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A How-to Guide to Landmark Burial Grounds in New York

Prepared for the Olde Towne of Flushing Burial Ground Conservancy

Submitted by Yingwen Huang

May 2016

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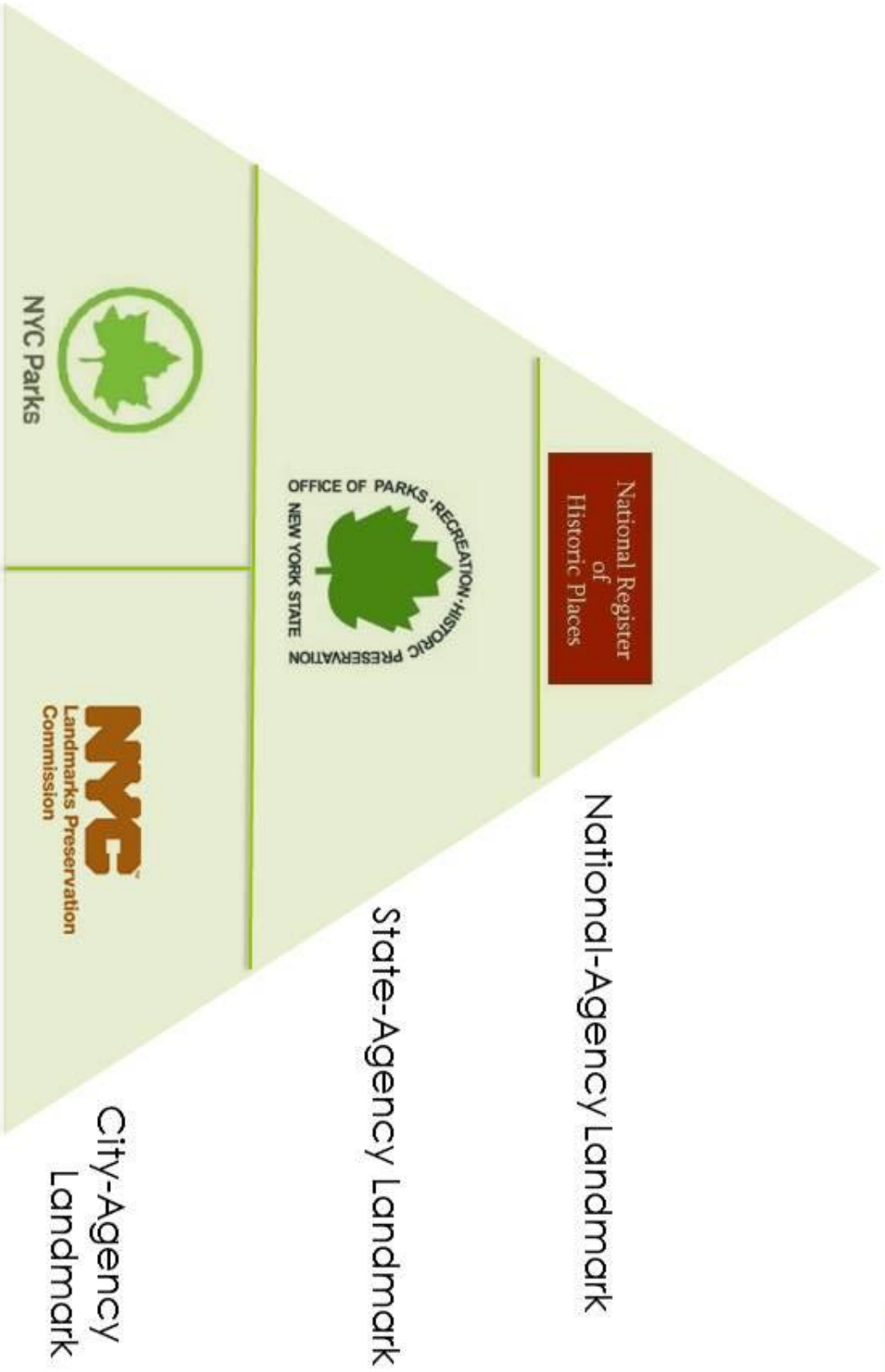
Introduction

This how-to guide provides information on how to landmark burial sites through the state-level agency, New York State Historic Preservation Office (NYSHPO), the national agency's National Register of Historic Places (NRHP) and the city's Landmarks Preservation Commission (LPC). This how-to guide provides step-by-step instructions on how to get burial grounds in New York recognized as one of the cultural and historical significant landmarks. Efforts to landmark a burial ground would require cooperation and patience between various stakeholders. Please be advised any change in the agencies' landmark policies and procedures can cause inaccuracy in this guide. Readers should contact the agencies directly and/or consult the update guidelines.

This guide is created for a public history project taught by Professor Thayer at the Graduate School of Library and Information at Queens College. The class project is dedicated to the Olde Towne of Flushing Burial Ground (OTFBG) in Flushing, Queens. The information provided in the guide is compiled from various resources from government agencies and partial guidance from Richard Hourahan at the Queens Historical Society, who personally has experience in the landmark procedures with the NYSHPO, the NRHP and the LPC.

This project is dedicated to the Olde Towne of Flushing Burial Ground (OTFBG) in New York, which we think should be recognized by the government on the city, state, and federal level as a site of local cultural and historical significance. In light of this guide, I hope it will be able to assist the OTFBG conservancy group in serving the local community and furthering their goals in improving the environment and preserving the spirit of the site.

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New York State Historic Preservation Office (NYSHPO)

Step 1: Owner of the site prepares and submits relevant applications to the NYSHPO

Applications: NR Application Form, NR Statement of Owner Support (No need to submit NR Application Inventory Form for burial grounds)

NYSHPO Contact: Daria Merwin, 518-268-2192 (Responsible for the New York City Borough Counties)

❖ Complete historical research of the site is required to fill out the form.

Tips: Please review criteria and guidelines provided by the SHPO prior to application submission.

Step 2: Evaluation by SHPO staff

❖ During the evaluation period, SHPO staff will schedule a site visit to collect information, research data, photographs, etc.

❖ Prepare Nomination Form is a joint effort between the SHPO staff and other stakeholders.

❖ Research can also be conducted by a preservation consultant.

❖ Nomination has to be approved by SHPO.

Tips: Be helpful and ask if they need more information. Establish good relationship with SHPO staff. Lots of “thank you” and inquiries involved.

Step 3: Seek Comments from local community & officials

❖ Strong support is needed from the local community and officials.

Tips: Local officials and the community should learn of the history of the site and be informed about the nomination ahead of time. Popular support from local residents and the community is desired.

Step 4: Review by the State Review Board

❖ The SRB meets quarterly in March, June, September, and December. Nomination review has to be scheduled 3 months ahead before the next board meeting.

❖ If the SRB requires more research, it will be bounced back to the SHPO staff and the sponsors for revision.

❖ If the SRB approves the nomination, the form will be finalized and passed to the SHPO officer.

Step 5: Review & Sign by SHPO Officer

❖ Stakeholders are informed of the approval and listing.

Step 6: Nomination listed on New York State Register of Historic Places

❖ Once listed on the NYS Register, the historic site can be listed on the National Park Service’s National Register of Historic Places of local significance.

National Register of Historic Places (NRHP)

Note: Site must be listed on the **New York State Historic Preservation Office (NYSHPO)** prior to nomination to the **National Register of Historic Places (NRHP)**. The NRHP is overseen by the National Park Service (NPS) on a national level.

Step 1: Nomination form submitted to SHPO by property owners or local community organizations, groups, or individuals

Application: Form 10-900

- ❖ Please review criteria and guidelines provided by the NRHP prior to nomination submission.

Step 2: SHPO solicits public comments.

- ❖ If majority of the public objects, the site will not be listed and forwarded to NPS for a Determination of Eligibility.

Step 3: Nomination review by National Register Review Board

- ❖ This process takes minimum 3 months.

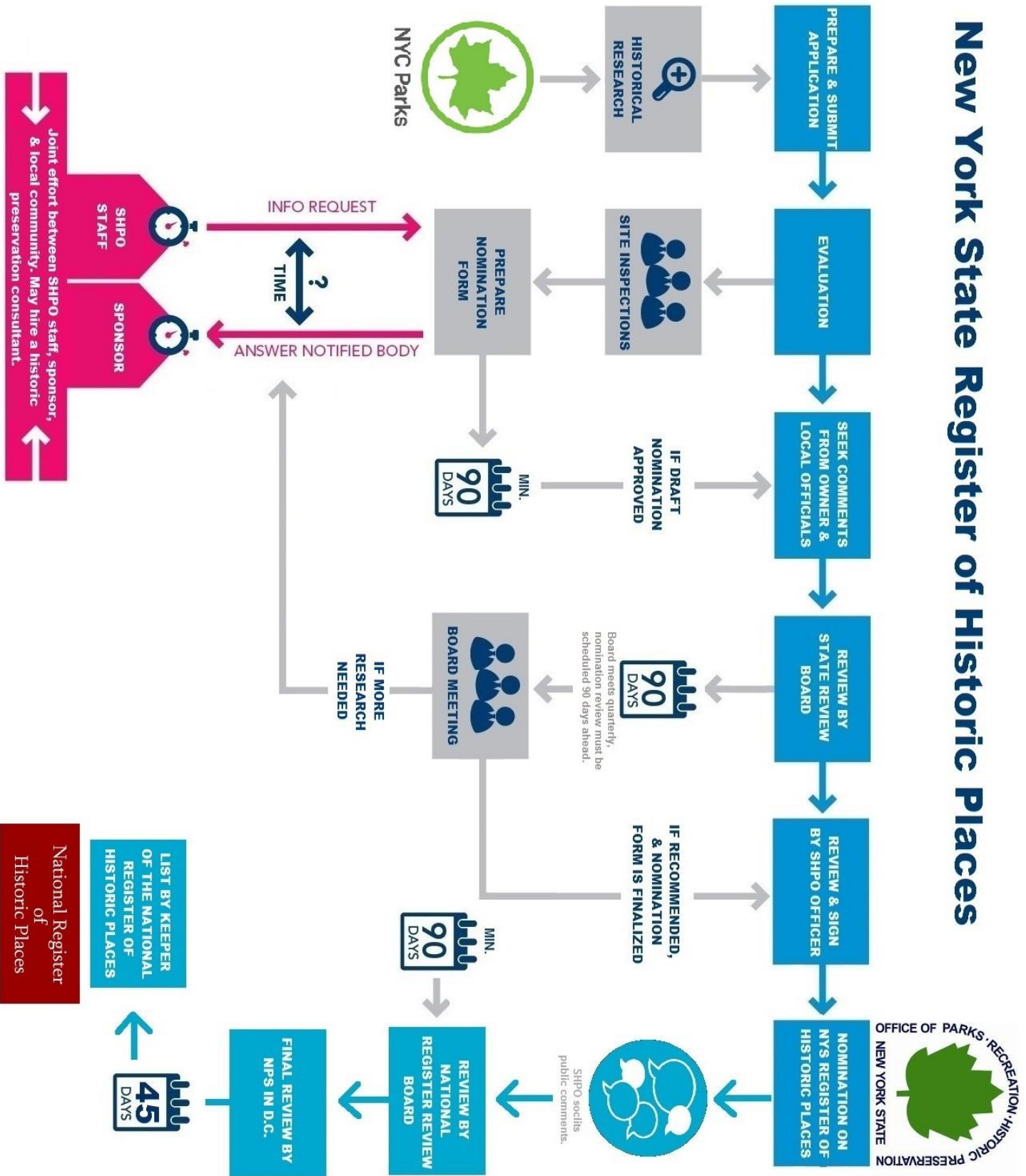
Step 4: Final review by National Park Service in Washington D.C.

- ❖ Decision will be made within 45 days.

Step 5: If approved, site will be listed by the keeper of the National Register of Historic Places

- ❖ Once approved, the site gains formal recognition of its local historical significance.

New York State Register of Historic Places



NATIONAL REGISTER OF HISTORIC PLACES

Landmarks Preservation Commission (LPC)

Nomination Process:

Step 1: Make sure site is not already a landmark

- ❖ Use NYCITYMAP navigation search on the right.

Step 2: Initiate a landmark evaluation

Application: Request for Evaluation (RFE) form for Individual, Scenic, and Interior Landmarks.

- ❖ Mail form and supporting materials such as historical research and photos associated with the site to the Commission.
- ❖ Please review criteria and guidelines provided by the LPC prior to application submission.

Step 3: LPC assesses the case and begins the designation process

- ❖ See below for details.

Step 4: Notified by mail about the outcome of the agency's assessment

- ❖ Becoming a landmark with the LPC means no changes can be made on the site.

Designation Process: (taken from <http://www.nyc.gov/html/lpc/html/propose/process.shtml>)

Step 1: Evaluation in Light of Commission Priorities and Other Considerations

- ❖ The agency assesses potentially meritorious properties in light of agency priorities

Step 2: Commissioner Review and Chair Determination

- ❖ If the agency concludes the resource should move forward and potentially be considered for designation, a photograph, statement of significance and the committee's recommendation are sent to each Commissioner for comment.
- ❖ After reviewing Commissioners' comments and considering the resource in light of the factors identified above, the Chair decides whether to ask the full Commission to vote publicly to initiate a formal review.
- ❖ Owners are notified if a formal review is planned.

Step 3: Calendaring

- ❖ This is the first formal step in the designation process. After a presentation by the Research Staff the full Commission votes at a public meeting whether to schedule ("calendar") a public hearing on the potential resource. A vote by a majority of the Commissioners present is required to calendar a resource.

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Step 4: Public Hearing

- ❖ Anyone may testify about a proposed designation before the full Commission. Notices of public hearings are published in the City Record and sent to the property owner, the Department of City Planning, and the affected community boards and elected officials. Notices are also listed on the LPC's website.
- ❖ Before testimony begins at the public hearing, a member of the Research Department makes a brief presentation about the property under consideration for designation.

Step 5: Discussion and Designation Report

- ❖ While a historic district or landmark is under consideration by the full Commission, the Research Department writes a detailed report about the property.
- ❖ Owners are mailed a draft copy of these reports for review and comment. The Commissioners review the draft report and use it, along with public testimony, as the basis for a decision.

Step 6: Commission Vote

- ❖ The Commission then votes on designations at a public meeting. A vote by a majority of the Commissioners (six) is required to approve or deny a proposal for landmark or historic district designation.
- ❖ If six Commissioners do not vote in favor of designation the resource is taken off the calendar.
- ❖ By law, landmark designation is effective upon the Commission's vote, and all rules and regulations of the Landmarks Law are applicable.
- ❖ Within 10 days, LPC files copies of the final report with the City Council and City Planning Commission, and sends a Notice of Designation to owners and the City Clerk's Office.

Step 7: City Planning Commission Review Report

- ❖ For all designations, the City Planning Commission has 60 days to review and submit a report to the City Council about the impacts of designation on zoning, projected public improvements, and any other City development plans.
- ❖ For historic districts, the City Planning Commission must hold a public hearing prior to issuing its report.

Step 8: City Council Vote

- ❖ The City Council has 120 days from the time of the LPC filing to modify or disapprove the designation. A majority vote is required. Council approval is not required.
- ❖ The Mayor can veto the City Council vote within five days; the City Council can override a Mayoral veto by two-thirds vote within 10 days.

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Resources:

Queens Historical Society

<http://www.queenshistoricalsociety.org/>

New York City Department of Parks & Recreation

<https://www.nycgovparks.org/>

New York State Historic Preservation Office (NYSHPO)

<http://parks.ny.gov/shpo/national-register/>

National Register of Historic Places (NRHP)

http://www.nps.gov/nr/national_register_fundamentals.htm#start

Landmarks Preservation Commission (LPC)

<http://www.nyc.gov/html/lpc/html/home/home.shtml>