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September 16, 2008

Ted Fink  
Greenplan  
302 Pells Rd.  
Rhinebeck, NY 12572

RE: SEQRA  
Review of PFEIS,  
Silo Ridge Resort Community  
Town of Amenia  
Dutchess County, New York

Dear Mr. Fink:

I have received the Preliminary Final Environmental Impact Statement for Silo Ridge Resort Community dated August 25, 2008, and have the following comments, focused on the Visual Resource Assessment (Appendix G), and especially the new photosimulations that appear therein.

#### **Changes in the simulations**

Many changes to the photosimulations shown in the PFEIS can be seen when they are compared to those found in the July 22<sup>nd</sup> version. While some of these changes are clear improvements from prior simulations, other changes raise new concerns despite what appears to be good intentions.

The creation of large, poster-sized plots that are composed of the existing conditions photograph, a non-mitigated photosimulation and a mitigated photosimulation, along with accompanying text describing the scene, is a fantastic measure that goes above and beyond what is typically seen in an EIS. I have never seen an EIS with poster sized prints for all viewpoints analyzed. The logistics are typically too difficult and the expense is not inconsiderable. Because of their large size, these posters are able to accommodate truly expansive panoramas. Prior to this version of the PFEIS, I had only seen these images in single frames that the reader needed to assemble manually, or in his or her mind's eye. The panoramas do this for the user and, while certainly much wider than a human's perspective from a single point, they do a better job simulating a person's perspective as they gaze across an expanse and turn their head, as one might when appreciating a view. To the best of my knowledge, the applicant was not asked to do this, but produced the panoramas because they better communicated the visual character of the area, and they are simply easier for a person to read and understand.

There have also been material changes to the photosimulations. Many trees have been added to increase the amount of screening. This means that elements of the

action that were clearly visible in the July 22<sup>nd</sup> version of the PFEIS, are completely screened and not even partially visible. Some of these screening trees are quite tall, with at least one being about 35 feet with a full canopy. To a much lesser extent, the filtering of development through existing vegetation has been reconsidered and existing vegetation that was removed in previous versions, was put back (or possibly replaced with new screening vegetation), which adds more screening of the development from the viewpoints analyzed.

The development appears largely the same, with the exception of the Vineyard Cottages. The plan for this area has been changed by moving buildings back, outside the 100 foot green buffer from Route 44, consistent with the requirements of the Town's Scenic Protection Overlay District. The plan for this area has also been changed by replacing previously proposed natural grass landscaping with additional tree plantings, both within the 100 foot vegetative buffer, and between and behind proposed buildings. The building models for this area have also been changed and appear to show smaller buildings that have architectural articulation (e.g. doors, windows and porches). Other buildings in the development remain simple architectural massing models. This area is also one of the areas where the applicant and the Planning Board agreed to use the actual grading plan and the ground is shown along with the required retaining walls. In the mitigated photosimulations of this area, the method used for simulating trees to be added is different than in other parts of the development. In this section, trees to be added are a part of the 3D model of the action and are rendered along with the buildings, whereas most of the other trees used for screening are simply images of trees that are added in image processing software (e.g. Photoshop) after simulations have been completed.

The colors used in the development remain relatively uniform. With the exception of the Vineyard Cottages, the unmitigated photosimulations show white buildings with slightly darker roofs. The Vineyard Cottages read a dark gray in Viewpoint 5 and 7, and a lighter gray in other Viewpoints where they can be seen. In the mitigated version of the photosimulations, most buildings that can be seen are tan or brown, which was selected to match the color of natural weathered cedar, the siding proposed for many buildings. In the version of the PFEIS I reviewed the colors of the photographs themselves are much darker than in previous versions. This may have been due to the color settings on the plotter which produced the posters and may have darkened the intended colors of the buildings when they were printed on paper.

The text describing the images now provides measurements of the percentage of the viewpoint where development can be seen in the mitigated viewpoints. These measurements range from less than one percent to three percent. It is my understanding, however, that this will be changed to show percentages for the unmitigated views only, though I have not yet reviewed such materials.

### **Consequence of the changes**

These photosimulations are designed to provide evidence as to the project's impact on visual resources. Taken at face value, the mitigated photosimulations show very little of the development visible from most viewpoints.

But do the photosimulations provide evidence upon which such judgments should be made? We should ask the following questions:

- Are they accurate? (e.g. do they show components of the action in the correct location at the correct heights)
- Do they show the entire action?
- Do they show a worst case scenario?
- Do they represent a reasonable expectation of the performance of the mitigation program?

#### **Are they accurate?**

All materials I have reviewed and my discussions with the applicant's consultant lead me to believe that the photosimulations show the buildings proposed in their correct location and at their proposed height.

#### **Do they show the entire action?**

The addition of grading and retaining walls to the Vineyard Cottages and the hillside homes was an important component of the action that was missing. While proposed grading is not used in the lower portion of the site, the Planning Board and the applicant agreed to add these elements to areas where they might make a material difference in the visual analysis and this has been done. Consequently, for all material purposes, the simulations show the entire action.

#### **Do they show a worst case scenario?**

The unmitigated simulations can be considered a worst case scenario.

#### **Do they represent a reasonable expectation of the performance of the mitigation program?**

I have concerns about the reasonableness of the performance of the mitigation program, especially as it concerns screening vegetation, which the simulations show as being extremely effective.

For example, examine Viewpoint 1. In the unmitigated view, the Winery is clearly visible. In the mitigated view the Winery is entirely screened. Examine the tower portion of the Winery in the unmitigated view being screened by vegetation that does not appear to exist. Given the benefit of the doubt that trees screening the tower just blend with other trees, it is still a very high standard to assume that in leaf off conditions vegetation will provide complete screening of this development, or as the text states: "The winery restaurant is not visible due to

landscaping.” Other simulations show screening vegetation producing similarly impressive results.



**Figure 1: Unmitigated view, portion of VP1**



**Figure 2: Mitigated view, same portion of VP1**

By their nature, trees cannot be as effective as walls or berms at screening development. Nevertheless, the reasonableness of screening vegetation will depend upon the details of a landscaping plan, which will be developed during site planning. The size of the buffered area along with tree species, size of tree at planting, and tree density, are variables that must be specified before the effectiveness of screening can be evaluated. A narrow vegetative buffer or the strategic placement of small stands of trees could not achieve the results shown in

the photosimulations. It may be possible that a thick and deep vegetative buffer showing an appropriate choice of trees, which might include very large trees with full canopies, could achieve the results shown, but such results cannot be considered typical of normal screening efforts. The photosimulations show a screening effort that produces extraordinary results. It is likely that such extraordinary results could only be produced by extraordinary efforts in the landscaping program.

To demonstrate the effectiveness of the landscaping, additional visual simulations would have to be produced once the landscaping plan is presented during site plan review. If the visual simulations conducted at that stage did not produce the level of screening depicted in the FEIS photosimulations and described in the text, then the applicant would either have to present an expanded landscaping plan capable of achieving those results, or the Planning Board would likely have to conduct an SEIS.

*Technical issues with FEIS simulations*

My concerns regarding the reasonableness of the performance of the mitigation program is related to technical issues that relate to how the photosimulations in the FEIS were made.

The current version of the FEIS photosimulations added screening vegetation in image processing software (e.g. Photoshop) after the simulations had been completed. The number and placement of trees that screen the development from the viewpoint was informed by the amount of the development that was visible and trees were added until the desired screening affect had been reached. Placing trees in the absence of a plan for those trees may mean that too many trees are put in an area which could not possibly support such density. It is also difficult to scale the trees in image processing software so that they accurately represent actual tree size. Further, some deciduous trees added have large, opaque canopies even in leaf off conditions. This opacity is likely, at least in part, technical and due to the use of a flat 2D tree, as opposed to a tree placed in 3D space. The selection of trees used for screening have not been defined by species and age and appear to be more of an expression of intent rather than a specific proposal. Finally, and perhaps most importantly, such an approach renders the simulations inconsistent from one other. Examine Viewpoint 1 and 4, which both show the Winery.



**Figure 3: Mitigated view, portion of VP 4**

A number of trees were added between the road and the Winery to screen the development in Viewpoint 1, but these trees are not shown in Viewpoint 4, where they would be clearly visible at the left of the image between the Winery and the road. In sum, screening trees are a part of the action, and consequently should be part of the model of the action, once they are specifically located and defined. By adding them in Photoshop they express only intent of the applicant, as an artist rendering might.

Photosimulations are sometimes referred to as verifiable digital photomontages. The expression was first coined in the early 1990s when CAD models of an action were joined with existing conditions photographs to show how the action may appear within an existing conditions photograph. The use of the word “verifiable” was to express the idea that the simulation could be independently verified by a third party. Verification would mean another operator could take the data used to produce the photosimulation, including building models, grading, photographs, cameras, references and landscaping, and be able to produce a material similar simulation completely independently, unlike an artist’s interpretation. The current photosimulations cannot be verified since a large component of them, the screening mitigation, cannot be verified. Consequently, the simulations that are produced as a part of site plan review that demonstrate the effectiveness of the mitigation measures, should include these trees and other landscaping, along with more details on building facades and color, and a complete grading plan.

#### *Beyond technical concerns*

In addition to concerns that arise out of technical issues, there remains a problem with the intent of these viewpoints. Most of the viewpoints analyzed are not

specific visual resources. The intent of most of these side-of-the-road viewpoints is to show the visual character of the area and the change in this character once the action is constructed. Even Delavergne Hill, while a specific visual resource, is quite large and the viewpoints analyzed to and from Delavergne Hill could have been taken from any number of nearby locations and met the intent of the viewpoints. This makes the screening strategy of the applicant, which is customized to hide buildings from specific viewpoints analyzed, problematic when assessing the project's impacts on the visual character of the area.

For example, consider Viewpoint 1, the view from Delevergne Hill again. The thick band of trees proposed would only screen the Winery from that particular point on the road. Should a car be traveling in the other direction, 50 feet down the road, this vegetation would provide little screening because it would not be perfectly placed between the viewer and the building. Similarly, Viewpoint 5 uses a single tree that appears to be around 35 feet tall, placed in the foreground of the photograph to partially screen the view of the Vineyard Cottages in the background of the photograph. Because the tree is in the foreground and the objects it screens are in the background, it will provide little or no screening if the viewer were to move slightly forward or to the right, or left.

The intent of selecting viewpoints from the side of the road is to assess the action's impact on the visual character of a larger area. In such situations, the viewpoints are *representative* of this character. Consequently, to develop a mitigation program that is highly customized to these particular viewpoints is inappropriate considering their intent. Should a mitigation program be developed that included a number of very large trees designed to screen the development from roadside views, this would have to be examined as a part of the action, as these large trees would not only screen the development, but would also materially affect the open nature of many of the views.

### *Color*

In addition to the issues with the approach to the screening vegetation, the use of colors to camouflage buildings as a mitigation measure should be examined. Most buildings are simulated using a natural cedar color, which blends into the conditions of the photograph as cedar shake and shingle is how many buildings are proposed to be clad. According to the Robert A.M. Stern pattern book, however, the hotel and the clubhouse will be white or cream. The Village Green Residences and Shops will have colors that range from "white or cream to more vibrant colors creating the typical variety found in Hudson Valley towns."



**Figure 4: Rendering showing only buildings of the hotel and Village Green area (VP 2A)**

As the above figure shows, the colors simulated are muted and do not reflect the description in the pattern book.

Even buildings that are clad in cedar use trim colors, which can include white, for the windows, doors, porches and shutters. As reported by the Applicant's consultant, a blue was used as trim on the Vineyard buildings, but it is not visible from any viewpoints analyzed. Since camouflage is an important part of the mitigation program, is it reasonable to assume that houses would be represented as they are proposed in the pattern book, or the pattern book should be changed to correctly reflect the intent of the applicant.

**Close**

Should you have questions or comments about this review please do not hesitate to contact me at 917-612-7478.

Sincerely,

George M. Janes, AICP  
Principal