

Hearing Record for:

The Adirondack Club and Resort

Project 2005-100

Issue #11 – Potential Visual Impacts

Meeting of the Adirondack Park Agency

Ray Brook, New York

November 18, 2011



Issue No. 11: What will be the potential visual impacts of the project during the daylight and nighttime hours on the Resource Management and Moderate Intensity land use areas of the project site? Exhibit #87, Attachment B

The Board had concluded that APA staff approved the visual analysis methodology, the selection of viewpoints, and that the simulations are a fair representation of project.

Exhibit 87: ALJ Issues Ruling November 16, 2010, Attachment B – Summary of Issues for Adjudication Exhibit

Issue No. 11 – Potential Visual Impacts

Testimony:

Applicant – Kevin Franke & Jeff Anthony

APA Staff – Colleen Parker

Adirondack Council - Harry L. Dodson, Dodson Associates, Ltd

Transcripts: March 23, 24 and June 21

Relevant Facts:

2006 Submission:

...in 2006, the Project Sponsor conducted a visual impact assessment of the proposed project. Exhibit 23, Tab 47 - Applicant's Response to NIPA, May 23, 2005

Staff approved the methodology, participated in the selection of sixteen potential public viewpoints.

...assessment showed that proposed development would be potentially visible from 11 of the 16 view-points... Exhibit 23, Tab 47

APA Hearing Staff, Closing Staff, September 23, 2011

Issue No. 11 – Potential Visual Impacts

Relevant Facts: (continued)

simulations took into account proposed clearing around buildings, roads and ski trails.

Exhibit 83, Sheets GR-1 through GR-19 and Sheets PL-1 through PL-13

simulations evaluated daytime conditions; Exhibit 23, Tab 47 according to APA “Visual Impact Assessment Methodology”

methodology did not require winter daytime or nighttime visual impact simulations and APA review staff did not direct the Project Sponsor to do [this work]...

proposed exterior lighting on the project site intended to minimize night-time visual impacts. Exhibit 11, Section 2.2.2(A); Exhibit 35, Tab 23, pp.56-60; Exhibit 83, Sheets LA-1, LA-22 D-S and PL-1 through PL-13

APA Hearing Staff, Closing Staff, September 23, 2011

Issue No. 11 – Potential Visual Impacts

Relevant Facts: (continued)

2010 Submission ⁽¹⁾

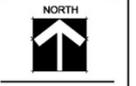
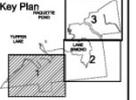
Project Sponsor's June, 2010 submission included the elimination of some development at high elevations and on prominent ridgelines, including elimination of:

- “East Ridge” subdivision;
- 5 Resource Management area single family dwellings in “West Slopeside”;
- 16 Moderate Intensity Use area single family dwellings in West Slopeside and; West Face Expansion. ⁽²⁾

2010 submission did not include any new or modified visual simulations.

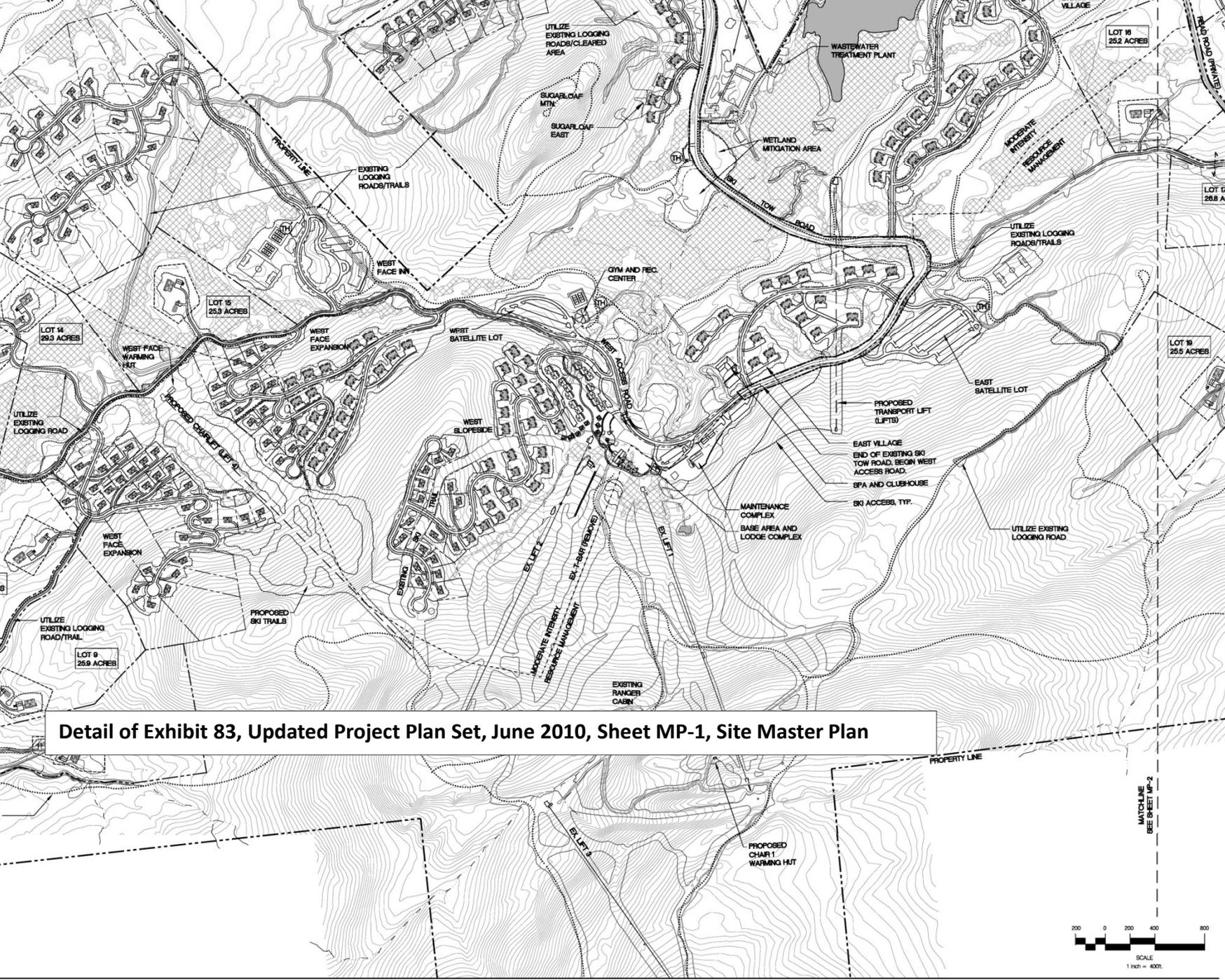
⁽¹⁾ APA Hearing Staff, Closing Staff, September 23, 2011

⁽²⁾ Exhibit #81, pp. 18-19; Exhibit #83, Sheet MP-0

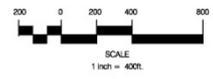


Revisions

Scale: 1"=400'
Project: 201011
Date: 06/30/10



Detail of Exhibit 83, Updated Project Plan Set, June 2010, Sheet MP-1, Site Master Plan



Staff Analysis: (continued)

Without new visual simulations, staff compared new site plan sheets with the December 2006 site plan sheets upon which the 2006 visual impact assessment was completed. Compared Exhibit #83

Sheets MP-0, MP-1 and MP-2 with Exhibit #40 Sheets MP-0, MP-1, and MP-2

...portions of the development currently proposed as part of the project are potentially visible from 6 of the 16 public viewpoints around Tupper Lake and Simond Pond. Exhibit 23, Tab 47; March 24,

2011 Transcript, Attachment C, p.7, lines 19-24

From the 6 viewpoints, portions of approximately 38 residential structures will be visible:

29 residential structures in Moderate Intensity Use

9 residential structures in Resource Management. Id.

APA Hearing Staff, Closing Staff, September 23, 2011

Staff Analysis: (continued)

In Resource Management:

Potential visibility includes:

the roofs and eaves of 2 Great Camps (Lots 17 and 25);
5 single family dwellings in West Face Expansion.

The 5 West Face Expansion dwellings are primarily viewed from points on Tupper Lake and these on-lake vantage points have existing shoreline development prominent in foreground.

APA Hearing Staff, Closing Staff, September 23, 2011

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

In Resource Management:

None of the structures are sky-lighted

...all are back-dropped by existing topography and mature trees.

Most viewpoints are between ½ and 5 miles from the buildings.

...may be potential filtered views of 2 other RM Great Camp lots (Lots 26 and 29) from Lake Simond.

The 6 public viewpoints from which the proposed development in both MIU and RM areas may potentially be visible during daytime include:

Tupper Lake between Birch and Bluff Islands

Tupper Lake across from the public boat launch

Raquette Pond

Lake Simond near North Shore

Lake Simond North of Pilot Knob

Lake Simond next to Pilot Knob

APA Hearing Staff, Closing Staff, September 23, 2011

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)



Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

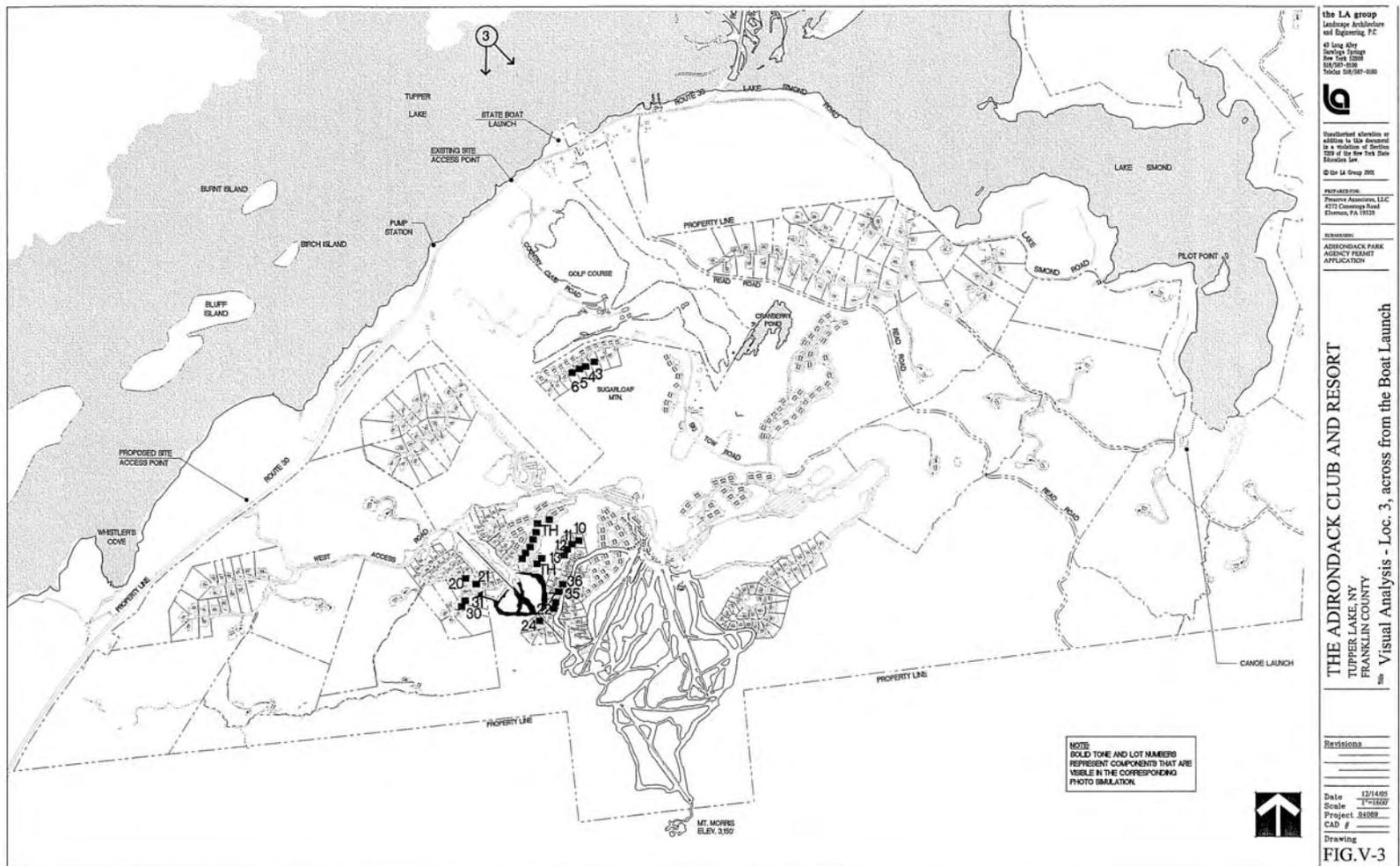


Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

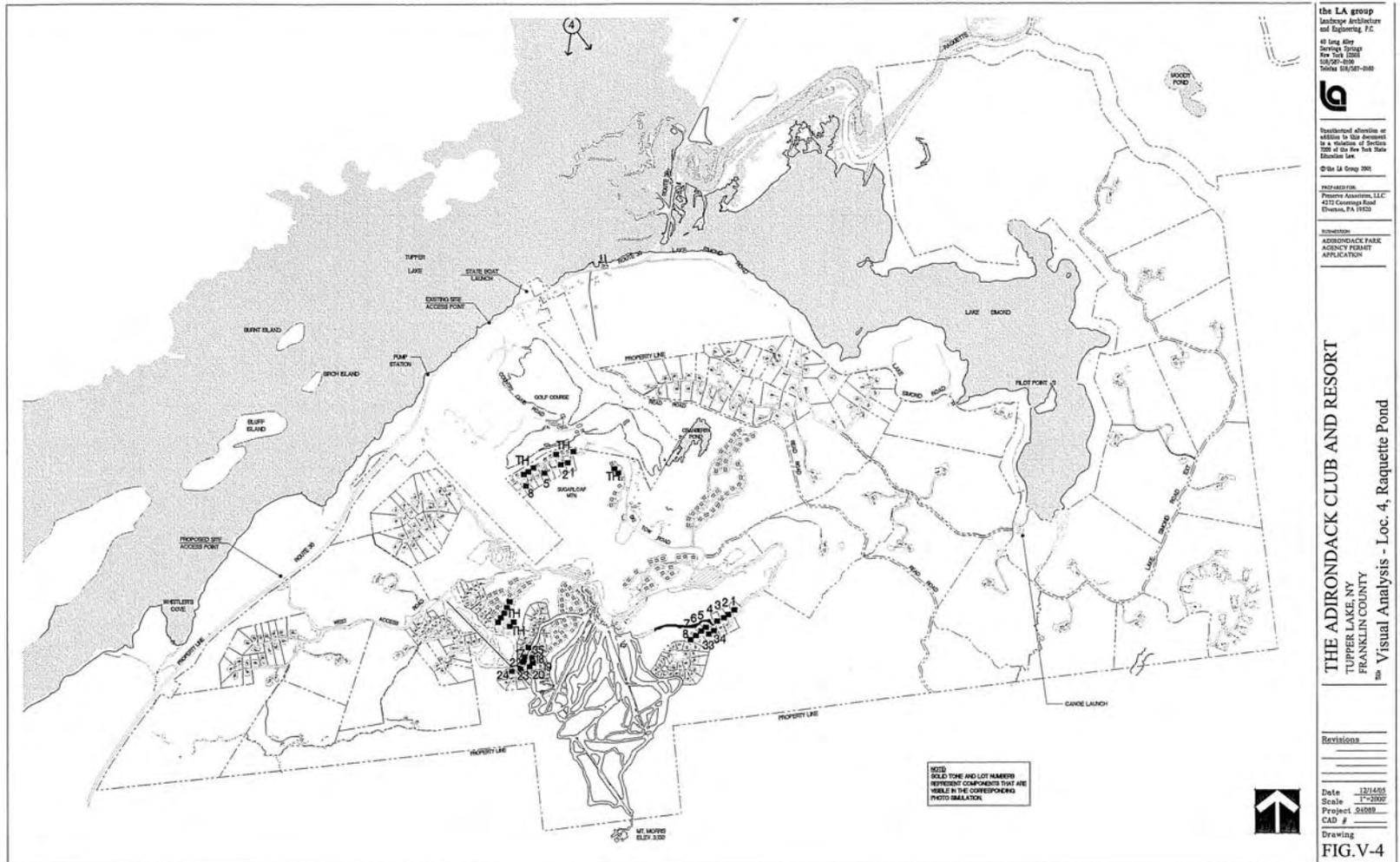


Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

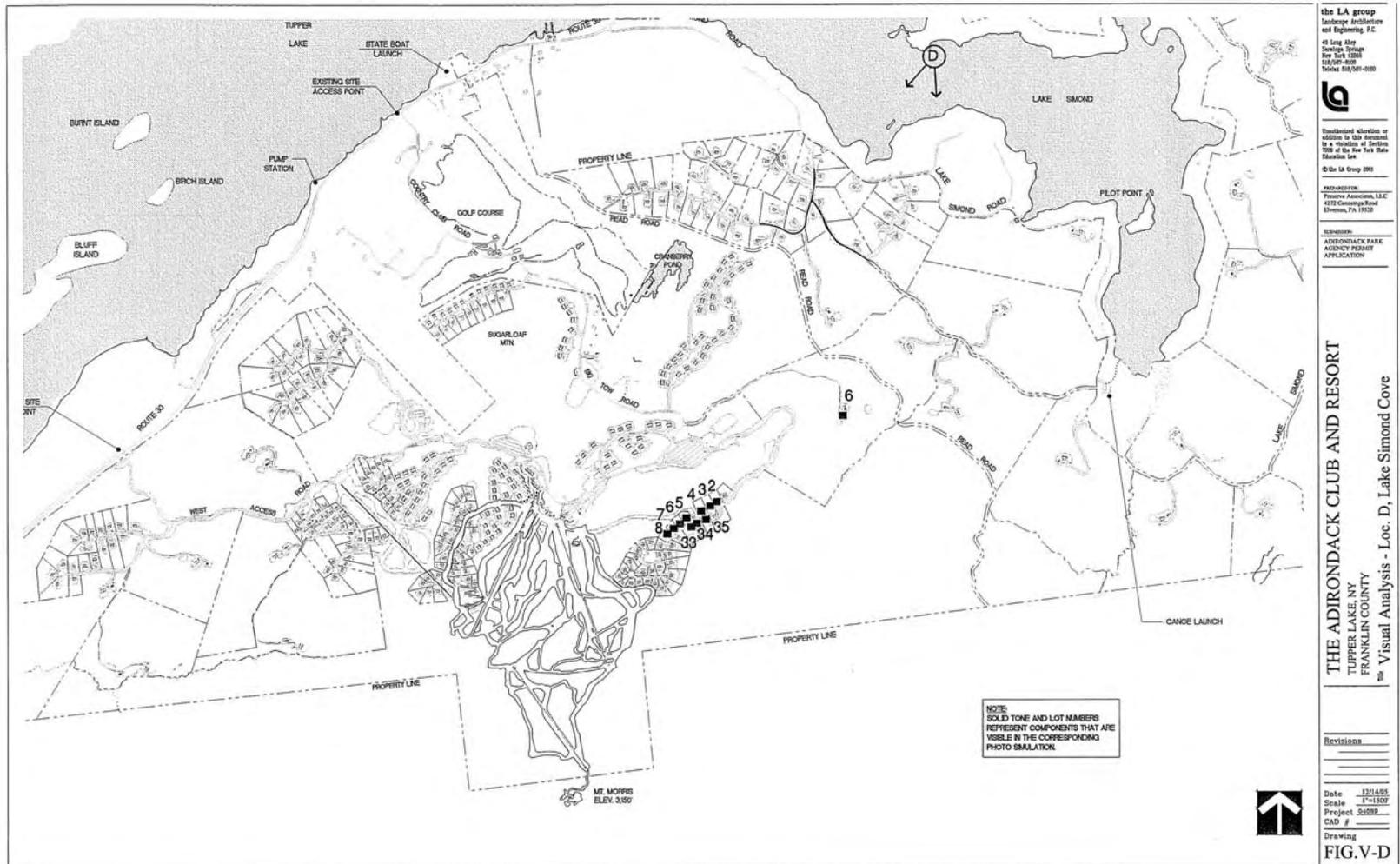


Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

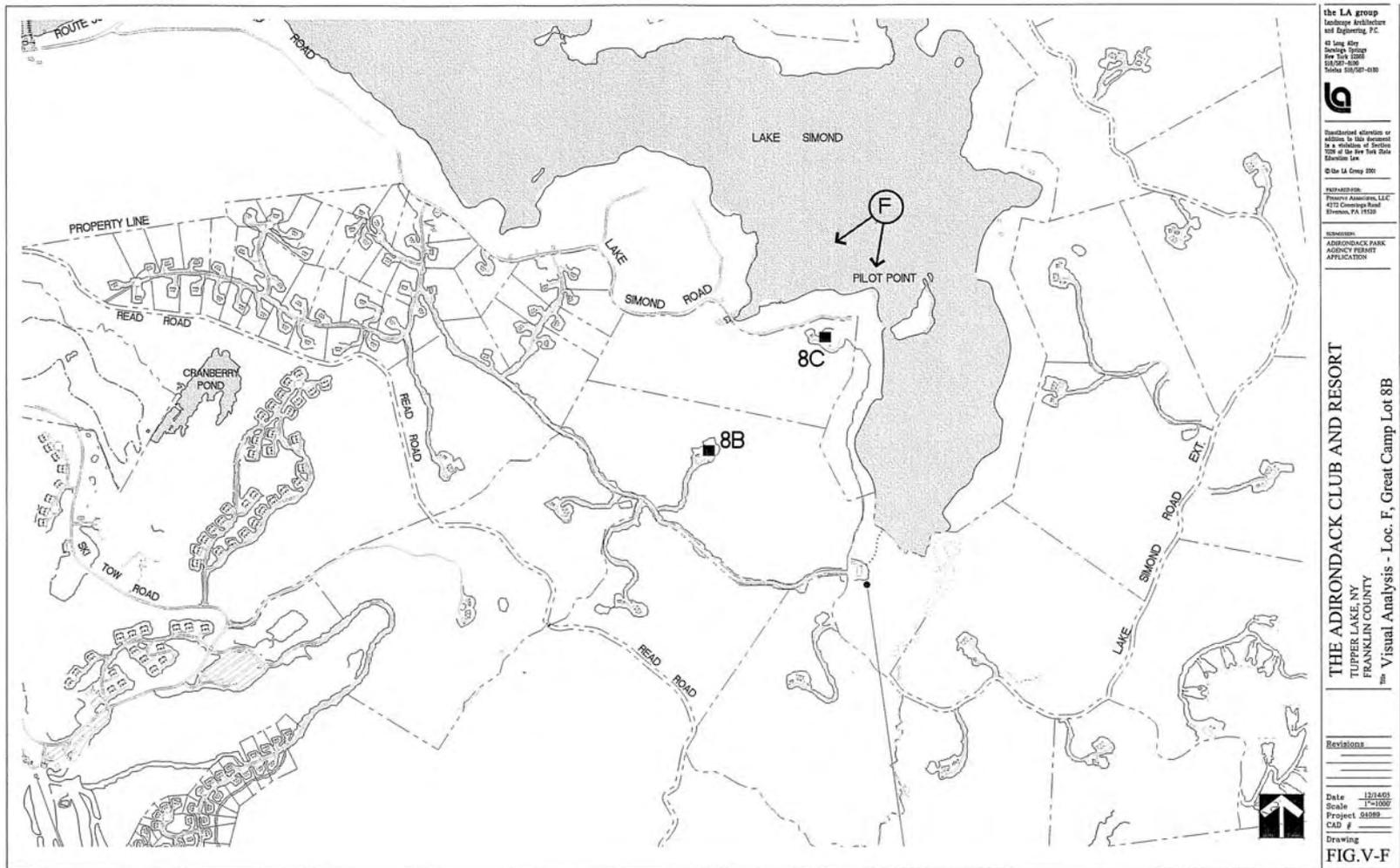


Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

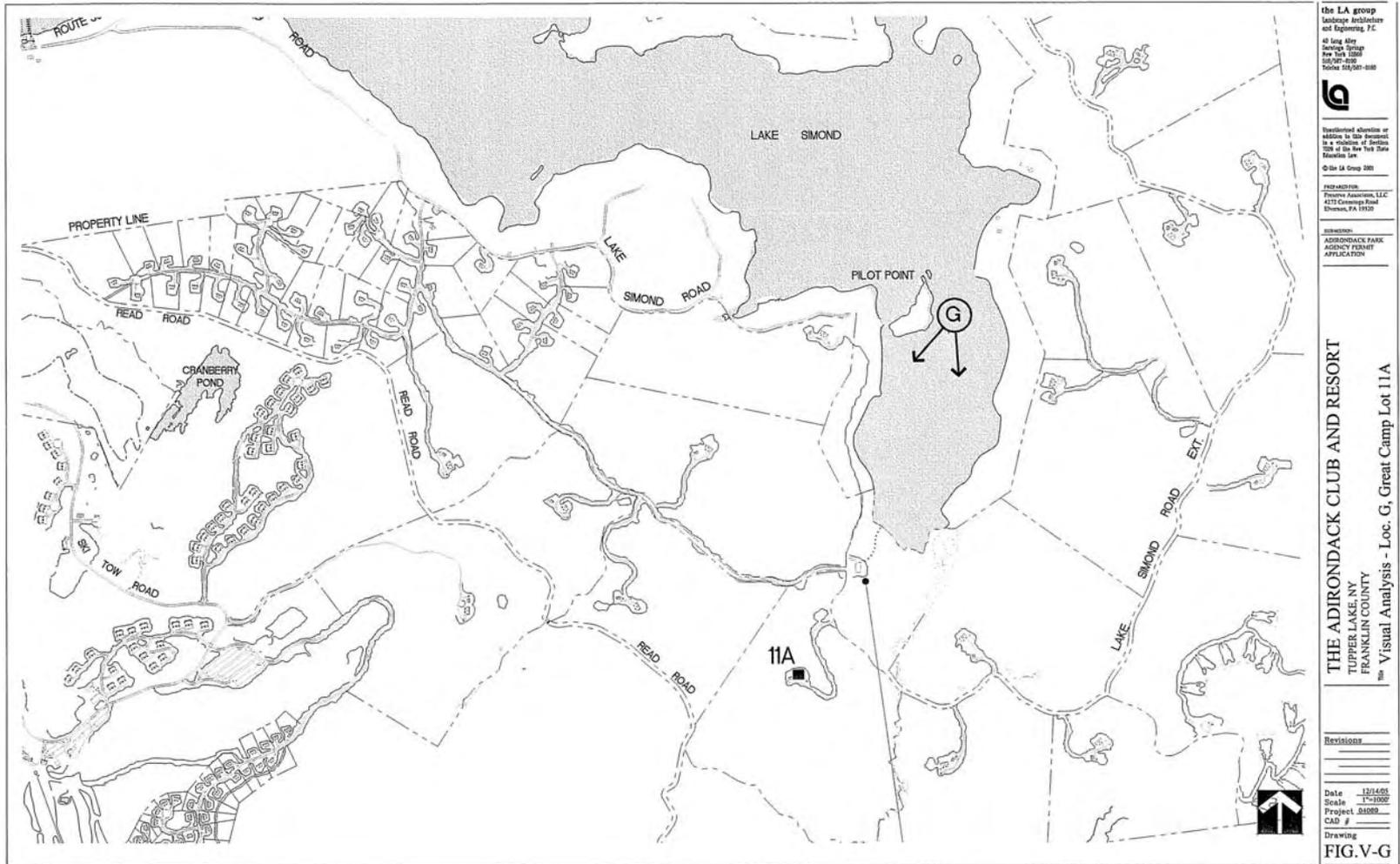


Exhibit 23, Tab 47, Applicant's Response to NIPA, February, 2006

Issue No. 11 – Potential Visual Impacts

Exhibit HD 12

Between Birch and Bluff Islands - 85 mm - Simulation - Winter - Night

Adirondack Council

March 10, 2011

Dodson



Issue No. 11 – Potential Visual Impacts

Staff Analysis: (continued)

Many of the same buildings, particularly those structures in West Slopeside and West face Expansion, will be visible from more than one viewpoint on Tupper Lake.

...most significant visibility will be from viewpoints across from the boat launch and Raquette Pond.

The potentially visible buildings are located from ½ mile to 5 miles from the public viewpoints.

None of the potentially visible buildings are sky-lighted and all are back-dropped by existing topography and mature trees.

Primarily, only the roofs and eaves of the buildings would be visible from off the project site during daytime periods.

[1] Exhibit 23, Tab 47

[2] Exhibit 23, Tab 47, VIAs 3 and 4

[3] Exhibit 23, Tab 47

[4] Id.

[5] Id.

Staff Analysis: (continued)

Night and Winter Visibility:

...at full development, some nighttime glow from the RM and MIU areas of the overall proposed project will be seen from offsite.

This will likely be most noticeable in the winter months when there is reflective snow on the ground and leaf-off conditions.

It may be possible to see the lighted windows of a limited number of buildings from on-lake viewing points.

Nighttime downhill skiing proposed on Friday night and Saturday nights, with portions of the existing ski mountain in RM and MIU areas lighted would also increase nighttime lighting impacts.

Staff Analysis: (continued)

Night and Winter Visibility:

Simulations submitted by Mr. Dodson were helpful in that some provided potential winter and night-time views which were not otherwise prepared or available.

Staff believes some of Mr. Dodson's simulations overstated the visibility of the proposed residential structures.

It is staff's opinion [Mr. Dodson's] the simulations depict more extensive clearing and grading than proposed, and do not take into account all existing lighting on and adjacent to the site. Exhibit 121; March 24, 2011 Transcript, p. 656, line 6

through p.657, line 24

...all of Mr. Dodson's winter nighttime simulations were from on-lake viewpoints as seen in winter by persons skiing, snowmobiling or fishing at night...

Staff Analysis: (continued)

Hearing Staff Opinion on Visual Impacts:

...there will be some visual impact from the proposed development and some of the proposed residential structures will be seen from off-site.

...visual impacts from the proposed development would be sufficiently minimized by the project design, and by requiring vegetative cutting limitations, dark building colors and lighting that is designed to minimize visual impacts.

Adirondack Council Closing Statement:

Mr. Dodson testified in his opinion the presentations of visual impact by the project Sponsor undervalued or underemphasize the actual potential impact to the scenic open space resources of the park and the site.

...the visual impacts are... especially striking in the undeveloped resource management areas.

...the impact of the lights of the project upon the previously untainted night sky creates a substantial impact, the type of undue adverse impact this level of review is designed to avoid.

The Project Sponsor did not provide any nighttime simulations of the projects visual impact.

Ms. Parker from the APA testified “...those [nighttime simulations] looked like they were pretty reasonable depictions of what the nighttime visibility might be.

Adirondack Council, Inc., Closing Statement- Adjudicatory Hearing, September 22, 2001, pp. 35-39

Issue No. 11 – Potential Visual Impacts

Adirondack Council Closing Statement:

Mr. Dodson stressed the importance of not minimizing the impact, particularly of the nighttime lighting: ... “just because something is small [the lights] doesn’t mean that its not very significant. ...in this case, the small little lights are saying that a formerly undeveloped unbroken natural landscape has been developed.”

Regarding how to address a remedy to the visual impacts Mr. Dodson testified:

“It would be to move proposed development from the remote undeveloped parts of the site closer to the developed parts, the ski area. I don’t think a reduction in density is required to reduce visual impacts. I think a change in location is...”

Regarding the efficacy of the proposed draft permit conditions [notably conditions 15,16,18,19,23,28,29,59 and 60] Mr. Dodson testified: ...although the conditions would mitigate or reduce the visual impacts, there would still be visual impacts from the project.

Adirondack Council, Inc., Closing Statement- Adjudicatory Hearing, September 22, 2001, pp. 35-39

Issue No. 11 – Potential Visual Impacts

Adirondack Council Closing Statement:

Recommendations offered in the closing statement include:

incorporate design alternatives that ... concentrate the proposed development around the Big Tupper ski area;

Draft conditions need to address:

varying visual impact based on slope;

provide guidance in making determinations of “on or off-site visual impacts”;

include nighttime visual impacts;

entire ACR development should be included in the HOA.

Project Sponsor Closing Statement:

The visual analyses and assessments performed by Preserve Associates' consultant occurred throughout 2004 and 2005 leading to an APA staff "Determination of Application Completion" on December 20, 2006. (Exhibit 43)

Project Sponsor's ...analysis for the ACR project. ...started with,
development of digital elevation modeling of zones of potential visibility...
an inventory of potentially sensitive receptors...
initial field investigations to confirm zones of potential visibility...
field investigations to measure tree heights...
taking photographs from 17 locations on both land and water.

In June 2005 and September 2005, APA staff and LA Group personal undertook field work to verify viewpoints to analyze and identify locations for locator balloons...

Specific additional photographic work with APA staff took place [9 different days through the months of July to October]

Preserve Associates, LLC - Applicant's Brief of the Hearing Record and Closing Statement, September 22, 2001, pp. 60-65

Project Sponsor Closing Statement: ⁽¹⁾

[under] cross examination, Mr. Dodson admitted that the Applicant’s consultant used green roofs on the structures in their simulations while Mr. Dodson’s simulations used brown roofs... When asked if there is a difference in visibility between brown roofs and green roofs, Mr. Dodson replied: “Yes brown roofs are, in this situation, more visible.”

The AC&R project, inclusive of the proposed mitigation measures will not have a significant adverse impact on visual resources. In addition to selective siting of buildings on the project site, this elimination of significant adverse impacts on the viewshed results from a combination of carefully applied planning techniques such as,

- cutting restrictions,
- use of intervening topography,
- natural color tones of building exteriors,
- a reduction of high elevation structures,
- ...building profiles lower than 40 feet [APA]standard

...was a concerted effort between LAG personnel and APA staff... ⁽²⁾

(1) Preserve Associates, LLC - Applicant’s Brief of the Hearing Record and Closing Statement, September 22, 2001, pp. 60-65

(2) Kevin Franke, Pre-filed Testimony, pp12-13