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October 29, 2009

Ms. Kris Pedersen  
Chair  
Town of Shawangunk Planning Board  
PO Box 247  
Wallkill, New York 12598

RE: October 2<sup>nd</sup> 2009, Verizon Wireless  
application at  
23 Twin Ponds Lane  
Wallkill, New York

Dear Chairperson Pedersen:

At the request of the Planning Board, my office has reviewed the application for the above referenced Verizon Wireless telecommunications structure dated October 2, 2009. I have focused my review on the visual assessment conducted therein and have the following comments. Many of these comments were previously noted in various email communication between you, other review team members and the applicant's consultants, but are repeated here for clarity and formal comment.

**Inventory of resources of statewide significance**

Robin Kaufmann circulated an email to the applicant on September 8, 2009 detailing additional items that were required for this application. In that email she stated:

“The inventory of visual resources of statewide significance did not appear in the materials Janes reviewed. This list still needs to be cross-referenced with the viewpoints analyzed to ensure that no critical viewpoint was overlooked.”

The applicant's response to this comment in the October 2nd application was not adequate. The response to this comment was merely to provide a letter from the State Historic Preservation Office (SHPO) stating that there would be no adverse effect upon properties in or eligible for inclusion in the State and National Registers of Historic Places. The New York State Department of Environmental Conservation (DEC) has defined visual resources of statewide significance, and the resources of concern of SHPO are only a subset of visual resources of statewide significance. A summary of this list of resources can be found in my comment letter of January 28, 2008<sup>1</sup>.

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<sup>1</sup> The source document for this list can be found in DEC's visual policy document, which is reproduced here: <http://www.georgejanes.com/PDF/visual2000.pdf>.

Further, Ulster County Planning's comment letter expresses concern regarding the views to and from a specific resource (the Shawangunks), and using the materials in the application it is not possible to ascertain if this resource was evaluated.

### **Discussion of impacts on visual resources**

The same September 8th email from Robin Kaufmann also stated: "The new submission should include some discussion on the project's impact on visual resources that use these new simulations as evidence." In response to this comment the applicant provided one page of text that summarized the project's visibility, but not its impact on visual resources.

While visibility is relevant to a discussion of impacts on visual resources, a discussion of impacts is more than a disclosure of places that will have a view of the tower. My letter of January 28, 2008 summarizes how these written materials should appear:

"The applicant should also provide written documentation not only of the methods used to produce the simulations, but which also discusses the existing landscape character and visual setting to establish the baseline visual conditions from which change is evaluated. The visibility analysis and resource inventory should be reproduced and submitted with the documentation. The action's impact on visual resources should be analyzed using generally accepted criteria used to evaluate impacts on visual resources (e.g. displacement, form, line, color, texture, scale, spatial dominance.) Finally, if visual impacts are shown, a mitigation program should be discussed." Page 4.

The written discussion in the October 2<sup>nd</sup> application provides little of the detail that is required in a visual resource assessment. Indeed, the comment letter from Ulster County Planning was looking this kind of detailed written visual assessment and speaks specifically of "distance of view, sensitivity of the site, context of surround [*sic*] land uses, number of people impacted, length of time element will be in the view, incongruity of the element." In sum, a more detailed discussion of impacts on visual resources needs to be prepared.

### **Seven feet increase in elevation in new location**

Joe Mihm of Brinnier and Larios noted in an October 23, 2009 email to Robin Kaufmann that the new location for the proposed tower was seven feet higher than the previous location. This information impacts the reliability of the previously performed visual work. The additional seven feet of elevation means that the viewshed mapping and the visibility assessment was performed on a tower seven feet lower than what is now being proposed.

A viewshed mapping shows where the tower may be visible considering topography. For areas with theoretical visibility, the applicant floated a balloon to the height of the proposed tower and then documented places where the balloon was and was not visible. The extra seven feet in elevation may push some

locations noted as “not visible” to “visible,” which would require further assessment or photosimulation to show the impact. This suggests that the applicant needs to redo the viewshed mapping and then reevaluate the viewpoints that were described as “not visible.” Depending on the data recorded when the photographs were taken, it may or may not be possible to do this analysis without floating another balloon.

In discussions with the applicant that took place when this topic was last before the Planning Board, I recall the applicant’s attorney, Mr. Olson, discussed the new location as being at the same or lower elevation as the previous location. If it were, the accuracy of the visual material would not be a serious issue. If the tower height was adjusted to 133 feet, or the site graded to take into account the extra seven feet of elevation, this again, would not be an issue. But a viewshed and visibility analysis cannot be considered accurate when it was conducted on a tower that is seven feet too short. As stated in my January 28, 2008 letter, viewshed and visibility analysis is best done knowing the inventory of visual resources so that the actual visibility of visual resources with theoretical visibility to the action can be determined.

**Application missing elements included in the prior application**

The viewshed mapping and the visibility analysis to which I refer in the previous section are not included in the current application but were a part an earlier undated application received by the Planning Board on August 28, 2008. The October 2<sup>nd</sup> application should be able to stand on its own and these materials should be corrected as instructed above, and then included in a new application, or as an amendment to this application.

**Photosimulations accurate, reviewed before the application was submitted**

The applicant allowed the Town’s review team to review some materials included in the application before it was formally submitted, including new photosimulations and documentation that describes how they were performed. These materials are an accurate representation of the action, in part because the method used accounts for the extra seven feet of elevation. Unfortunately, the photosimulations were the only element of the proposed application--of which I am aware--that was provided to the Town’s review team prior to the submission of the October 2<sup>nd</sup> application.

**Close**

I have been in contact with members of the applicant’s consultant team to both inform them of these issues, and so that I might learn what their plan may be to fix them. I heard back on October 28<sup>th</sup> saying that these issues will be discussed at the November 4<sup>th</sup> meeting.

If you have any questions regarding this letter or the materials included in the application, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "G. M. Janes". The signature is fluid and cursive, with the first letter of each name being capitalized and prominent.

George M. Janes, AICP  
Principal