

DRAFT



November 8, 2006

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Mark Shuster  
Land Marks  
11 Muchmore Lane  
East Hampton, NY 11937

Dear Mr. Shuster:

You have asked my organization, the Environmental Simulation Center, LTD to comment regarding the feasibility and reasonableness of the visual resource component of the Scoping Document for Long Lane Tree Farm Preliminary Subdivision.

The Environmental Simulation Center was founded in 1991 at the New School for Social Research, and since 1997 has been an independent not-for-profit organization specializing in applying information technology to improve planning and urban design decision-making. We are known for our expertise in computer generated visual simulation, which typically takes the form of verifiable digital photomontages (commonly known as photosimulations), animations and/or real-time simulation. In environmental reviews, we work with applicants, lead agencies, and community groups alike, working on some of New York's more notable reviews including the Hudson Yards Rezoning GEIS, the Atlantic Yards EIS, Brooklyn Bridge Park EIS and many others, large and small in our 15-year history.

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MICHAEL KWARTLER, FAIA  
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*Executive Director*

My comments are brief and discuss the reasonableness of the requirements of Scoping Document for the Whitmore Long Lane Tree Farm Subdivision. In interest of disclosure, you currently have a proposal from my office to perform the work as described in the Scoping Document.

### **Animations**

The Whitmore Long Lane Tree Farm has very extensive requirements for visual analysis including a requirement for 12 animations for the project each extending about a mile. This is not typical. The only other Scoping Document I recall that included animations was, I believe, for an elevated train. Because the Action actually moved, the required animation was able to capture the transient nature of the Action in a way that other methods of analysis were not.

Animations or real-time simulations may be produced as part of the materials used to support a discretionary design review. Visual resource analysis under SEQR is not meant to function as, or replace a design review. In fact, SEQR is often triggered before any specific architectural designs have been finalized or even considered. As a result, visual resource assessments under SEQR are made using criteria that are unrelated to the proposed architectural style of the Action,



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including Form, Line, Displacement, Color, Texture, and Spatial Dominance. In fact, under SEQR, for a project to have a visual impact it must clearly interfere or reduce the public's enjoyment of a listed resource. SEQR is mute on issues of style, as that is reserved for design review. The Town may well ask for additional materials, like animations, real-time simulation or other materials as a part of their site plan approval process or design review, but these materials are not generally a part of Environmental Impact Statements.

### **Photosimulations**

There is no requirement under SEQR that visual impacts be evaluated using photosimulations. My organization is on the record encouraging the use of photosimulations in the environmental review process. Indeed, my review of Brooklyn Bridge Park DEIS included a criticism of a Scope that did not require photosimulations for a project that included a 30-story tower and 1,000 units of housing in an area with a high concentration of visual resources. Nevertheless, a 6-unit subdivision does not normally get a positive declaration, and it would not be unusual for the Scoping Document to have no requirement for photosimulations.

### **Alternatives & Number of Photosimulations**

The requirement that each of the alternatives be evaluated in the same manner and level of detail as the preferred alternative is not typical. More typical in a visually sensitive area is to evaluate one or two of the alternatives, where one is a less visually apparent alternative, while the other is a more visually apparent alternative so the range of visual impacts can be described. Also, the number of viewpoints evaluated for alternatives usually decreases.

In my proposal to you we estimated for 48 photosimulations. This is a large number of photosimulations. For the Hudson Yards Rezoning GEIS, which was an Action that was for tens of millions of square feet of development, my office produced 41 photosimulations for the Applicant, only a fraction of which were actually published in the DGEIS. For the Landing at Kingston, which is a proposal for about 2,000 units on 500 acres on the Hudson River opposite the Estates District Scenic Area of Statewide Significance, there were 38. More typically there are a handful of photosimulations done from viewpoints representing public visual resources, the purpose of which is to provide information to assess the Action's impact on Visual Resources.

### **Close**

As it has been described to me, this Action's impact on Visual Resources can be assessed with less information than is required in the Scoping Document. Under SEQR the size and significance of the Action being studied matters, and it would be appropriate for the Lead Agency to reconsider the scope. If the Lead Agency is looking for more information on this topic, they should refer to the following material:



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“Assessing and Mitigating Visual Impacts” New York State DEC 2000.

“So You Like Chocolate and I Like Vanilla! Is That All There Is to Land Use Aesthetics and Visual Impact Assessment?” Robert Bristol, *New York Zoning Law and Practice Report* January/February 2001

“Determining the Significance of a Visual Impact – Is This Simply a Matter of I Know it When I See It?” Robert Bristol, *New York Zoning Law and Practice Report* July/August 2004.

Should you have any questions, please don't hesitate to contact me at 212-279-1851.

Sincerely,

George M. Janes, AICP  
Executive Director  
Environmental Simulation Center