Road Gowanda, New York 14070-0350

31.	Great Meadow Correctional Facility Box 51 Comstock, New York 12821
32.	Green Haven Correctional Facility 594 Route 216 Stormville, New York 12582
33.	Greene Correctional Facility P.O. Box 8 Coxsackie, New York 12051-0008
34.	Groveland Correctional Facility 7000 Sonyea Road Sonyea, New York 14556
35.	Hale Creek ASACTC 279 Maloney Road Johnstown, New York 12095
36.	Hudson Correctional Facility Box 576 Hudson, New York 12534-0576
37.	Lakeview Shock Incarceration Correctional Facility P. O. Box T Brocton, New York 14716
38.	Lincoln Correctional Facility 31-33 West 110 th Street New York, New York 10026-4398
39.	Livingston Correctional Facility Route 36, Sonyea Road Sonyea, New York 14556-0049
40.	Marcy Correctional Facility P.O. Box 5000 Marcy, New York 13403

41.	Mid-State Correctional Facility P.O. Box 216 Marcy, New York 13403-0216
42.	Mohawk Correctional Facility P.O. Box 8450 6100 School Road Rome, New York 13440
43.	Monterey Shock Incarceration Correctional Facility R.D. #1, 2150 Evergreen Hill Road Beaver Dams, New York 14812-9718
44.	Moriah Shock Incarceration Correctional Facility P.O. Box 999 Mineville, New York 12956-0999
45.	Mt. McGregor Correctional Facility 1000 Mt. McGregor Road, Box 2071 Wilton, New York 12831-5071
46.	Ogdensburg Correctional Facility One Correction Way Ogdensburg, New York 13669-2288
47.	Oneida Correctional Facility 6100 School Road Rome, New York 13440
48.	Orleans Correctional Facility 35-31 Gaines Basin Road Albion, New York 14411
49.	Otisville Correctional Facility Box 8 Otisville, New York 10963-0008
50.	Queensboro Correctional Facility 47-04 Van Dam Street Long Island City, New York 10963-0008

51.	Riverview Correctional Facility P.O. Box 158 Ogdensburg, New York 13669
52.	Rochester Correctional Facility 470 Ford Street Rochester, New York 14608-2499
53.	Shawangunk Correctional Facility 750 Prison Road Wallkill, New York 12589-0750
54.	Sing Sing Correctional Facility 354 Hunter Street Ossining, New York 10562-5442
55.	Southport Correctional Facility P.O. Box 2000, Institution Road Pine City, New York 14871
56.	Sullivan Correctional Facility Box 116, Riverside Drive Fallsburg, New York 12733-0116
57.	Taconic Correctional Facility 250 Harris Road Bedford Hills, New York 10507-2498
58.	Ulster Correctional Facility P.O. Box 800, Berme Road Napanoch, New York 12458
59.	Upstate Correctional Facility P.O. Box 2000, 309 Bare Hill Road Malone, New York 12953
60.	Wallkill Correctional Facility Box G Wallkill, New York 12589-0286
61.	Washington Correctional Facility Box 180 Comstock, New York 12821-0180
62.	Watertown Correctional Facility 23147 Swan Road Watertown, New York 13601-9340

63.	Wende Correctional Facility P.O. Box 1187 (3622 Wende Road) Alden, New York 14004-1187
64.	Willard Drug Treatment Center P.O. Box 303, 7116 County Route 132 Willard, New York 14588
65.	Woodbourne Correctional Facility Riverside Drive Woodbourne, New York 12788
66.	Wyoming Correctional Facility P.O. Box 501, Dunbar Road Attica, New York 14011