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December 28, 2009

Gregory Helsmoortel
Supervisor
Town of Saugerties
Four High Street
Saugerties, NY 12477

RE: SEQRA
Review of Aesthetic Resources
& Alternatives
Kings Highway Corridor Draft GEIS
Town of Saugerties
Ulster County, New York

Dear Mr. Helsmoortel:

This letter is a review of Aesthetic Resources (Section III, Part K), and Alternatives to the Proposed Project (Section IV) of the Draft Generic Environmental Impact Statement (DGEIS) for Kings Highway Corridor. This review is limited to completeness issues regarding environmental impacts of the project pursuant to 6 NYCRR Part 617; no substantive comments can be made because of omissions found in these sections.

Summary

The Aesthetic Resources and Alternatives sections of the DGEIS are incomplete according to the requirements of the Final Scoping Document dated October 22, 2008. Further, the Aesthetic Resources chapter makes no attempt to follow or reference visual assessment procedures and standards developed by the New York State Department of Environmental Resources (NYSDEC) in the assessment and mitigation of visual resources. Substantive comments regarding impacts on Aesthetic Resources cannot be made because no analysis was performed. Similarly, the Alternatives chapter cannot be evaluated because the alternatives are not adequately compared as required by the Final Scope. The components required by the Final Scope must be prepared and included in either a Supplemental DGEIS or in the Final GEIS.

Aesthetic Resources

The Final Scope on Aesthetic Resources states:

“Existing designated historic and scenic areas in the vicinity of the Corridor will be located and mapped. Analysis will be completed to determine and describe the visual character of the project site within the context of its surrounding area.”

No map of historic and scenic areas in the vicinity of the Corridor appears in the DGEIS, nor does any systematic inventory of such places (“Visual Resources”). Excellent views to Mt. Marion and Catskill Mountains are mentioned, but it is unclear from where these excellent views exist, in what context viewers experience them and how the proposed action might impact them.

The Final Scope also states:

“Potential impacts from new construction and future build-out will be analyzed with respect to visual resources. Methods to mitigate site specific visual impacts will be identified including development of design guidelines and buffer standards.”

The entirety of the section of Aesthetic Resources titled “Potential Impacts” found in the DGEIS consists of the following two sentences:

“New industrial /warehouse development will be denser with the introduction of water and sewer service. The greater proximity of the buildings to each other will require more careful site design and landscaping to prevent an even greater discordant visual impact both from Kings Highway and the Thruway.”

These sentences do not disclose impacts on visual resources and do not constitute analysis. Higher density and “greater proximity of the buildings” are issues that are only tangentially related to potential impacts. What will the action do to the existing viewsheds? From where will views to Mt. Marion and Catskill Mountains potentially be blocked? What are the other visual resources in the area? From where will new development be visible? Will there be any impacts on visual resources due to that visibility? If there are impacts, which mitigation measures are appropriate? None of these basic questions can be answered with the information provided in the DGEIS.

The Final Scope requires analysis of potential impacts. To provide guidance on how to perform visual analysis, the NYSDEC prepared the document “*Assessing and Mitigating Visual Impacts*” (2000). In summary, the DEC describes a multi-step process for a systematic evaluation of visibility, impact assessment and mitigation that provides a high level of confidence that potential impacts have been assessed, disclosed and mitigated to the greatest extent practicable.

It is clear that the Aesthetics section did not follow any of these analysis guidelines and is wholly inadequate in its assessment of potential impacts. Without an assessment of impacts, the mitigation program suggested is not relevant.

Consequently, this entire section needs to be rewritten, following both the requirements of the Final Scope and the DEC’s guidelines for assessing and mitigating impacts on visual resources. Only once such a visual assessment is

performed can impacts on aesthetic resources be disclosed and, if necessary, mitigated.

Alternatives to the Proposed Project

The Final Scope calls for:

“Feasible alternatives to the proposed project will be presented. The presentation will include the use of conceptual sketches and a tabulation of comparative differences of expected environmental and socioeconomic impacts in the same subject areas evaluated for the preferred alternative.”

No sketches of any kind appear in the DGEIS describing the alternatives. No table that compares the no action, maximum development and alternative scale development are shown in the section. Comparisons between the alternatives are only made in traffic and water/sewage use, and even then, those comparisons are vague and incomplete. The other subject areas covered in the DGEIS are not discussed. No meaningful comparison of the alternatives can be draw by the one-page summary provided in the DGEIS.

As described in the Scope, conceptual sketches describing the alternatives should be developed. Further, a table that shows the comparative differences of impacts in all of the same subject areas evaluated in the DGEIS needs to be prepared.

Close

It is difficult to understate the deficiencies in the two areas I have reviewed. The DGEIS should have never been accepted as complete and ready for public review, as the deficiencies discussed herein interfere with disclosure of impacts and undermine the very purpose of the SEQR process. As Lead Agency, the Town must remedy these deficiencies in a Supplemental DGEIS or in a Final DGEIS, depending on materiality of the impacts disclosed by the missing information, and the advice of your legal counsel.

To be clear, I am not commenting on the appropriateness of the action or the quality of the other sections of the DGEIS. It is evident that good work and careful thought has been a part of the conceptualization of the action and the assessment of impacts in other sections, and I applaud the Town in its initiative. But SEQR is a legal process guided by rules and standards, and your consultants produced chapters that fall far short of even the most minimum requirements. The Town needs to go back to its consultants and require they produce new Aesthetic Resources and Alternatives sections as required your Final Scoping Document, and they need to produce these sections following generally accepted guidelines and standards. SEQR demands it, and the project and the public deserve it.

Should you have any questions or comments, please feel free to contact me directly at (646) 652-6498. Thank you for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read "G. M. Janes". The signature is fluid and cursive, with the first name "George" and last name "Janes" clearly distinguishable.

George M. Janes, AICP
Principal