

EmPower+ State Historic Preservation Requirements

As a result of an agreement between NYSERDA and the US Department of Energy, effective September 15, 2011, EmPower+ projects are screened for compliance with the National Historic Preservation Act. In general, most EmPower+ projects will not be impacted; however, projects which include window and door measures, on residences greater than 50 years old, where the work will be visible from a public right of way, will require review from the New York State Historic Preservation Office (SHPO) prior to project approval.

Upon submission of an EmPower+ project for approval, Participating Contractors will be required to answer three screening questions related to the project:

- *Is the building greater than 50 years old?*
- *Will original windows, replacement windows older than 45 years old or doors be replaced as part of the scope of work?*
- *Are the windows or doors to be replaced visible from a public right of way?*

If a Participating Contractor answers “yes” to all three questions, a Project Cover Form must be completed and submitted for the project (see attachment 1). This form can be submitted to program implementer separately, ahead of time, or uploaded to the New York Home Energy Portal. The program implementer will forward the Project Cover Form to NYSERDA for review prior to submission to State Historic Preservation Office (SHPO). All projects that include windows or doors will be flagged by program implementer and a hold will be placed on the project until either a negative pre-screening response is received by Program implementer or a SHPO letter of “no impact” is received. There will be no “auto-approve” option for projects requiring SHPO review. Following review and acceptance of the project work scope by SHPO, NYSERDA will forward Program implementer a copy of the SHPO “no impact” letter, releasing the project for work to commence. In the event the project work scope is denied, the contractor will need to revise the work scope in accordance with SHPO requirements.

While window and door replacements are the measures most likely to trigger a SHPO review, all contractors should review NYSERDA’s list of undertakings, which are activities which have been determined to be exempt from SHPO review. NYSERDA’s list of exempt undertakings includes any activity referenced in either Appendix A or Appendix B from NYSERDA’s Programmatic Agreement with the US Department of Energy. If a proposed work scope on a given EmPower+ project cannot be performed in accordance with NYSERDA’s list of exempt undertakings, a Project Cover Form should be completed and submitted to the Program.

Exemptions from State Historic Preservation Office (SHPO) Review

NYSERDA’s list of undertakings which are considered to be exempt from SHPO review include any activity referenced in either Appendix A or Appendix B below. If a proposed work scope on a given EmPower+ project cannot be performed in accordance with NYSERDA’s list of exempt undertakings, a Project Cover Form should be completed and submitted to NYSERDA.

APPENDIX A – WAP UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

All undertakings will be done in accordance with applicable local building codes or the International Building Code, where applicable. In accordance with 36 CFR 800.3(a)(I), the following undertakings have been determined to have no potential to cause effects on historic properties:

A. Exterior Work

1. Air sealing of the building shell, including caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds in a manner that does not harm or obscure historic windows or trim.
2. Thermal insulation (excluding foam insulation), including but not limited to cellulose and non-toxic fiberglass foil wrapped must fill cavity in walls, floors, ceilings, attics, and foundations (excluding exposed masonry walls) in a manner that does not harm or damage historic fabric and ensures free air movement if the space allows for ventilation.
3. Blown in wall insulation where no holes are drilled through exterior siding, or where holes must be filled with wooden plugs, sanded smooth, and primed and painted to match surrounding siding finish.
4. Removable film on windows (if the film is transparent), solar screens applied in a manner that does not harm or obscure historic windows or trim.
5. Reflective roof coating applied where similar products have previously been applied.
6. Storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.
7. In-kind replacement or repair of primary windows, doors and door frames that closely resemble existing substrate and framing.
8. Repair of minor roof and wall leaks prior to insulating attics or walls, provided repairs closely resemble existing surface composite.
9. Replacement of non-original windows installed within the past 45 years.

B. Interior Work

Special Note: Undertakings to interior spaces where the work will not be visible from the public right of way; no structural alterations are made; no demolition of walls, ceilings or floors occurs; no drop ceilings are added; or no walls are leveled with furring or moved, should be automatically excluded from **SHPO** review. This work includes:

1. Energy efficiency work within the building shell:

- a. Thermal insulation (excluding foam insulation), including but not limited to cellulose and non-toxic fiberglass foil wrapped must fill cavity in walls, floors, ceilings, attics, and foundations (excluding exposed masonry walls) in a manner that does not harm or damage historic fabric and ensures free air movement if

the space allows for ventilation.

- b. Blown in wall insulation where no decorative plaster is damaged.
- c. Plumbing work, including installation of water heaters where existing venting is used.
- d. Electrical work that does not directly impact historic fabric, including improving lamp efficiency.
- e. Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc.
- f. Repair or replace water heaters.
- g. Adding adjustable speed drives such as fans on air handling units, cooling tower fans, and pumps.
- h. Install insulation on water heater tanks and water heating pipes.
- i. Install solar water heating systems, provided the structure is not visible from the public right of way. (See Solar Installation Note)
- j. Install waste heat recovery devices, including desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment.
- k. Repair or replace electric motors and motor controls like variable speed drives.
- l. Incorporate other lighting technologies such as dimmable ballasts, day lighting controls, and occupant-controlled dimming.

2. Work on heating and cooling systems:

- a. Clean, tune, repair or replace heating systems, including furnaces, boilers, heat pumps, vented space heaters, and wood stoves using existing flues and/or exhaust systems and air intakes.
- b. Clean, tune repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers using existing air intakes and exhaust systems.
- c. Install insulation on ducts and heating pipes.
- d. Conduct other efficiency improvements on heating and cooling systems, including replacing standing pilot lights with electronic ignition devices and installing vent dampers.
- e. Modify duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems.
- f. Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC control systems.



3. Work on heating and cooling systems:

- a. Convert incandescent lighting to fluorescent where historic fixtures will not be adversely affected.
- b. Add reflectors, LED exist signs, efficient HID fixtures, and occupancy (motion) sensors.
- c. Replace refrigerators and other appliances.

4. Work on heating and cooling systems:

- a. Installing fire, smoke or carbon dioxide detectors/alarms.
- b. Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside using existing flues and/or exhaust systems and air intakes.
- c. Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to building tightness limit.

APPENDIX B - SEP AND EECBG UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

A. Category 1 – No Consultation required

In addition to the undertakings provided in *Exhibit A (WAP Undertakings exempt from Section 106 Review)*, DOE and the SHPO have concluded that the following undertakings do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a)(1):

- 1. General efficiency measures not affecting the exterior of the building:**
 - a. Energy audits and feasibility studies.
 - b. Weatherization of mobile homes and trailers.
 - c. Caulking and weather-stripping around doors and windows in a manner that does not harm or obscure historic windows or trim.
 - d. Water conservation measures -like low flow faucets, toilets, shower heads, urinals - and distribution device controls.
 - e. Repairing or replacing in kind existing driveways, parking areas, and walkways with materials of similar appearance.
 - f. Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous conditions.
 - g. Ventilating crawl spaces.
 - h. Replacement of existing HVAC equipment including pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting, plumbing, electrical and controls are on the rear of the structure or not visible from any public right of way.
 - i. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired).
 - j. New installation of non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other building control sensors, provided the work conforms with applicable state and local permitting requirements and does not adversely impact historic interior finishes.
 - k. Adding variable speed drive motors.
 - l. Insulation of water heater tanks and pipes.
 - m. Furnace or hot water tank replacement that does not require a visible new supply or venting.

- 2. Insulation measures not affecting the exterior of the building:**
 - a. Thermal insulation installation in walls, floors and ceilings (excluding spray foam insulation).
 - b. Duct sealing, insulation, repair or replacement in unoccupied areas.
 - c. Attic insulation with proper ventilation; if under an effective R8 - add additional R- 19 or R-30 up to R-38 or R-49 as applicable. (fiberglass bat only)
 - d. Band joist insulation - R-II to R19 as applicable.
 - e. Water heater tank and pipe insulation.

- 3. Electric base load measures not affecting the exterior of the building:**
 - a. Appliance replacement (upgrade to ENERGY STAR appliances)
 - b. Compact fluorescent light bulbs
 - c. Energy efficient light fixtures, including ballasts (Replacement)
 - d. LED light fixtures and exit signs (Replacement)
 - e. Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices not visible from any public right of way.

B. Category 2 - No Consultation Required if SOI Standards are Adhered to and Verified by Qualified Staff, if Applicable

- 1. Efficiency and repair measures:**
 - a. Painting over previously painted exterior surfaces, provided destructive surface preparation treatments are not used (such as water-blasting, sandblasting and chemical removal).
 - b. Installation or replacement of downspout extensions provided that the color of the extensions is historically appropriate for the period and style of the property.
 - c. Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not permanently change the appearance of the interior or exterior of the building.
 - d. Installation of new HVAC equipment (such as pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, or heat exchangers) in a manner that does not permanently change the appearance of the building.
 - e. Integrated shingle-style or thin film solar systems on the rear roof of the structure, behind the parapet or not visible from the public right of way. (See Solar Installation Note)
 - f. Solar systems (including photovoltaic and solar thermal) not visible from the public right of way and if ground-mounted can be installed without ground disturbance (See VI.D) and if roof-mounted will not require new building reinforcement.

- g. Wind system additions to existing wind power facilities that will not require ground disturbance and if building mounted will not require building reinforcement.
- h. Lead-based paint abatement in accordance with the Standards and Preservation Brief #37.
- i. Building cleaning in accordance with the SOI Standards and NPS Preservation Brief s Numbers 1, 6 and 10.
- j. Repairing masonry, including re-pointing and rebuilding chimneys in accordance with the SOI Standards and NPS Preservation Brief Number 2.
- k. New lighting controls including photo-sensors and shading elements if not visible from the public right of way.
- l. New metering devices in a manner that does not permanently change the appearance of the interior or exterior of the building, or if the addition is on the exterior of the structure and is not visible from the public right of way.
- m. New water efficient fixtures and fittings in a manner that does not permanently change the appearance of the interior or exterior of the building.

Solar Installation Note:

- 1. Buildings less than 50 years old located within a National Register Listed/National Register eligible or Locally Designated Historic District where the application is confined to roof elevations other than the primary façade meets the requirements of Section B – Category 2.
- 2. Buildings more than 50 years old where the Recipient, in conjunction with Section I.D. and VI.B. of this agreement, has determined that the building is not eligible for inclusion in the National Register of Historic Places meets the requirements of Section B – Category 2.
- 3. Placement of solar arrays on flat roof with parapets meets the requirements of Section B – Category 2.

2. Installation or repair of roofing, siding, and ventilation:

- a. White Roofs, Cool Roofs, Green Roofs, Sod or Grass Roofs not visible from the public right-of-way.
- b. Rainwater catches and/or gray water systems not viewable from the public right of way.
- c. Repair or replacement of existing exterior siding provided that new siding closely resembles the existing siding in dimension, profile and texture.
- d. Flat or shallow pitch roof replacement (shallow pitch is defined as a pitch with a rise-to-run ratio equal to or less than 3" to 12") with no part of the surface of the roof visible from the ground.
- e. Roof repair with materials that closely resemble the historic materials.
- f. Roof replacement where the original roofing material had previously been replaced. New roofing material will be chosen to complement the historic

building and should not alter or change the roof line character defining features of the building.

- g. Installing vents (such as continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit and frieze board vents or combustion appliance flues) if not located on a primary roof elevation or not visible from the public right-of-way.
- h. Installing foundation vents, if painted or finished to match the existing foundation material.

3. Windows and doors:

- a. Installing storm windows, storm doors or wood-screen doors in a manner that does not harm or obscure historic windows, doors or trim.
- b. Installing insulated exterior replacement doors where the door openings are not altered and are not visible from the public right-of-way.
Routine maintenance of existing windows, including but not limited to painting, glazing treatments (including in-kind glass replacement), weather-stripping or replacing glazing putty that does not change the appearance of the interior or exterior of the building



NYSERDA

**ATTACHMENT 1
Review Cover Form**



New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
PO Box 189, Waterford, NY 12188-0189

**NYSERDA EmPower+ State Historic Preservation Office (SHPO)
REVIEW COVER FORM**

Please complete this form and submit along with the requested information. Accurate and complete forms will assist this office in the timely processing and response to your request.

PROJECT NUMBER **PR** (only if a project was previously submitted)

This is a **new** project (If checked, complete **ALL** the following)

1. Project Address (See Note 1):

Include street number, street name and/or County, State or Interstate route number if applicable

3. City/Town/Village:

List the correct municipality in which the project is being undertaken. If in a NON-INCORPORATED Hamlet/village, provide the name of the town.

4. County:

5. Federal/State Agency Involvement

This is a NYSERDA sponsored Energy Efficiency Project.

6. EmPower+ Contractor Contact Information

Name:	Title:	
Address:	Town/City	NY Zip:
Phone:	E-Mail address:	

Response letters for this project will be returned to the project contact via-e-mail in PDF format when possible.

7. Project Type

This EmPower+ project consists of weatherization activities impacting the exterior of a building which is greater than 50 years old. Portions of this project are visible from public-right of way¹and/or the planned activities are not exempted from those listed in Appendix A and B from the Programmatic Agreement between the United States Department of Energy and NYSERDA.



8. Project Information

A. Check all that apply:

- Work involves the replacement of original windows, replacement windows greater than 45 years old or doors.
- Work involves any activity which is not exempted from those listed in Appendix A and B of the Programmatic Agreement between the United States Department of Energy and NYSERDA.

Describe proposed scope of work:

B. Photographs: Provide 1-2 clear images of the building involved in the project, showing the location of the work and 1-3 views looking out from the project across the street. Provide photographs of the existing windows and the proposed replacements.

9. Maps: Provide a map which clearly indicates the location of the project. If a street view map is provided, make sure the home indicated is the actual home the work is being performed on.

10. FOR NYSERDA USE ONLY

- Is the building: Individually listed in the National Register of Historic Places
 Individually designated a Local Landmark In a National Register Listed Historic District
 In a locally Designated Historic District
 NO

TEXT NOTES

1. Visible from the public right of way: If the project can be seen in its entirety by a person driving, walking or standing on the sidewalk or street.



SUBMISSION INSTRUCTIONS

Upload pertinent documents as part of your NYSERDA project submission paperwork through the NY Home Energy Portal. The submission should include the following:

- **Completed Version of this Form**
- **Digital or scanned map of the project location**
- **One or more digital photographs showing the areas and materials impacted by this work**

For any questions, please reach out to your account manager

Please be aware that reviews undertaken by the New York State Historic Preservation Office (SHPO) relate only to Historic/ Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations 6 NYCRR Part 617).

If your project involves or is adjacent to New York State parkland please contact the New York State Office of Parks Recreation and Historic Preservation's Environmental Management Bureau (EMB), Agency Building 1, Empire State Plaza, Albany, New York 12238, (518) 474-0409.

To determine the location of New York State parkland please use the GIS program (See **NOTE 1** above).