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*PLANNING with
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Ms. Barbara Parsons, Chairperson
Planning Board
Town of Wawayanda
80 Ridgebury Hill Road
PO Box 106
Slate Hill, NY 10973

RE: SEQRA
Review of Additional Visual Impact Analysis
CPV Valley Energy Center
Town of Wawayanda
Orange County, New York

Dear Ms. Parsons:

My office has conducted a review of the technical memorandum *Additional Visual Impact Analysis Aboveground Electric Transmission Line* for the CPV Valley Energy Center dated February 4, 2010. This review focuses on substantive issues regarding the incremental environmental impacts of the transmission poles and wires that are the subject of this additional study.

Summary

The Additional Visual Impact Analysis shows the proposed transmission poles and wires to be a startling addition to near-field viewpoints including I-84 and its entrance ramp, NYS Route 17, and Horizons at Wawayanda. Viewed from a greater distance, the transmission poles and wires will be difficult to see and will not significantly alter the character of the views. The Planning Board should consider requiring measures that mitigate the impacts of the transmission poles and wires on near-field viewpoints. These mitigation measures include burying all or some of the wires, conifer screens, and/or offsets. The benefit of mitigation measures considered need to be weighed against both the environmental and financial cost of implementing them, and all mitigation measures require additional study to evaluate effectiveness, costs and feasibility.

New photosimulations

The transmission poles and wires, and the vegetation removal associated with clearing the ½ mile long wide right-of-way, were not included in the DEIS photosimulations for the CPV Valley Energy Center. The Additional Visual Impact Analysis included new photosimulations and analysis so that the impacts of these elements of the action were disclosed.

Three photographs from the DEIS were reused for the new photosimulations. Additional photographs were taken from I-84 (two views) and from Horizons at

Wawayanda. These were constructed as panoramas so that all of the action seen from the viewpoint could be shown in each photosimulation.

The quality of the photosimulations, while acceptable for commencing public review, may have minor issues. In addition to minor production issues, my office has questioned the assumptions used to remove vegetation along the utility right-of-way, especially from the I-84 viewpoints; we have concerns that the existing vegetation removal may be understated. Because of the size of the transmission poles, however, existing vegetation does not offer much screening and the photosimulations still disclose visual impacts as required. The applicant has agreed to reexamine these minor issues in the FEIS and make clarifications, if needed.

Incremental impact of the wires

From viewpoints taken at higher elevation, some distance from the action (Bates Gates Road, Kirbytown Road), the transmission poles and wires do not create significant incremental visual impacts; the scale of the power plant and distance helps to mitigate the scale of the poles and, because they are located in a low point relative to these viewpoints, the wires will be difficult to distinguish from the vegetation that surrounds them.

From near-field viewpoints (Balchem (NYS Rte. 17), Horizons at Wawayanda, and I-84 entrance ramp), however, the poles and wires are startlingly visible and will introduce a dramatic change in the nature of views from these locations. The transmission poles introduce a feature with a scale that is dramatically different than surrounding structures. Additionally, from these near field locations the viewer looks up to the wires, which are clearly visible against the sky.

Reproduced below are the three viewpoints that show the greatest visual impact from the transmission poles and wires. They are reproduced here for reference and ease of reading only. For assessment of impacts the full-sized versions that appear in the technical memo should be referenced directly.



Figures 1 and 2: Existing conditions and simulated conditions Balchem (NYS Route 17)



Figures 3 and 4: Existing conditions and simulated conditions Horizons at Wawayanda



Figures 5 and 6: Existing conditions and simulated conditions I-84 entrance ramp

From each of the above viewpoints the proposed transmission poles introduce a significant feature into the landscape that is highly contrasting with the existing

view, and create large visual impacts distinct from the power plant itself, which is either not visible or can only be seen far in the distance.

The impacts of individual poles are not equal. From the above viewpoints, pole 5 has the largest impact; pole 4 has a smaller impact, and so on down to pole 1, which cannot be seen from these viewpoints. From other viewpoints shown in the technical memo, the impacts of pole 1 and, to a lesser extent, pole 2 are mitigated by their proximity to the power plant itself. Simply, the scale of the power plant dominates views where these poles can be seen, which means that the scale of the first poles will not contrast with elements of the view as much as poles 3, 4 and 5, which are further away from the facility.

Pole 5, the riser pole, is unlike the other poles and most other transmission poles found in Wawayanda and elsewhere. The transmission wires transition underground at this pole, which is the reason for its unusual design. It is the tallest pole (at approximately 130 feet) and has large arms with appendages that direct the wires into the pole and then downward into the ground. Independent of its location, the riser pole will have a larger visual impact than the other poles due to its unusual design and height.

Mitigation

Wetland follow up from January 27th Meeting

The photosimulations found in the additional visual impact analysis technical memo were presented to the Planning Board at their January 27th meeting. At that meeting there was discussion between Planning Board members regarding burying all or some of the wires as a mitigation measure for these near-field viewpoints. During that discussion the issue of the right-of-way traversing a wetland was acknowledged, though the location of the wetlands was incorrectly referenced during the meeting. The following image shows wetlands with the utility right-of-way in yellow.

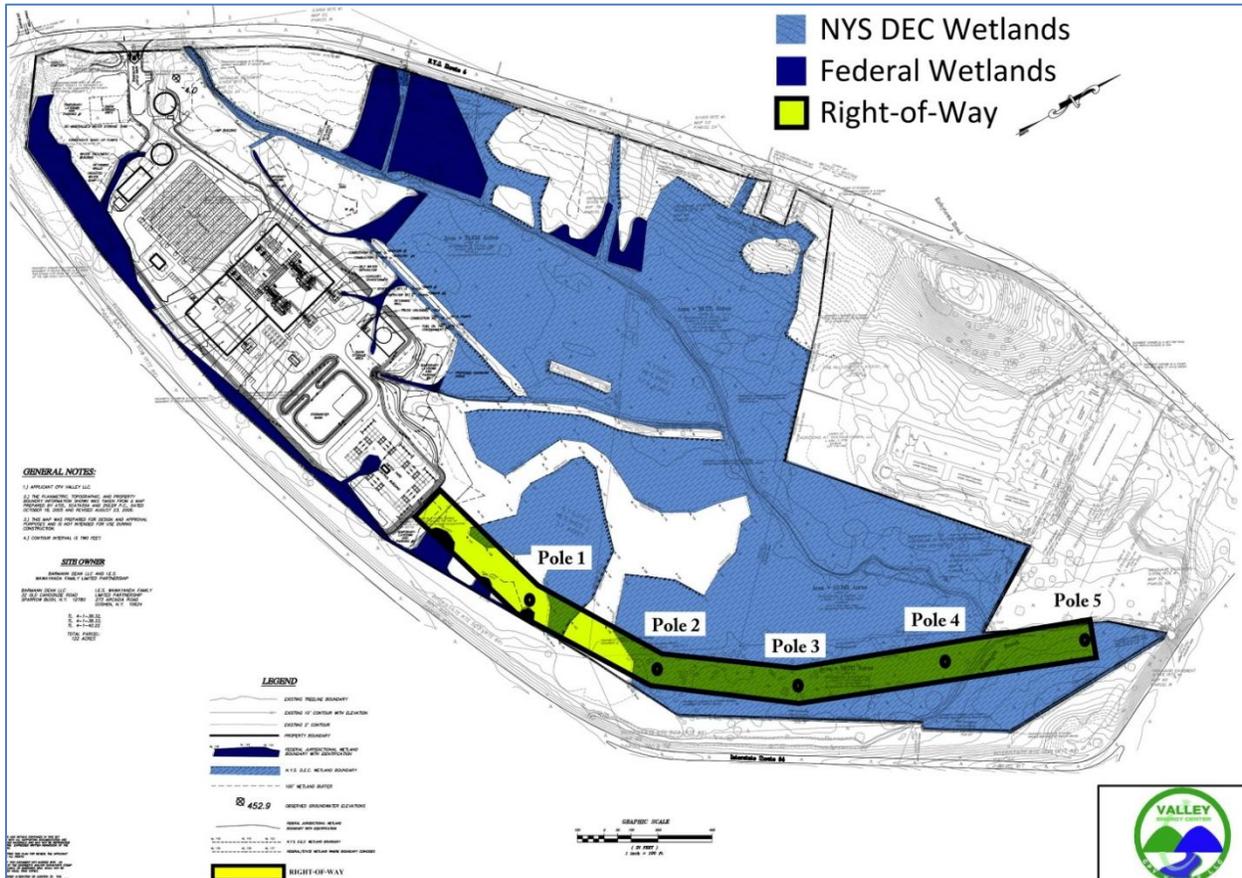


Figure 7: Transmission right of way and pole location show with wetlands

The largest wetland starts in-between poles 1 and 2 and continues to the riser pole (pole 5) near NYS Route 17. Smaller wet areas exist between the facility and pole 2. The January 27th Planning Board discussion incorrectly identified the area around poles 3, 4 and 5 as not being in wetlands and the discussion focused on burying the wires strung from the poles with the largest impact (3, 4, and 5) and not 1 and 2 because of wetland concerns under poles 1 and 2. The following image shows wet areas in blue on the simulation from the I-84 entrance ramp.



Figure 8: View from I-84 Entrance ramp with wetlands shown in blue

Virtually all of the open area visible between the entrance ramp and Horizons are wetlands; if the poles with the largest impact (3, 4 and 5) from this viewpoint are removed, the wires will be buried entirely through wetlands.

Other mitigation measures

The DEC identifies the following measures¹ as methods that can be used to mitigate visual impacts:

- Screens and buffers: using landscaping, berms or other measures to block views of the development;
- Relocation: moving elements of the action out of view of the resource;
- Camouflage: hiding the action by using sensitive colors and materials;
- Low profile: lowering structure heights, either directly or with grading to lower site elevations;
- Downsizing: Reducing the number, area or density of objects;
- Alternative technologies: Substituting one technology for another;
- Non-specular materials: Using building materials that do not shine;
- Lighting: use of visually sensitive lighting design;
- Offsets: Offsetting impacts of an action by removing unrelated visually discordant elements.

Because of their height and relative distance to the poles, vegetative screens and buffers are not an obviously effective mitigation measure. Nevertheless, screens of large conifers placed close to the I-84 westbound entrance ramp, NYS Route 17, and Horizons at Wawayanda may provide some screening, but cannot be as effective as relocating the wires underground, which would remove all the visual impacts associated with this part of the project.

Regarding other mitigation measures, the materials proposed are non-specular and the color of the wires and poles are a neutral gray. This portion of the action is unlit and alternative technologies seem unlikely. It is my understanding that the pole height and density is the minimum required and there is no other pole design that would have materially less impacts on visual resources.

The Planning Board may wish to investigate the concept of offsets. If there are unsightly or discordant features in the landscape that are unrelated to the project, the Planning Board may ask for the removal of those features as a kind of visual compensation for the introduction of the transmission poles.

Considerations and Recommendations

Finding significance

Without explicit input and direction from the Planning Board, it can be argued that the viewpoints which experience the greatest visual impacts (I-84, NYS Route 17

¹ From page 7 of *Assessing and Mitigating Visual Impacts*, 2000.

and Horizons at Wawayanda) are not viewpoints that were selected because they are highly valued visual resources. They appear to be “side-of-the-road” viewpoints selected because they will experience the largest visual impacts from the action, not because they are a locally valued visual resource. Through their guidance documents, the DEC tells us that if these viewpoints are not locally valued visual resources, even if they experience large visual impacts, they would not be significant impacts requiring mitigation². The Planning Board can state that these views are valued locally for their scenic quality, which would make them a visual resource of local concern and allow for the Planning Board to find the impacts significant and require the mitigation of those impacts. If these are not locally valued views, the Planning Board may still make a finding of significance that would require mitigation, based upon the impact the transmission wires will have on community character.

Community character is the built and unbuilt environment and the interaction between them, and the socio-economic, historic and cultural conditions of the community. These transmission wires would become a part of the built environment of the community and the Planning Board can find, independent of visual impacts, that they would have a significant impact on the character of the community that would need to be mitigated. The finding of significance on either visual or community character would require the applicant to mitigate the impacts to the greatest extent practicable.

Recommendations

The impacts the transmission poles and wires have on either visual resources and/or the community character of the area justifies measures that mitigate the impacts of the wires. The most effective mitigation measure would be to bury the wires through the entire right-of-way. The environmental benefits of burying the wires need to be balanced against the environmental cost of damaging the wetlands through which they travel, and any additional financial cost of burying the wires and maintaining buried wires.

The wetlands through which the wires will traverse will be damaged either through the construction of the transmission poles or the burying of the wires. The right-of-way will have to be maintained in either instance, which will continue to damage this wetland. The Planning Board has not been presented with information about

² On significance DEC states: "Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. Proposed large facilities by themselves should not be a trigger for a declaration of significance. Instead, a project by virtue of its siting in visual proximity to an inventoried resource may lead staff to conclude that there may be a significant impact." DEC confirms this approach of requiring a resource by later stating: "Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource." From DEC Policy System: *Assessing and Mitigating Visual Impacts*, 2000, pages 5 and 9.

either the environmental or financial costs of burying the wires. I recommend that these costs be investigated so the Planning Board can understand the consequences of removing the poles and burying the wires. Regarding financial feasibility, the DEC provides guidance that states that 10% of the total cost of the project is reasonable for all environmental mitigation measures, including visual impacts³.

Should burying the wires be too high of an environmental and/or financial cost, I encourage the Planning Board to investigate the effectiveness of thick conifer buffers set close to I-84 and NYS Route 17, and in back of Horizons at Wawayanda. It is possible that tall conifers placed close to the viewer in these areas would block or partially block views to the wires. Finally, the Planning Board should investigate the potential for offsets in the area around the wires. An example of an offset would include using the transmission poles also hold cellular antenna panels, adding cellular capacity to the area and possibly eliminating the need for one or more cellular towers. Another offset example would include removing decommissioned facilities that detract from the aesthetic quality of the area, should any such facilities exist.

Close

The Additional Visual Impact Analysis acceptably discloses the incremental visual impacts of the transmission poles and wires. There are reasonable mitigation options available, but no obvious solution(s). I encourage the Planning Board to investigate all mitigation options available to determine which option(s) mitigate impacts to the greatest extent practicable.

Thank you for the opportunity to comment on this important project. Should you or the applicant have any questions please contact my office at 646-652-6498.

Sincerely,



George M. Janes, AICP
Principal

³ DEC Policy System: *Assessing and Mitigating Visual Impacts*, 2000, page 8.