



30 March 2006

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Ms. Suzanne Cahill
City Planner
City of Kingston
420 Broadway
Kingston, NY 12401

RE: SEQRA

Review of Visual Character & Visual
Analysis, Sailor's Cove on the Hudson
City of Kingston
Ulster County, New York

Dear Ms. Cahill,

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NEW YORK, NY 10001

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The Environmental Simulation Center, Ltd. (ESC) was retained by the City of Kingston to review the Visual Character (Section 3.9) and the Visual Analysis (Appendix L) of the Draft Environmental Impact Statement (DEIS) produced for Sailor's Cove on the Hudson, dated December 23, 2005.

This review focuses on determining whether the visual materials presented in the DEIS are:

MICHAEL KWARTLER, FAIA
President

GEORGE JANES, AICP
Executive Director

- Accurate in respects to workmanship and created using methods that properly follow State Environmental Quality Review Act (SEQRA), New York State Department of Environmental Conservation (DEC) and industry "Best Practices."
- Complete in respect to the scope as required by SEQRA, DEC and the Final EIS Scoping Document.

Summary of findings:

The quality of the visual simulations of the proposed action presented in the DEIS are exemplary. They go beyond minimum requirements and, in my opinion, fairly and accurately depict the visual impact of the action.

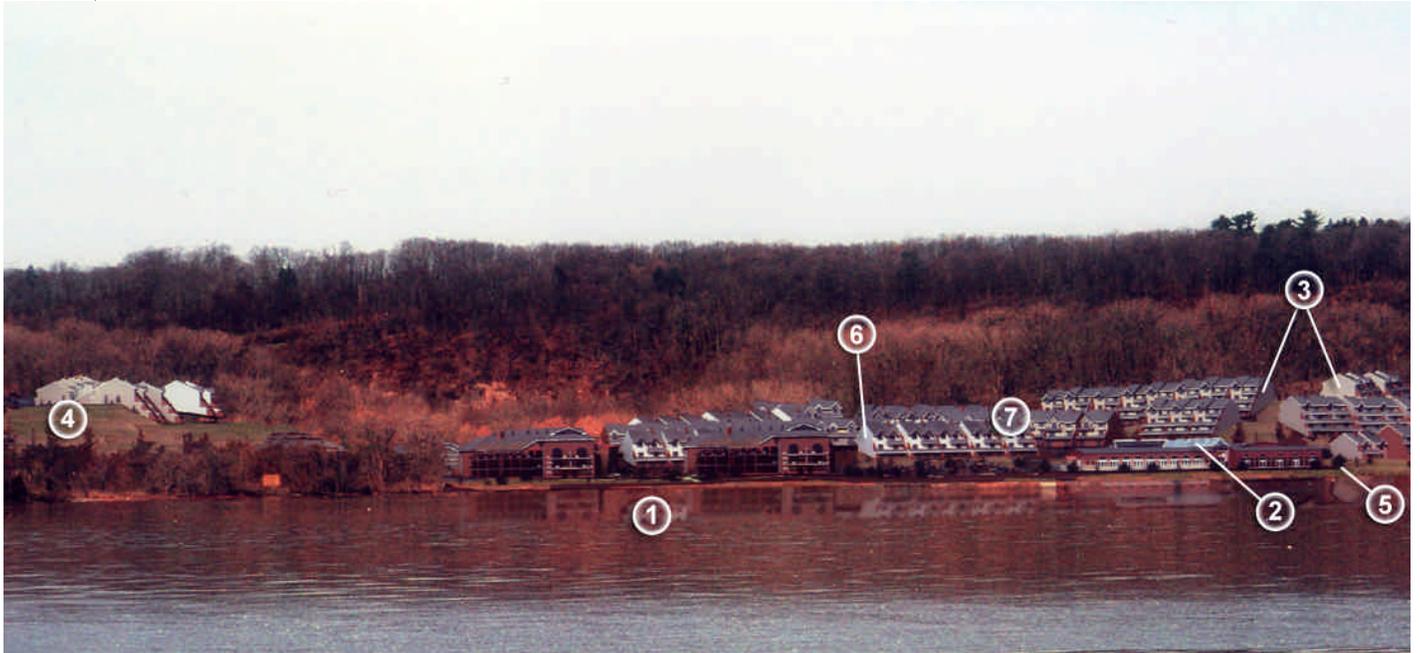
Some elements of the text and the treatment of the alternatives, however, do not meet the high standards set by the simulations of the proposed action, or--more importantly--the minimum requirements of the Scoping Document. These deficiencies in the text and the treatment of the alternatives need to be addressed before the DEIS can be considered complete for the purposes of commencing public review.



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Part I: Accuracy of visual materials and methods

The ESC has examined the visual simulations that appear in Appendix L and must compliment the Applicant on the quality of the materials produced in the Appendix. Attention to simple details like the very high print quality on photo quality paper and high image resolution, have combined with a variety of techniques in the photo simulations that have resulted in the high quality images contained in the DEIS. These techniques deserve a review.



The above image replicates a portion of the simulation for viewpoint 70. The annotation has been added to call out elements of the simulations that are discussed below:

1. The simulation shows the action's reflection off the water.
2. The skylight of the large center building was simulated to show glare / reflected light from certain angles.
3. The photo simulations have a light source correctly depicting the time of day that the photographs were taken. This results in shading that is appropriate to time of day, color of the building and the angle of the action vis-à-vis the viewpoint location.
4. The applicant has placed the buildings of the action on green lawns where appropriate.



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5. The trees of the landscape plan are simulated in leaf-off condition at their size at planting, which means they provide very little screening, certainly a worse case condition.
6. The buildings liberally use visible shades (white and light gray) along with brick and tan colors that tend to blend, again ensuring a reasonable worse case simulation.
7. The buildings of the action are simulated with a good deal of architectural articulation, which 1) make the buildings of the action look more realistic, and 2) help the viewer better understand the relationship of the buildings to the surrounding context.

In combination, these techniques help create excellent simulations that properly disclose the visual impact of the action.

In a few viewpoints the Applicant varied the lens used to take the photograph and season in which the photograph was taken, though primarily the photographs properly use 50mm lenses in leaf-off conditions. These variations add to the understanding of the action's impact on visual resources. Likewise, the Applicant also included exhibits to explain the techniques used. Exhibits B through J, while not strictly required, do much to explain the techniques and data used in the visual analysis. In short, the visual simulations and the supporting materials are some of the best this office has seen in an EIS. More importantly, they have been produced in the spirit of SEQRA and fairly disclose visual impacts of the action.

Other comments

The method used for the viewshed mapping is not clearly explained in the DEIS, nor has the Applicant's consultant been available to more fully explain the method. Questions on the number of control points used and the use of graded elevations versus existing elevations cannot be answered by reading the text. To be clear, there are no obvious problems with the results of the viewshed mapping, the method used to produce it should simply be better explained.

Part II: Completeness of the materials in the DEIS

There are two major issues regarding completeness. The first issue has to do with consistency. The second issue has to do with the treatment of the alternatives.

Consistency

Text that describes the potential visual impact of the action must use evidence that is based, at least in part, on the visual simulations. The text starting on page 168 of Section 3.9 describing the potential visual impact of the action is not supported by the visual simulations. For example, below is a reproduction of a portion of Viewpoint 38 showing the action.



Part of the text describing this viewpoint states:

“The earth tone and natural colors of the buildings and roof significantly contribute to reducing the impacts associated with this view. In particular, the colors of the townhouse and condominium units blend the structures into the existing mined landscape.” (pg. 168)

This simulation does not show an action that blends “into the existing mined landscape.” The simulation shows that the action is visually prominent from this viewpoint and the text describing the potential visual impacts from these viewpoints needs to accurately interpret the evidence provided by the photo simulations. Most of the other viewpoints seem to contain text in the Potential Impacts section on page 167 that do not accurately describe the potential impacts shown in the photo simulations. The Potential Impacts section needs to be rewritten with the photo simulations guiding the analysis.

The Alternatives

The Scoping Document states:

“Alternatives will be presented at a sufficient level of detail to allow comparison of impacts. Up to three simulations of alternative development plans from viewpoints identified by the Planning Board and/or its representatives will be presented for each alternative.” (pgs. 28-29).

Appendix L has three photo simulations for only the Neo-traditional alternative, and states, “The aforementioned narrative report addresses the reasons why only the Neo-traditional design was chosen for photo representation.¹” Yet, I have been unable to find an explanation in Section 3.9 (or elsewhere in the DEIS) as to why only the Neo-traditional alternative was selected for photo simulation. Since the Final Scoping Document clearly directs the Applicant to simulate up to three

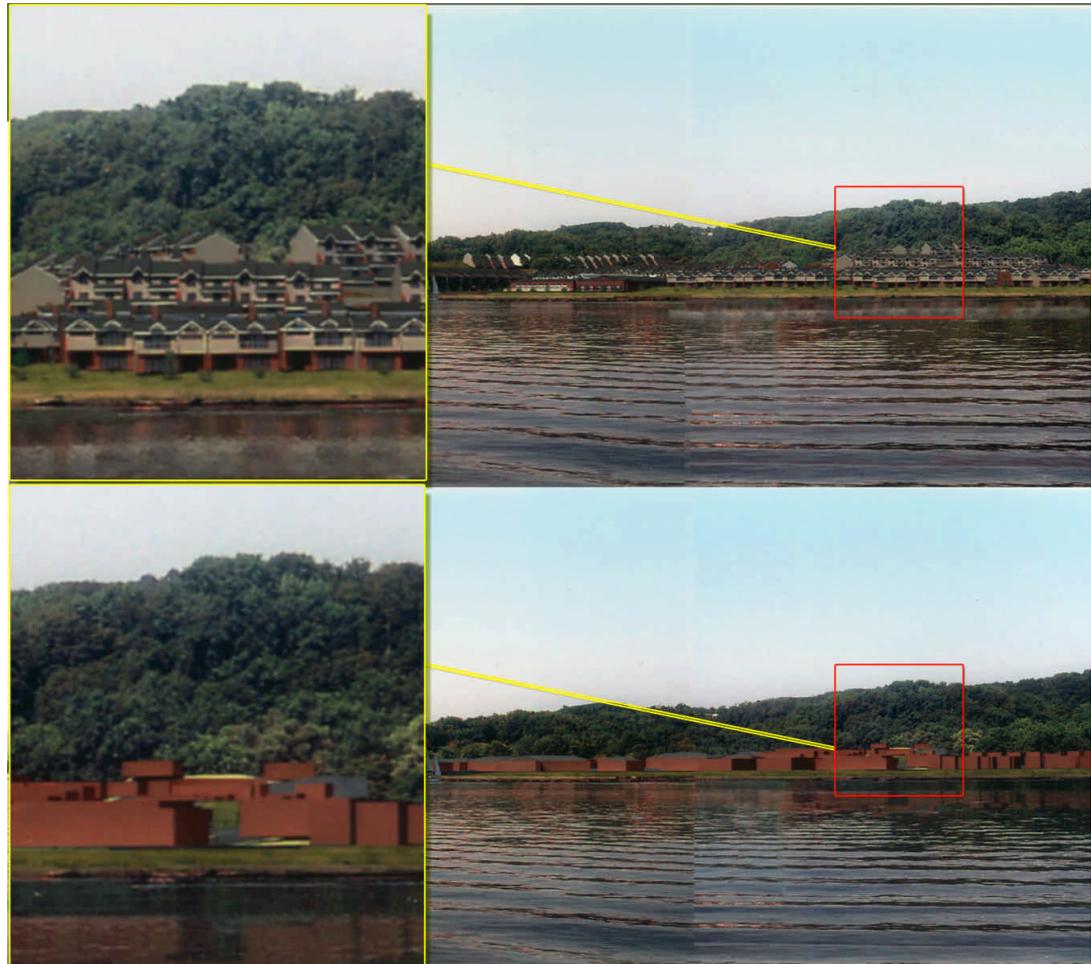
¹ From the Alternative Designs section of the Letter from Larry Heibel to Enrique Mazada dated December 19th 2005 and submitted as a part of Appendix L. The pages of the narrative of this Appendix are not numbered and the Applicant should add page numbers to this section for clarity.



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viewpoints “for each alternative,”² the DEIS must be updated to include photo simulations for the other alternatives before the DEIS could be considered complete for the purposes of commencing public review.

Further, even with the Neo-traditional alternative, the alternative simulated is not sufficiently detailed, “to allow comparison of impacts.”³ For example, consider the following portion of Viewpoint 106:



The excellent color selection and architectural articulation shown with the preferred alternative (top) is replaced with uniformly colored massing models, only some of which have peaked roofs (bottom) representing the Neo-traditional alternative. The visual representation and graphic language the two simulations use is so different that it is impossible to make an apples-to-apples comparison regarding their visual impacts. The simulations need to use the same techniques to provide the information required to make a fair comparison of visual impacts.

² Page 29 of Final Scoping Document.

³ Page 29 of Final Scoping Document.



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Other comments

While this is a review for completeness, the Applicant may wish to consider a substantive comment at this time. The action is oriented toward the Hudson River and is visually prominent from the Hudson and its eastern shore, as illustrated in a portion of Viewpoint 106 reproduced below:



This orientation and visual prominence appear to be contrary to the siting guidance provided by Kingston's Local Waterfront Revitalization Plan (LWRP), specifically:

The explanation of Policy 1A in the LWRP⁴ states:

"Water-dependent uses should be encouraged to locate along the immediate waterfront, and development which is not water-dependent should be encouraged further inland."

Siting and Facility-Related Guidelines⁵ state:

"Siting structures and other development . . . back from shorelines or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore." and "Clustering or orienting structures to retain views, save open space, and provide visual organization to a development."

Views are an express consideration in site plan review, as detailed in Section II, pg. 18:

"The degree and nature of screening should be determined during site plan review, taking into consideration visual impacts upon views from the Hudson River and the Hudson River Shorelands Scenic District on the east bank of the River."

Because the DEIS requires revisions for completeness and consistency, the applicant may wish to re-consider site and/or landscape design within the context of visual impact and siting guidance of the LWRP, or at least explain how the action as proposed addresses the siting and screening guidance provided by the LWRP.

⁴ Section III page 5 of LWRP.

⁵ Under the explanation of policies 24 through 25B, Section III page 48.



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Conclusions

While simulations contained in the DEIS are excellent, the DEIS is not yet complete for the purposes of commencing public review. First, the text describing potential impacts needs to be rewritten to describe the action shown in the photo simulations. Second, the alternatives must be simulated as described in the Scoping Document, and when they are simulated, they need to use the same techniques to allow a fair comparison of visual impacts.

Should you have questions or comments about this review please do not hesitate to contact me at 212-279-1851.

Sincerely,

George M. Janes, AICP
Executive Director