



October 11, 2023

Ms. Laura Savage
Environmental Specialist 2, Environmental Impact Statements & Special Projects Bureau
New York State Department of Transportation
Office of Environment
50 Wolf Road POD 4-1, Albany, NY 12232

Re: Section 106 Comments for PIN: 5512.52
SHPO Project Review Number: 22PR08247
NYS Route 33, Kensington Expressway Project

Dear Ms. Savage,

We, at Preservation Buffalo Niagara, are grateful for the opportunity to review the updated draft, *Finding Documentation for the New York State Route 33 (Kensington Expressway) Project*, and to provide our input as a Consulting Party. We commend your efforts to incorporate the feedback and suggestions from the Consulting Parties and the Federal Highway Administration. We recognize that this project is an important initiative to restore the historic Olmsted parkways and to heal the wounds inflicted on the East Side communities by the construction of the expressway in the 1950s and 1960s. Nevertheless, we remain apprehensive about how this project will affect the quality of life and well-being of the Buffalonians who reside in the vicinity of the expressway, particularly those who live in historic properties within or adjacent to the Area of Potential Effect (APE).

We have reviewed and assessed all documentation provided by the NYSDOT and we have discussed these matters with our local partners and community members. As a nonprofit organization that advocates for the protection and promotion of our region's historic and cultural resources, we are worried about the potential impacts of construction activities, such as: blasting bedrock, noise pollution, along with potential damage to sidewalks and the foundations of historic homes. After assessing and reviewing The Kensington Expressway updated draft, **we cannot concur with your findings that this project will have a Determination of No Effect.**



As a Consulting Party in the Section 106 process for the Kensington Expressway Project, we are writing to express our concerns about the potential impacts of the project on the historic resources and communities in the project area. We appreciate your efforts to identify and evaluate the historic properties that are eligible for or listed in the National Register of Historic Places, including the historic districts that border the Kensington Expressway. However, we have several questions and comments regarding how you will mitigate the adverse effects of the project on these significant historic assets.

Specifically, we would like to know how you will ensure that the project does not diminish or compromise the historic character, integrity, and value of these properties. How will you safeguard and enhance the historic landscape design of Martin Luther King, Jr. Park, which was originally part of Olmsted's Park System? How will you respect and celebrate the cultural heritage of the East Side communities that have lived and worked in these historic districts for generations?

We would like to request more information on how these impacts will be monitored and mitigated, and how damage done to homes will be covered financially. Will homeowners be compensated for any loss of property value or increased insurance costs due to the project? How will the NYS Department of Transportation ensure that the project does not worsen the existing environmental and social inequities that have afflicted the East Side for decades due to redlining, disinvestment, and segregation?

We are also concerned about how the project will affect the historic character and integrity of the Martin Luther King, Jr. Park Historic District, the Hamlin Park Historic District, and other historic resources within or near the APE. These districts and resources have cultural, architectural, and historical significance, and they should be safeguarded and improved by any transportation project that affects them. We observed that in some of the APE maps, the project area borders or even overlaps with these historic districts.

We firmly believe that the project's impact zone, which is only 100 feet from the edge of the expressway, is too narrow and does not adequately capture the potential direct and indirect effects on historic properties and neighborhoods. **We strongly recommend that you expand the impact zone to at least 300 feet from the edge of the expressway to account for the visual, auditory, and vibratory impacts of the project.** According to the Advisory Council on Historic Preservation, *"The APE is not static, but should be adjusted as a federal agency further develops the details of the undertaking and learns more about potential historic properties and how they may be affected. The input of consulting parties is crucial to this informed revision and refinement of the APE throughout Section 106 review."*



We, at Preservation Buffalo Niagara, believe that this project will have significant adverse effects on the historic character, integrity, and significance of the Humboldt Parkway Historic District, the Martin Luther King, Jr. Park Historic District, and other historic homes located near the expressway. Therefore, we strongly encourage the NYSDOT and the NYSOPR&HP to consider the following:

1. Expand the Area of Potential Effects (APE) to 300 feet from the edge of the Kensington Expressway. We are concerned that the project area borders or even overlaps with these historic districts and properties. If the APE is not increased, Buffalo will risk losing historic structures that are integral to the city's character and homeowners in historic districts will risk potential structural damage to their homes and a loss in property value.
2. Establish a proper process for repairs if houses within the APE are impacted by the construction, such as vibration, noise, dust, or structural damage to foundations, walls, or roofs. Including:
 - a. Conducting a pre-construction survey of all historic properties within the APE to document their existing conditions and identify any potential vulnerabilities or risks.
 - b. Developing a construction management plan that includes measures to minimize and mitigate the impacts of vibration, noise, dust, and structural damage on historic properties.
 - c. Monitoring the construction activities and their effects on historic properties throughout the project duration.
 - d. Providing timely and adequate compensation for any damages or losses incurred by historic property owners due to the construction.
 - e. Requiring contractors to follow the Secretary of the Interior's Standards for the Treatment of Historic Properties when performing any repairs or alterations to historic properties due to damage caused by this project.
3. We also urge NYS to establish a dedicated fund for historic preservation within the APE that will support the needed repairs for those impacted by the construction, as well as provide incentives for homeowners to maintain and improve their historic properties. Including:
 - a. Allocating a portion of the project budget to create a dedicated fund for historic preservation within the APE.
 - b. Partnering with local preservation organizations, such as Preservation Buffalo Niagara, to administer and distribute the fund according to established criteria and guidelines.
 - c. Offering grants or low-interest loans to historic property owners who wish to undertake repairs or improvements that enhance the historic character and value of their properties.
 - d. Providing technical assistance and guidance to historic property owners on how to apply for the fund and how to comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

We strongly recommend the NYSDOT conduct more comprehensive and inclusive public outreach with the residents of Buffalo who will be most affected by the project. We request that



you provide us with more thorough and transparent information and documentation on how you plan to address these issues before we can concur with your finding of *No Adverse Effect*.

The Section 106 process aims to recognize, reduce, and avoid negative impacts on historic properties through consultation. As the only full-service, professionally staffed non-profit organization dedicated to preserving Buffalo's historic and distinctive structures, we want these concerns to be addressed. We look forward to hearing from you and continuing our involvement in this important process for this vital project. If you have any questions or concerns, please do not hesitate to contact me at (716) 852-3300 or bernice@pbnsaves.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Bernice Radle", with a long horizontal flourish extending to the right.

Bernice Radle

Executive Director

Preservation Buffalo Niagara