

APPENDIX F

Visual Impact Assessment

# **VISUAL IMPACT ASSESSMENT**

for

Proposed Easterly Access Road over Land Owned by New York State  
Associated with the Marketplace at Newburgh  
Orange County, Town of Newburgh NY

*Prepared for:*

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**March 16, 2009**

Previously dated July 10, 2008, February 16, 2009

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Associated with the Marketplace at Newburgh - Newburgh NY

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### **EXECUTIVE SUMMARY**

- A Visual Impact Assessment has been prepared to address the change in visual conditions associated with construction of an Easterly Access Road between Route 52 and the Marketplace, a retail development in the Town of Newburgh. The road is proposed to traverse land presently owned by the State of New York and under jurisdiction of the New York State Department of Transportation (land referred to herein as the "DOT Parcel").
- The DOT Parcel is wooded, abutting Interstate Route 84 on one side and commercial property on three sides. It was acquired by the State and designated as Scenic Enhancement Land. The parcel is not connected to or near any other designated open space or scenic land. It is situated within a major transportation corridor characterized in the local area by suburban commercial and residential development and wooded open space. Visual exposure of the DOT Parcel is oriented toward motorists on Interstate 84.
- Initially, a location for the access road on property owned by the applicant was reviewed by the Town of Newburgh and, after hearing comments from a variety of parties objecting to that road location and its environmental impacts, the Town identified the alternative road alignment through the DOT Parcel as the preferred plan. In particular, nearby residents expressed strong support for the road location on the DOT Parcel in light of the potential noise and visual impacts on their neighborhoods of the initial plan.
- The Town of Newburgh has approved the Marketplace site plan subject to securing approvals from outside agencies for certain actions, one of which is the approval to construct the Easterly Access Road on the DOT Parcel.
- Cross-sections and pre- and post-development photo-simulations are included in this Visual Impact Assessment that demonstrate the change to the visual environment should the Easterly Access Road be implemented as proposed.
- The VIA also demonstrates the visual change along the Interstate 84 corridor associated with grading and construction if the Easterly Access Road is built solely on the applicant's property. An obvious additional element in this scenario, however, would be visibility of a large retaining wall along the east-facing slopes of the project adjacent to the DOT Parcel.
- Mitigation measures incorporated into the proposed Easterly Access Road plan include landscaping that would blend the constructed road embankment into the natural environment and exclusion of street lighting on the portion of the road within the DOT Parcel.

## **I. INTRODUCTION**

### **Purpose and Methodology**

This Visual Impact Assessment ("VIA") describes and evaluates the potential visual impacts of the construction of the easterly access road (the "Easterly Access Road") and appurtenant stormwater management facilities into the proposed Marketplace at Newburgh development. The Marketplace development is located in the Town of Newburgh, Orange County, New York, on the north side of Interstate Route 84 ("I-84") and west of New York State ("NYS") Route 52. The Marketplace at Newburgh (the "Marketplace") is a \$150 million, 775,000 square foot open air shopping center on a 128-acre parcel of land generally situated to the northwest of a parcel of land owned by the State of New York ("the DOT Parcel"). To provide access to the Marketplace from NYS Route 52 near Exit 8 of I-84 (as required by the Town of Newburgh), the Easterly Access Road must be constructed over the DOT Parcel or over adjacent land owned by Wilder Balter Partners ("WBP"), the project applicant. The DOT Parcel is adjacent to and north of the westbound lanes of I-84 and is surrounded on the remaining three sides by lands owned by WBP.

This VIA evaluates two road alignment plans. Alternative A is based on the Easterly Access Road alignment and appurtenant facilities using the DOT Parcel as it was evaluated and made part of the NY State Environmental Quality Review ("SEQR") process and Site Plan review for the Marketplace by the Town of Newburgh Planning Board. Alternative B is based on locating the Easterly Access Road on land currently owned by WBP. Alternative B is also a "No Action" alternative with regard to the project's easterly access as this access route is entirely under the ownership of the applicant.

The methodology used in preparing this VIA is the Federal Highway Administration's ("FHWA") guidance in *Visual Impact Assessment for Highway Projects*, 1988, and the New York State Department of Transportation ("NYSDOT") visual assessment policy EI 02-025 (as amended by EB 03-52). This VIA was prepared under the direct guidance of a registered landscape architect experienced in visual assessment with credentials approved by the NYSDOT.

This VIA describes the existing character of the natural and manmade landscape in the vicinity of the DOT Parcel, identifies the viewers that would be affected by the project, and analyzes the potential impacts for these viewers of two road alignments. Last, this report addresses the mitigation measures proposed to be undertaken for landscape rehabilitation and preservation of the character of the regional landscape for the project.

### **Background**

In the Draft Environmental Impact Statement ("DEIS") submitted on November 5, 2005, for the Marketplace, the engineered site plan showed the Easterly Access Road to NYS Route 52 over lands owned by WBP. (This road alignment is referred to as Alternative B in this VIA and shown in Figure 4 at the back of this document.) The DEIS evaluated visual effects of that plan in relation to the character of the surrounding environment, identified key viewers and views of the road alignment, and depicted its potential impacts in line-of-sight profiles. Also in the DEIS, an alternative Easterly Access Road alignment was shown and described that bisected the DOT Parcel. This location (referred to in this VIA as Alternative A and shown in Figure 3) placed the road further away from residential homes and crossed the Quassaic Creek at a point that necessitated less stream and wetland disturbances. The public was offered opportunities to comment when the Town of Newburgh Planning Board conducted a public hearing on the DEIS

on June 1, 2006 and continued on June 29, 2006. Public comments were received through July 31, 2006.

The DEIS Easterly Access Road alignment over lands of WBP had a number of impacts that were of concern to the local community, the Town Planning Board, and some of the Involved Agencies. The Army Corps of Engineers ("ACOE") was one of the Involved Agencies in the EIS process for the Marketplace. In its review, the ACOE advocated locating the Easterly Access Road across the DOT Parcel to reduce wetland disturbances and stream impacts.<sup>1</sup>

In response to concerns raised by the Town Planning Board, its consultants, and adjacent property owners about the impacts of the DEIS Easterly Access Road, the alternative alignment for the Easterly Access Road across the DOT Parcel was pursued by the applicant to reduce environmental impacts associated with the access to the east, including potential visibility of and traffic noise from the road from two adjoining residential neighborhoods. Nearby residents expressed strong support for the alternative road location on the DOT Parcel in light of the potential impacts on their neighborhoods of the initial plan. This plan was included in the Final Environmental Impact Statement ("FEIS") dated December 7, 2006 and presented as the FEIS preferred plan.

The Town of Newburgh Planning Board and its advisors preferred the FEIS plan and, at the conclusion of the SEQR process in May 2007, Alternative A for the Easterly Access Road became part of the project plans subject to the SEQR Findings and subsequent Site Plan reviews by the Town, as well as the plan used for related permit applications to NYSDOT (access permits), ACOE (Wetlands Permit) and NYSDEC (SPDES Permit) and County Health Department (sewer main location and connection into existing sewer trunk lines).

To review the potential visual effects of the easterly access for the Marketplace across the DOT Parcel, this VIA addresses two access road plans: a) Alternative A which shows the Easterly Access Road and attendant storm water management facilities on the DOT Parcel; and b) Alternative B which shows the Easterly Access Road and attendant stormwater management facilities on lands of WBP. Alternative B is also the "No Action" plan for the purposes of this study.

#### *New York State DOT Parcel*

The subject parcel was acquired by the State of New York in the late 1960's using Federal Highway funds provided by the Federal 1965 Highway Beautification Act and was designated Scenic Enhancement Land. While the history of the subject acquisition is sparsely documented, correspondence to the NYS Department of Public Works from the US Department of Commerce, Bureau of Public Roads, dated June 16, 1967, approved the acquisition of several properties along the I-84 corridor including the subject site.<sup>2</sup>

This project consists of acquisition of property ... to enhance and preserve scenic beauty off the existing right-of-way ... along Interstate Route 84. ... to accomplish the purposes of the Highway Beautification Act of 1965.

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<sup>1</sup> Pre-application meeting between Brian Orzell and George Nieves of ACOE, Robert Wilder, and Steve Marino, August 10, 2006.

<sup>2</sup> Correspondence to BA Lefevre, NYS Department of Public Works, from JM Newton / JA Hanson, US Department of Commerce, Bureau of Public Roads, dated June 16, 1967. Refer to Appendix B.

Other correspondence and an aerial photograph from that time period indicate that the portion of the DOT Parcel east of the Creek was dense woods<sup>3</sup> and the western portion was cleared as part of the construction operations for I-84.<sup>4</sup>

The DOT Parcel consists of approximately eight acres of land. It abuts the I-84 right-of-way but is not connected to or near any other designated open space or scenic land. It is situated within a regional transportation corridor characterized locally in the Newburgh area by suburban commercial and residential development and wooded open space (private undeveloped land). The DOT Parcel is the only designated scenic resource in the local area.

### **Process**

The proposed action for which this VIA is prepared is the proposed development of an Easterly Access Road over lands of DOT associated with The Marketplace at Newburgh development. The proposed action is distinguished from the Marketplace development as a whole for which a thorough SEQR review was completed by the Town of Newburgh.

For this VIA, a review of project information and background materials in the DEIS and FEIS was conducted to identify previously evaluated visual concerns for the DEIS and FEIS plan proposals. A review of project area mapping and documentation was conducted to identify aesthetic resources or other visual resources with potential significance for the purposes of the visual assessment. Aesthetic resources are defined as formally designated places visited by the public for the purpose of enjoying their beauty. In this assessment, the primary scenic resource under consideration is the DOT Parcel, given its scenic designation.

A viewshed map was prepared that applies to both the existing conditions and the proposed access plans. This establishes the boundaries of the affected visual environment based on topography and was confirmed during site visits. *Viewshed* is defined as the geographic area from which the project or project site may be seen. Figure 1 shows the position of the subject site in relation to the local topography and roadways, and the limits of the viewshed of the site.

Recognizing that a viewer's response "is affected by viewer location, activity, and values,"<sup>5</sup> potential viewer groups were determined to be motorists, pedestrians on nearby roads and stationary viewers at residences in the vicinity. Sensitivity for each of these viewer groups was evaluated.

To define the existing visual environment, photographs and observational notes were obtained during field visits to the project site and its vicinity. Key views of the landscape unit were identified, photographed, and described in narrative.

To depict and describe potential visual impacts and mitigation of the proposed access road, digital photographic simulations ("photo sims") and line-of-sight cross sections were prepared for key view areas. The line-of-sight cross sections are graphic depictions of a "slice" of the topography taken along a straight line between two selected ground locations, created in computer-aided-design (CAD) software and drawn to scale. The information in these cross sections is augmented by the observations made of actual conditions found during in-field

<sup>3</sup> Correspondence to File / JA Hanson [US Department of Commerce, Bureau of Public Roads], from RL Flemming, dated June 8, 1967. Refer to Appendix B.

<sup>4</sup> Draft EIS for The Marketplace at Newburgh, April 4, 2006: Figure 3.3-2, 1963 Aerial of Project Site.

<sup>5</sup> *Visual Impact Assessment for Highway Projects*. Publication No. FHWA-HI-88-054. U.S. Department of Transportation, Federal Highway Administration, Office of Environmental Policy.



reconnaissance. These cross sections show post-development conditions at the time of completion of the project, and show tree cover that is applicable to winter and summer conditions (all seasons). Lines-of-sight are shown for reference, although in many cases the density of tree cover would preclude actual visibility through the trees -- these conditions are discussed in the narrative descriptions herein. Proposed landscape plantings are shown in the cross sections at the time of planting and with anticipated growth after five years.

The photo sims were prepared to compare four existing key views with the proposed conditions for Alternative A and Alternative B road alignments at the proposed time of completion. The bases for these views are photographs taken in spring 2008 when leaves were off the trees, representing a "worst case scenario" in terms of potential visibility. During times of year when leaves are on the trees, visibility through areas with tree cover would be significantly reduced or not possible at all. Based on the initial evaluations of potential visibility from the key view points, photo sims of the other seasons were determined to not be necessary for this VIA and such seasonal conditions are identified in the narratives.

Additionally, the sensitivity of the potential viewer groups to night time conditions was considered. It is noted that with Alternative A there will be no illumination of the Easterly Access Road at the DOT Parcel -- no street lights are proposed on or within 50 feet of the portion of roadway in the DOT Parcel.

Based on the graphic depictions of the Easterly Access Road Alternative A and Alternative B alignments and evaluation of conditions relevant to the potential viewers' experiences, the VIA concludes with a summary of the potential visual changes associates with each alternative, ameliorated by the mitigation measures designed into the plans.

## **II. VISUAL ENVIRONMENT**

### **Landscape Unit**

Interstate Route 84 ("I-84") forms the primary east-west transportation corridor through Orange County. In the Newburgh area, I-84 connects directly or indirectly to the regional roadway network, including US Route 9W to the east, the New York State Thruway I-87 to the west, and NY State Routes 52, 300, and 17K. Visually, I-84 in the Newburgh area is characterized by a mix of urban/suburban commercial and residential developments associated with the City of Newburgh and Stewart International Airport, although views from the Interstate are limited in many locations by tree cover and topography adjacent to the corridor.

The segment of I-84 between NYS Route 52 (Exit 8) and NYS Route 300 (Exit 7) is characterized predominately by existing deciduous woods typical of the region on both sides of the highway, with prominent rock cuts along the roadsides in the immediate vicinity of the Exit 7 ramps. This short stretch of highway -- approximately 4,675 feet (0.88 miles) in length between the two overpasses -- is visible from end to end from the highway itself and is framed by the woods and rock cuts along both sides of the highway, which prevent expansive views beyond the highway corridor. The two bridge structures, the local topography and the highway alignment obscure views of this portion of the I-84 corridor from points east and west of the overpasses. Thus, the two overpass bridges, the rock cuts, and the woods within which the DOT Parcel sits define this section as a distinct landscape unit. The proximity of these roads and bridge overpasses is shown in Figure 1. This landscape unit is the subject of this visual assessment (the assessment area).

Interstate 84 varies in elevation along the landscape unit, rising from approximately 255 feet msl at the Exit 8 entrance ramp from Route 52 to an elevation of approximately 314 feet msl at the Exit 7 exit ramp to Route 300. The site of the proposed Marketplace at Newburgh and the DOT Parcel encompass nearly all of the frontage on this portion of I-84. The DOT Parcel consists of approximately 1,575 feet of the I-84 northerly frontage in this landscape unit.

The DOT Parcel comprises primarily undeveloped, deciduous woodland with a moderately dense understory. There is a grassy clearing where a man-made mound (fill spoil pile) is located toward the eastern end of the DOT Parcel. The Quassaic Creek flows through the center of the DOT Parcel from north to south in a deep gorge. At the center of the DOT Parcel frontage along I-84, the Quassaic Creek is situated 38 feet below the elevation of I-84 (elevations 224 and 262, respectively). The Creek cannot be seen from vehicles on I-84. Proceeding east from the Creek crossing, the topography of the DOT Parcel rises from the Creek to approximately 20 feet above the elevation of the I-84 roadbed in the vicinity of the westbound entrance ramp from Route 52. West of the Creek, the land rises sharply reaching an elevation about 11 feet below the grade of I-84 at its frontage and rising another 40 feet to the northwestern corner of the DOT Parcel.

Beyond the DOT Parcel, sloping, wooded land exists to the north and west. The east end of the landscape unit is generally characterized by the development associated with the Route 52 corridor, including a gas station, and moderately dense residential development along Route 52, single family houses on small lots on Brookside Avenue, and a commercial building (Pepsi distribution) in the southeastern corner. Brookside Avenue ends in a paved cul-de-sac that abuts the eastern tip of the DOT Parcel and the westbound entrance ramp of I-84 from Route 52. A single family residential development exists at the north central edge of the landscape unit (the Wintergreen Avenue neighborhood) and mixed use development exists at the south central edge of the unit. The west end of the landscape unit is confined by the topography and tree cover within the Exit 7 exit and entrance ramp loops on either side of the Route 300 overpass over I-84.

Generally, the densely wooded landscape prevents views of any notable features beyond the land adjoining I-84 within this landscape unit in months when leaves are off the trees (per the site area reconnaissance in spring 2008) and thus in all other seasons of the year. The views that occur within this landscape unit are common for suburban areas in Orange County. There are no designated aesthetic resources (such as a scenic overlook visited by the public) located in or near the DOT Parcel. The DOT Parcel is the only designated scenic resource in or near this landscape unit.

### **III. ASSESSMENT PARAMETERS**

#### **Viewshed**

The DOT Parcel is visible from locations within a limited viewshed area. The potential viewshed was defined using the US Geological Survey ("USGS") topographic map (Newburgh Quad) to establish the area of potential visibility of the DOT Parcel based on topography alone. Field surveys were conducted on April 15 and 22, 2008 to identify local viewpoints from which the DOT Parcel is visible and photographs were taken to illustrate the off-leaf conditions. The field survey assessed the actual visibility of the DOT Parcel from publicly-accessible locations from which the site may be visible and identified factors that limit or block views of the DOT Parcel such as the presence of intervening vegetation or topography that are located between the viewpoint and the DOT Parcel. Additional site area visits were conducted in April to evaluate the off-leaf conditions, when the greatest potential for views exists.

The potential viewshed (based on topography alone) is shown in Figure 1. The extent of the viewshed was verified during field visits in the vicinity of the DOT Parcel. The DOT Parcel is situated at the lower elevations on the east side of a wooded knoll which rises to approximate elevation 440 feet msl. The site itself is at elevation 303 at its highest point, the westerly property corner, dropping to 223 at the Quassaic Creek and back to about 278 on a mound of spoils near its eastern end. The position of the site thus limits its viewshed to the hillside to the west, the developed neighborhoods to the north and northeast (at approximate elevations 263 to 283), the Route 52 corridor to the east (elevation 275), the nearby land south of I-84 (at approximate elevations 220 to 260), and the I-84 corridor between the Route 52 overpass and the Route 300 overpass (at elevations 255 to 314). The viewshed boundary includes only I-84 itself near the Route 300 overpass due to the aforementioned rock cut. There is virtually no visibility of the I-84 roadway corridor from Route 300 at the overpass due to a black chain link fence barrier mounted on the bridge parapet. Figures 1 and 2 show these mapped viewshed boundaries.

### **Key Views from Nearby Locations**

Key views were identified within the viewshed which represent the visual experiences primary viewer groups have with the environment, which best present the range of existing visual resources within the viewshed, and which identify locations of greatest potential visual impact from the Easterly Access Road. Key views 1 through 6 were identified based on these criteria. Two additional views were identified for evaluation by NYSDOT. Thus, eight views are identified and evaluated in this assessment. They are described in the table below and their locations are shown in Figure 2. Street names referred to herein are identified in Figure 2. Existing conditions were recorded using still, digital photography of the key views.

<b>Key Views</b>		
<b>Number</b>	<b>Location</b>	<b>Direction of View</b>
1	I-84 Eastbound	looking NE along I-84 corridor
2	I-84 Westbound	looking NW along I-84 corridor
3	NYS Route 52 Overpass Northbound	looking NW from overpass (overlooking I-84)
4	Brookside Farms Road Westbound	looking NW (overlooking I-84)
5	Brookside Avenue	looking S (toward the DOT Parcel)
6	Wintergreen Avenue	looking S (toward the DOT Parcel)
7	I-84 Eastbound	looking N
8	I-84 Westbound	looking N

### **Viewer Groups**

Persons with potential exposure to areas of the proposed access plan include the following viewer groups within the defined landscape unit: motorists, stationary viewers and pedestrians. These groups are described in the narrative below particularly in terms of their exposure (number of viewers, duration of view, frequency of view, and viewer location) and sensitivity (distractions or heightened receptivity) to key views of the DOT Parcel.

Motorists (drivers and passengers)

- *from I-84 eastbound (Key View 1) and from I-84 westbound (Key View 2)*

Interstate Route 84 forms the primary east-west transportation corridor in Newburgh and with documented daily traffic of 64,862 vehicles (AADT 2006), its users represent the greatest number of potential viewers of the DOT Parcel.

A high number of potential viewers travel I-84 including both local drivers who may frequently travel the highway and long distance travelers. The prevailing speed is over 60 miles per hour ("mph") (posted 55 mph) and therefore the duration of view is very short. Further reducing exposure, at higher speeds, lateral vision of vehicle occupants decreases in sharpness and breadth, and attention of the occupants -- particularly the driver -- is generally directed toward the immediate roadway environment and is less sensitive to changes in the adjacent landscape. Highway distractions such as guiderails and several directional signs exist within the roadway corridor in this area.

Motorists on I-84 westbound are in close proximity to the DOT Parcel (about 60 to over 180 feet from edge of travel lane to the right-of-way line), while motorists in the eastbound lanes are at least 174 feet from the right-of-way line. Given the high number of potential viewers, this viewer group is the most sensitive to any change on the DOT Parcel of all the groups identified herein. Accompanying figures entitled Key View 1 and Key View 2 illustrate these existing views in leaf-off conditions.

Westbound travelers will pass under the Route 52 bridge before the landscape unit and the DOT Parcel become visible, traveling some 540 feet before being directly opposite the site, and passing the site in another 1,575 feet. The duration of visibility of the DOT Parcel for westbound motorists is potentially up to 24 seconds at 60 mph. Eastbound travelers will pass under the Route 300 bridge and approximately another 1,200 feet before a view of the site is possible, traveling some 1,325 feet before being directly opposite the site, and passing the site in another 1,575 feet. The duration of visibility of the DOT Parcel for eastbound motorists is potentially up to 33 seconds at 60 mph.

The duration of visibility noted above is somewhat overstated, in the sense that, this would be the amount of time it would take for a vehicle to pass the DOT Parcel, although the actual time that a driver or passenger would be likely to concentrate on this view would be less. In particular, the ability of a driver to focus on roadside features is reduced by the physical limitations of the vehicle windshield's field of view and a driver is usually focused on the roadway ahead, surrounding traffic and road signs.

- *from the Route 52 overpass, northbound (Key View 3)*

Motorists on NYS Route 52 traveling north would have a brief view of the I-84 corridor within the landscape unit from the overpass, including the southern exposure of the subject property. (The angle of the bridge limits the view onto I-84 from southbound vehicles -- the southern side of I-84 being more visible while the northern side visible over the shoulder). The potential number of northbound viewers from this vantage point is moderately small, given the view would be out the driver's side window while the vehicle is crossing the two-lane bridge and the driver is negotiating the distractions of the roadway, including traffic signals at both ends of the overpass. Given the short length of the bridge span, the potential westward exposure would be

brief (a few seconds). Views onto the I-84 corridor and the DOT Parcel are obscured from vehicles stopped at either signal.

Key View 3 illustrates the view from the overpass in leaf-off conditions. This photograph is a panoramic view (two frames stitched together) taken from the overpass of Route 52 looking north and west, of which a part is looking west over the I-84 corridor.

- *from Brookside Farms Road (Key View 4)*

Brookside Farms Road is a local road that connects to Route 52 near the south end of the above-mentioned overpass and curves to roughly parallel I-84 (adjacent to the Exit 8 exit ramp), leading past a Pepsi distribution facility to a NYSDOT facility and other mixed uses on the south side of I-84. For motorists traveling on a short portion of Brookside Farms Road (less than 1000 feet) adjacent to Pepsi, a view exists across the interstate highway towards the subject property. The view to the woods on the north site of the highway from this location is over a distance of 300 feet and more. Elsewhere on Brookside Farms Road, topography and trees block any view into the landscape unit.

As a local road used primarily by trucks and employees of the local facilities, and as a possible by-pass from a neighborhood to the south, the number of potential viewers at this location is relatively small and their sensitivity to the view is moderate to low given that the view overlooks I-84. Viewer exposure would be infrequent and the duration of view would be short, without any significant natural or manmade features that would attract the attention of the motorist's view. Key View 4 illustrates the existing view from this location in leaf-off conditions.

- *from Brookside Avenue (Key View 5) & Wintergreen Avenue (Key View 6)*

Brookside Avenue is a local road located north of the eastern end of the DOT Parcel. This is a dead end street providing access from NYS Route 52 for some twelve single family residences situated between 200 and 400 feet north of the DOT Parcel. As drivers or vehicle passengers, local residents of the southern portion of Brookside Avenue would potentially have views of woods on the applicant's property adjoining theirs, and possibly beyond to the woods on the DOT Parcel.

Likewise, Wintergreen Avenue is a local road located some distance north of the western end of the subject property. This is also a residential street serving approximately 48 single family residences situated at least 800 feet north of the DOT Parcel, with wooded land owned by the applicant and others intervening. This neighborhood also has access to Route 52. Drivers or vehicle passengers from some of the houses on Wintergreen Avenue would potentially drive through the southernmost portion of the neighborhood and would have views of the adjacent woods between the houses on Wintergreen Avenue, and possibly through the woods to the DOT Parcel. Key View 5 and Key View 6 illustrate the existing views in leaf-off conditions from Brookside Avenue and Wintergreen Avenue, respectively.

From either Brookside Avenue or Wintergreen Avenue, such views would be incidental to typical resident activities as they enter and leave their driveways, typically two to five trips per day. Such views would be between the existing houses (vistas), the duration of such views from vehicles would typically be less than one minute, and a vehicle occupant's attention would be centered on the narrow roadway and activities in neighbors' front yards. Site reconnaissance revealed there are no significant natural or manmade features that would attract the attention of the neighbors' views from a vehicle to look south into the woods.

Stationary viewers

- *from Brookside Avenue (Key View 5) & Wintergreen Avenue (Key View 6)*

Residential properties along the south side of Brookside Avenue and Wintergreen Avenue abut land (some of which is owned by the applicant) that is adjacent to the DOT Parcel, as mentioned previously. In total there are some fourteen residential lots. While engaged in leisure activities on these properties, residents would have potential exposure to views of the intervening land and through the woods on this land towards the DOT Parcel. The potential number of stationary viewers from these nearby neighborhood properties is relatively small and the attention of these viewers would typically be directed toward activities within the residential properties, although the opportunities for frequent and extended views exist. However, there are no significant natural or manmade features that would attract the attention of the neighbors' view to look south into the woods.

- *from upper story offices at Pepsi building, south of I-84 (Key View 4)*

A single commercial building, the Pepsi distribution facility, is located on the south side of I-84 across from the DOT Parcel and within the landscape unit. Site area reconnaissance revealed that only workers in offices with second story windows would have actual views across Brookside Farms Road and I-84 from that location because Brookside Farms Road, at a higher elevation than the building first floor, obscures views to the north from other points on the Pepsi property. There are 12 second story windows on the north side of this facility, thus the number of affected viewers is small and such views would be incidental to that working environment.

Pedestrians

- *from Brookside Avenue (Key View 5) & Wintergreen Avenue (Key View 6)*

Brookside Avenue and Wintergreen Avenue would potentially have periodic pedestrian traffic from the residences, providing potential exposure to views to the south toward the DOT Parcel between the houses. Pedestrians walking on these roads and on an informal walking path along the south end of Winona Lake would have views directly into the woods that abuts land (some of which is owned by the applicant) that is adjacent to the DOT Parcel. Although the Quassaic Creek flows close by to the south of Wintergreen Avenue, it is situated in a gorge some 40 feet in elevation below the street level and is not visually apparent from the street. It is noted that closer by from this vantage point is a potential view east toward Winona Lake, a local recreation resource.

While engaged in leisure walking or jogging on these roads, a relatively small number of potential viewers may experience a brief view of the woods beyond the house sites, although the attention of these viewers would typically be directed toward activities along the residential roadways. As stated above, there are no significant natural or manmade features that would attract the attention of the pedestrians' view to look south into the woods.

- *from other roads*

The NYS Route 52 overpass and I-84 are not designed for pedestrian use, and Brookside Farms Road is generally a commercial access route from Route 52 to the Pepsi truck docks and the NYSDOT facility.

When considering the currently proposed road alignment as an alternative in the DEIS, the applicant also considered a provision for pedestrian access to the Marketplace site from Brookside Avenue and Route 52. Pedestrian access from the east via a sidewalk along the proposed access road was considered to be too far away from the shopping facilities to be practical. Due to concerns expressed by adjacent property owners during the local environmental review process and security concerns of potential tenants, no sidewalks are proposed along the Easterly Access Road.

#### **IV. VIEWSHED EVALUATION & PROBABLE VISUAL EFFECTS**

The proposed Easterly Access Road would require clearing and grading, road construction and landscape planting on a path approximately 50 to 176 feet wide for the construction of the roadway. Since this area is at a low elevation in relation to surrounding land, the proposed development would entail construction of stormwater management facilities next to the road on or near the western end of the DOT Parcel. It is the purpose of this study to evaluate whether this construction may alter the visual character of the site as viewed from nearby locations. Figures 3 and 4 show the Alternative A and Alternative B Easterly Access Road alignments on an aerial photograph.

From a new intersection at NYS Route 52, both Alternative A and Alternative B alignments would arrive at the east end of the DOT Parcel via a curvilinear alignment south of the relocated cul-de-sac of Brookside Avenue. After passing either over the DOT parcel in Alternative A or adjacent to it in Alternative B, both alignments would enter the building area of the Marketplace site at a point approximately 650 feet west of the DOT Parcel. The proposed Easterly Access Road would generally follow the existing terrain, from about elevation 271 at the east end of the DOT Parcel, requiring an earth fill of some 32 feet at the low point as it crosses over the Quassaic Creek, and the fill section continuing as it rises and exits the DOT Parcel to where it would enter the building area. The road alignment in Alternative Plan B is more curvilinear as it winds to the north of the DOT Parcel, crossing the Creek in a fill section of some 24 feet and then rising in a significant earth cut to the building area.

The results of the tree clearing, grading, and landscaping in the two alternative alignments are described and illustrated in the Cross Section drawings that accompany this report and the Photo Sim figures presented herein. The potential visual changes associated with the two proposed alignments on the significant resources in each view are discussed and illustrated for the four primary key views: Key View 1 and Key View 2 from I-84 looking eastbound and westbound, respectively; and Key View 7 and Key View 8 from I-84 looking north in the proximity of the Quassaic Creek.

#### **Significant Resources and Primary Viewers**

To assess the potential visual impacts of the Easterly Access Road, each of the key views identified above was evaluated to characterize its significant visual resources. The significance of the identified resources is interpreted in combination with viewer response. The previous discussion outlined how pertinent viewer groups associate with the views identified. The table below summarizes the prominent features of the key views that are experienced by the primary viewer groups. Each of the key views is represented in a photograph taken in April 2008 or February 2009, showing off-leaf conditions. It is noted that for the safety of the photographer, the highway photos were taken from the roadway edge or grassed median, which tend to

emphasize the visibility of the roadside due to the camera angle as compared to the view from a moving vehicle on the roadway.

It is also noted that the Spring photographs in off-leaf conditions illustrate conditions of optimal lighting and visibility. Summer conditions would significantly reduce or obscure visibility in areas where vegetative cover exists.

*Photo-Simulations*

A photo-simulation was prepared for each alternative road alignment to illustrate the change in each of four Key Views (Key Views 1, 2, 7 and 8). The respective Key View photograph, grading plan for the alternative road alignment, and cross section drawings provide the bases for each Photo Sim. Digital versions of the USGS topographic map, a recent aerial photograph, and a topographic survey of the Marketplace site (using a CAD version), as well as reference photographs, additional working cross sections, and personal observations made in the project area, were also used in the preparation of each Photo Sim. A sketch of each simulation was manually constructed by the landscape architect using perspective drawing techniques, and then created digitally by image editing and photo-retouching techniques using Photoshop software.

<b>Key View Characteristics</b>		
<b>Key View</b>	<b>Primary Viewer Groups</b>	<b>Prominent Visual Resources</b>
<b>1</b>	vehicle occupants at highway speed	open divided highway corridor with grassed median, woods on both sides, portion with rock outcrops both sides, portions with metal guiderails and highway ramps
<b>2</b>	vehicle occupants at highway speed	open divided highway corridor with grassed median, woods on both sides, portion with rock outcrops both sides, portions with metal guiderails and highway ramps
<b>3</b>	vehicle occupants at low-moderate speed	2-lane roadway on bridge, nearby buildings and development, overlooking I-84 and panorama of local wooded landscape
<b>4</b>	vehicle occupants at low-moderate speed & stationary viewer in commercial building	I-84 corridor as seen from 2-lane local road and a commercial building
<b>5</b>	stationary viewer & pedestrian	woods beyond houses in older residential neighborhood with small, treed yards
<b>6</b>	stationary viewer & pedestrian	woods beyond houses in well established residential neighborhood
<b>7</b>	vehicle occupants at highway speed	highway, grassed median and metal guiderail foreground, woods beyond
<b>8</b>	vehicle occupants at highway speed	Quassaic Creek valley, metal guiderail foreground, woods beyond
Note: Key Views are represented in accompanying photographs taken April 2008 and Feb. 2009. Highway photos are taken from the roadway edge or grassed median.		



Key View 1 (from I-84 eastbound)

Prominent visual resources in Key View 1 are the open highway corridor with grassed median, and with second growth woods and an exposed rock cut framing both edges of the highway. The highway view shows moderately dense cover of trees and understory vegetation on the I-84 frontage, predominantly deciduous with scattered evergreens. Due to the significant drop in topography on the north side of the highway at the Quassaic Creek, the highway view to the subject property includes predominantly the canopies of large trees that are rooted up to 38 feet in elevation below the elevation of the highway. Roadside distractions for motorists include metal guiderails, large signs, with the NYS Route 52 overpass defining the end of this landscape unit. Distant mountains are visible on the horizon due east. Key View 1 illustrates the I-84 corridor looking northeast in the leaf-off condition. The existing visual resources are defined by the undulating landform and uniform vegetative cover. The view is strongly defined by the linear highway features (road pavements and grassed median), with generally uniform textures (fine texture woods to moderate texture rock face) and uniform color palette (grey to green to brown), without a dominant landform or other natural feature. Overall, the bordering treelines and the rock cuts define the natural character of this landscape unit, although its visual quality is reduced by the prominence of the highway. There are no significant natural or manmade features on the DOT Parcel that would attract the attention of the passing viewer.

*Photo-Simulations 1A and 1B*

A photo sim was prepared for each alternative road alignment in Key View 1, given its exposure to the greatest number of viewers. Key View 2 photograph, the grading plan for Alternative A road alignment, and Cross Section drawing 1A provide the bases for Photo Sim 1A. Key View 1 photograph, the grading plan for Alternative B road alignment, and Cross Section drawing 1B provide the basis for Photo Sim 1B. (The photograph in Key View 1 is taken at point D on Cross Section D-D'.)

Evaluation of the sight lines in Cross Sections D, E and F on drawing 1A show that the proposed road would be viewed from a significant distance from the viewer and largely obscured by intervening features (topography or tree cover). Further evaluation of topography -- specifically the proposed road grades in relation to the existing grades of I-84 -- resulted in the placement of the proposed road in the Key View at the line-of-sight of the existing guiderail on I-84. Photo Sim 1A shows two vehicles on the proposed road and the proposed naturalistic landscaping on the DOT Parcel, illustrating their potential visibility to a viewer specifically focused in that direction at a season when leaves are off the trees and at the time of planting. These features would be entirely obscured from this viewpoint when leaves are on the trees. A small reduction of the distant tree line is shown where tree clearing at the eastern end of the DOT Parcel would occur. Five years after planting, the Easterly Access Road would be virtually obscured in this view year round.

Cross Sections D, E and F on drawing 1B show that the road in Alternative B would be located more distant from the viewer than Alternative A and entirely obscured by intervening topography or tree cover during all seasons. Photo Sim 1B is essentially the same as the existing condition, with the exception of a small reduction of the distant tree line where tree clearing off of the DOT Parcel would occur.

Key View 2 (from I-84 westbound)

Prominent visual resources in Key View 2 are the open highway corridor with woods that frame both edges of the highway. The highway view to the subject property includes moderately dense cover of second growth trees and understory vegetation, predominantly deciduous with scattered evergreens, and a cleared area visible through the trees in winter where an earth spoil pile exists toward the east end of the subject site. Where the topography drops toward the Quassaic Creek (traveling westward), the view reaches into the canopies of trees that are rooted well below the elevation of the highway, as described above. Roadside distractions for motorists include metal guiderails, signs, and the NYS Route 300 overpass defining the end of this landscape unit. Key View 2 illustrates the I-84 corridor looking northwest in the leaf-off condition. The existing visual resources in this view are defined by the uniform landform and vegetative cover. The view is strongly defined by the linear highway features, with generally uniform, fine textures and a uniform color palette (grey to green to brown), without a dominant landform or other natural feature. As above, the bordering treelines and the rock cuts define the natural character of the landscape unit, although its visual quality is reduced by the prominence of the highway. While the DOT Parcel is in close proximity to the motorist (the key viewer), there are no significant natural or manmade features on the site that would attract the attention of the passing viewer.

*Photo-Simulations 2A and 2B*

A photo sim was prepared for each alternative road alignment in Key View 2, given its exposure to the greatest number of viewers. Key View 2 photograph, the grading plan for Alternative A road alignment, and Cross Section drawing 2A provide the basis for Photo Sim 2A. Key View 2 photograph, the grading plan for Alternative B road alignment, and Cross Section drawing 2B provide the basis for Photo Sim 2B. (The photograph in Key View 2 represents the view from the median near point A on Cross Section A-A'.)

Evaluation of the sight lines in Cross Sections A, B and C on drawing 2A show that the proposed road would be viewed from varying distances from the viewer. The road surface would be obscured by intervening topography and tree cover. Further evaluation of topography -- specifically the proposed road grades in relation to the existing grades on the DOT Parcel -- resulted in the placement of the proposed road in the Key View slightly higher in elevation than the viewer's eye level, and disappearing behind the existing earth spoil mound on the property. Photo Sim 2A shows two vehicles on the proposed road at the eastern end of the DOT Parcel and the proposed naturalistic landscaping, illustrating their potential visibility when leaves are off the trees and at the time of planting. Photo Sim 2A depicts the immediate visual impact of the proposed Access Road on the DOT Parcel to travelers on I-84 westbound when leaves are off the trees, however its visibility would diminish over time as the planted vegetation grows denser. The surface of the Easterly Access Road would be obscured from view from westbound vehicles while brief glimpses of vehicles moving on the road may be possible through the intervening woods when leaves are on the trees. A proposed wood stockade fence (10' high barrier fence shown on the Landscape Design drawing) located off of the DOT Parcel and further away from I-84 would also be obscured from view due to topography and vegetative cover in this view. Tree clearing on the eastern end of the DOT Parcel would result in thinner tree canopies in the foreground of the view. The top of the easternmost building on the Marketplace site can be seen in the distance, well to the west of the DOT Parcel. Five years after planting, the planted vegetation along the Easterly Access Road would virtually obscure view of the road in this view year round.

The road in Alternative B would be located more distant from the viewer than Alternative A, obscured during all seasons by topography and some 70 feet of additional woods cover that would remain at the eastern end of the DOT Parcel. Cross Sections A, B and C on drawing 2B show that the proposed road at more distant locations would also not be visible from this vantage point. Photo Sim 2B shows thinner tree canopies in the foreground off of the DOT Parcel, similar to Photo Sim 2A.

#### Key View 3 (from the Route 52 Overpass)

The Route 52 corridor includes a myriad of visual distractions and in the vicinity of the I-84 overpass, motorists experience the developed landscape immediately adjacent to the roadway, and road appurtenances such as the bridge abutments and railings, utility lines and poles, signs, traffic signals, and highway entrance/exit ramps. A glance to the west while crossing the bridge northbound reveals the I-84 corridor slicing through wooded terrain that forms the horizon line and frames the corridor. The view from the overpass reveals the local landscape extending less than two miles to the west. The DOT Parcel extends approximately 0.4 mile along the northern side of I-84 from this vantage point, although there are no significant natural or manmade features on the DOT Parcel that would attract the attention of a motorist on Route 52. The view shows moderately dense cover of trees and understory vegetation along the north side of I-84, predominantly deciduous with scattered evergreens including a concentration of evergreen trees at the eastern end of the DOT Parcel. (The aforementioned Pepsi distribution building located southwest of the bridge can be seen at the left side of the photo.)

The prominent visual resources in Key View 3 include the bridge overpass structure, the variety of commercial and residential buildings and developed properties along Route 52, and the broad view to the west. Key View 3 illustrates these resources as a panoramic view (two photo frames stitched together) in the leaf-off condition. The key viewer of this scene (the northbound motorist) would have reduced opportunity to experience the broad view to the west while negotiating the roadway, thus the significant visual resources of Key View 3 are primarily the distractions of Route 52. A gas station and other commercial establishments north of the bridge, and houses on Brookside Avenue, can be seen on the right side of the photo. While the view to the west is potentially striking (vivid) and unified as a composition, the visual quality of the Key View overall is reduced by the manmade elements along Route 52 and due to the brief opportunity a viewer has to experience the westerly view. For these reasons, and the fact that the potential number of viewers is much smaller than for the previous key views, Key View 3 was not selected for a photo sim.

#### Key View 4 (from Brookside Farms Road westbound)

The prominent visual resource in Key View 4 is the nearby interstate highway. Also prominent are the exit ramp from the Interstate that passes immediately adjacent to the local road, the entrance ramp on the opposite side of the interstate, and the woods and buildings north of the highway. Commercial buildings at the north end of the Route 52 overpass are also visible in a portion of the view looking directly north from this vantage point. Brookside Farms Road is a lightly traveled local road, with potential viewers (primarily truck drivers and employees of the local commercial facilities) being relatively insensitive to the view. Further, the opportunity to experience the view is limited to a short portion of Brookside Farms Road and a limited number of second story windows at the Pepsi building (behind the photographer). Key View 4 shows the leaf-off condition of the deciduous vegetation along the north side of I-84 with scattered evergreens including a cluster of evergreen trees at the eastern end of the DOT Parcel. Viewer distractions include foreground fencing, a metal guiderail, and vegetative growth between

Brookside Farms Road and I-84. The midground has a near-constant flow of car and truck traffic at highway speed and in close proximity to the viewer. Overall, the visual quality of this Key View is denigrated by the lack of distinctiveness, prominence of the highway activity, and lack of a unifying landscape pattern. For these reasons, and the fact that the potential number of viewers is much smaller than for Key Views 1 and 2, Key View 4 was not selected for a photo sim.

Like the previous views, there are no significant natural or manmade features on the DOT Parcel that would attract the attention of a viewer at Brookside Farms Road.

#### Key View 5 (from Brookside Avenue)

Brookside Avenue is a local residential street with a cul-de-sac ending next to the Route 52 entrance ramp to I-84. Several properties at the end have been vacated to accommodate the Easterly Access Road and a previously existing residence was removed, leaving an open lot affording seasonal filtered views toward the distant horizon to the south through existing deciduous and evergreen trees that remain. Glimpses of traffic on the highway entrance and exit ramps also occur from the cul-de-sac through the existing deciduous and evergreen trees when leaves are off the trees. Key View 5 illustrates these conditions, looking toward the eastern tip of the DOT Parcel. Remaining development on Brookside Avenue (behind the photographer) consists of older single family residential homes on small, treed lots. At the rear of lots on the southwest side of Brookside Avenue is wooded land of the applicant, and the wooded DOT Parcel beyond.

As an older residential neighborhood, the development pattern of the area is generally unified, although the small lots and modest sized houses lack visual distinction. The prominent visual resources in Key View 5 are the homes and the woods behind the existing homes. Due to the lack of distinctiveness and the very low number of potential viewers from Brookside Avenue, Key View 5 was not selected for a photo sim.

A cross section was drawn from a central location on Brookside Avenue through the proposed Easterly Access Road on the DOT Parcel.<sup>6</sup> The sight line shown in Cross Section I on drawing 3A shows that the proposed road would be viewed from a significant distance from the viewer and obscured by intervening topography and tree cover during all seasons of the year.

Cross Section I on drawing 3B shows that the road in Alternative B would be located substantially closer to the viewer than Alternative A and potentially visible through the intervening tree cover due to its similar topographic position. It was for potential noise and visual concerns that residents of Brookside Avenue raised concerns during the SEQR review proceedings and the applicant proposed to change the location of the Easterly Access Road from the Alternative B alignment to the Alternative A alignment in the FEIS, as supported by the Town Planning Board.

#### Key View 6 (from Wintergreen Avenue)

Wintergreen Avenue is also a local residential street forming a loop, the southern portion of which adjoins land of the applicant. Development on Wintergreen Avenue consists of single family residences on moderately small lots and of varying ages. The development pattern of the area is generally unified, with modest sized houses that exhibit some architectural distinction,

<sup>6</sup> This cross section was presented in the aforementioned FEIS for The Marketplace at Newburgh as Section J-J' in Figure 3.10-3.

although not unique or exceptionally striking -- overall there is a moderate visual quality to the neighborhood. At the rear of lots on the southern portion of Wintergreen Avenue is wooded land of the applicant and others. A significant distance beyond the intervening land (some 800 feet and more from Wintergreen Avenue itself) is the wooded DOT Parcel. Key View 6 illustrates the setting on Wintergreen Avenue.

The prominent visual resources in Key View 6 are the homes and the woods behind the homes. Due to the distance of this location from the DOT Parcel, which is densely vegetated with woods, and the very low number of potential viewers on Wintergreen Avenue, Key View 6 was not selected for a photo sim.

A cross section was drawn from a location on Wintergreen Avenue through the proposed Easterly Access Road on the DOT Parcel.<sup>7</sup> (The photograph in Key View 6 is taken near point H on Cross Section H-H'.) The sight line shown in Cross Section H on drawing 3A shows that the proposed road would be viewed from a significant distance from the viewer and obscured by intervening tree cover during all seasons of the year.

Cross Section H on drawing 3B shows that the road in Alternative B would be located substantially closer to the viewer than Alternative A, although the intervening tree cover would provide effective visual buffer from Wintergreen Avenue. Concerns raised by residents of Wintergreen Avenue during the SEQR review proceedings with regard to potential noise and views, however, resulted in the applicant's proposed change in the location of the Easterly Access Road from the Alternative B alignment to the Alternative A alignment in the FEIS, as supported by the Town Planning Board.

#### Key View 7 (from I-84 eastbound)

Key View 7 illustrates a view looking north-northeast from an eastbound vehicle traveling on I-84, taken from a point located above the Quassaic Creek in the leaf-off condition. Prominent visual resources in Key View 7 are the highway pavement on the opposite side of the grassed median, the metal guiderail on the northern edge of the highway, and second growth woods in the midground. Passing through this view would also typically be one or more vehicles (cars and trucks) at highway speed, given the normal volume of traffic on I-84. As previously stated, due to the significant drop in topography on the north side of the highway at the Quassaic Creek, the highway view consists predominantly of the canopies of large trees that are rooted up to 38 feet in elevation below the elevation of the highway.

Key View 7 represents a nearly perpendicular view out the side window of a vehicle moving at highway speed, and therefore represents a momentary view, albeit for a very large number of potential viewers. Vehicles eastbound on the highway and vehicles passing at highway speed on the opposite side of the median would cause distractions for viewers of this scene.

The view is strongly defined by the linear highway features (road pavement, grassed median and guiderail), with fine texture vegetative cover and uniform color palette (grey, green and brown) in the midground, without a dominant landform or other natural feature, nor a distant background. While a large part of the view consists of tree cover, and there is detail of the woods floor and a visible building (residence) through the trees in this photograph, overall its visual quality is reduced by the prominence of the highway in the foreground. There are no significant natural or manmade features in the view that attract the attention of the passing

<sup>7</sup> This cross section was presented in the aforementioned FEIS for The Marketplace at Newburgh as Section I-I' in Figure 3.10-3.

viewer. This view would be more striking when leaves are on the trees, which would reduce the dominance of the foreground highway features.

*Photo-Simulations 7A and 7B*

A photo sim was prepared for each alternative road alignment in Key View 7, given its potential exposure to a high number of viewers. Key View 7 photograph, the grading plan for Alternative A road alignment, and Cross Section drawing 1A provide the basis for Photo Sim 7A. Key View 7 photograph, the grading plan for Alternative B road alignment, and Cross Section drawing 1B provide the basis for Photo Sim 7B. (The photograph in Key View 7 depicts the view from point G on Cross Section G-G'.)

Evaluation of the sight lines in Cross Section G on drawing 1A shows that the proposed road at the Creek crossing would be located at the same elevation as I-84 and approximately 380 feet away, at the left side of the picture. Representing a view looking directly up the creek valley, Cross Section G shows the surface of the Easterly Access Road would be largely obscured by the angle of view while this view from I-84 would show a portion of the planted 2:1 road embankment facing the highway. As shown in Photo Sim 7A, the proposed metal guiderail would appear between the newly vegetated embankment of the proposed road and existing tree limbs when the leaves are off the trees, but obscured entirely when leaves are out. Photo Sim 7A shows the guiderail and a vehicle on the proposed road along with the proposed naturalistic landscaping on the road embankment, illustrating their potential visibility when leaves are off the trees and at the time of planting. While Photo Sim 7A depicts the immediate visual impact of the proposed Access Road on the DOT Parcel to travelers on I-84 eastbound when leaves are off the trees, its visibility would diminish in the short term as the planted vegetation grows denser. Tree clearing on the DOT Parcel for the road would result in thinner tree canopies showing against the sky. A white house on Brookside Avenue, slightly visible in the existing condition, can be seen in this photograph. Four to seven years after planting, the road and guiderail would be largely obscured in this view year round.

The Easterly Access Road in Alternative B would be located more distant from the viewer than Alternative A, beyond at least 300 feet of additional intervening woods cover that would remain on and off the DOT Parcel (Cross Section G on drawing 1B). Photo Sim 7B shows glimpses of the grassed road embankment and thinner tree canopies beyond the DOT Parcel, similar to Photo Sim 7A.

Key View 8 (from I-84 westbound)

Key View 8 depicts a view looking north-northwest taken from the westbound lane of I-84 near the Quassaic Creek in the leaf-off condition. Prominent visual resources in Key View 8 are the highway features at the edge of the road (in particular the metal guiderail), and second growth woods extending from the roadway into the midground. The undulating topography within the woodland cover (accentuated by the snow cover in the photograph) makes the Creek valley evident in Key View 8. The visible horizon is not far away, some 1000 to 1200 feet from the viewer. As previously stated, the foreground consists predominantly of the canopies of large trees that are rooted in the Creek valley well below the elevation of the highway. The view is dominated by deciduous trees with evergreens also visible in the nearby woods.

The characteristics of this view are unique to the landscape unit, although its visual quality is reduced by the prominence and superior position of the highway, which is the only location from which the view is possible. Key View 8 represents a momentary view potentially for a very large

number of viewers. Other westbound vehicles on the highway would cause distractions for viewers of this scene, and as it is just west of the highway entrance ramp from Route 52, drivers would be more mindful of merging traffic ahead of them than the view to the side. The photograph depicts a vehicle passenger's view from I-84 approximately 100 feet east of the Quassaic Creek. This distance represents approximately one second duration that view of part of the creek itself is possible from a vehicle traveling at normal speed on the highway.<sup>8</sup> It is noted that without knowledge of the exact location of the stream some 38 feet below the elevation of the highway, the casual viewer in a vehicle moving at highway speed would not observe the rocky stream channel. Given the very short period of possible viewer experience and the other conditions cited for which the view is constrained, the Creek would not attract the attention of the passing viewer. In seasons when leaves are on the trees, the creek is not visible from I-84.

The quality of the view is strongly uniform and entirely natural, with fine textured canopies of deciduous trees and a generally uniform color (grey/brown in off-leaf conditions and green in on-leaf conditions). The undulating landform of the local area is evident in the tree line at the horizon, without any visible background. The view illustrates moderately high visual quality, and while lacking any striking visual feature the variation of tree branch color in this view is notable. With the possible exception of the contrasting tree limbs, there are no significant features in the view that would attract the attention of the passing viewer. When leaves are on the trees, the depth of view into the tree canopies would be significantly reduced, creating a more monochromatic color palette.

#### *Photo-Simulations 8A and 8B*

A photo sim was prepared for each alternative road alignment in Key View 8, given its potential exposure to a high number of viewers. Key View 8 photograph, the grading plan for Alternative A road alignment, and Cross Section drawing 1A and 2A provide the basis for Photo Sim 8A. Key View 8 photograph, the grading plan for Alternative B road alignment, and Cross Section drawing 1B and 2B provide the basis for Photo Sim 8B. (The photograph in Key View 8 represents the view west of point C on cross section drawing 2A.)

In Photo Sim 8A the proposed Easterly Access Road crossing the Creek would be located at similar elevation to I-84 and approximately 290 feet away, at the right side of the picture. The proposed culvert would be some 25 feet below the viewer's eye level (refer to Cross Section G on drawing 1A). Existing woods within the Interstate right-of-way would remain over at least 70 feet of that distance, obscuring much of the surface of the Easterly Access Road. The planted 2:1 road embankment facing I-84 would be seen through the trees in this view during the winter months. The increase in the depth of intervening tree cover both within the Interstate right-of-way and on the DOT Parcel gradually obscures view of the road toward the left side of the picture. Photo Sim 8A shows one vehicle on the proposed road some 330 feet away from the viewer and includes the proposed guiderail and proposed revegetation of the roadway embankment with naturalizing plant species, when leaves are off the trees and at the time of planting. While Photo Sim 8A depicts the immediate visual impact of the proposed Access Road on the DOT Parcel to travelers on I-84 westbound when leaves are off the trees, its visibility would diminish in the short term (four to seven years) as the density of the planted vegetation increases. The surface of the Easterly Access Road would be obscured from view from westbound vehicles while brief glimpses of vehicles moving on the road may be possible through the intervening woods when leaves are on the trees. Tree clearing on the DOT Parcel for the road and stormwater management facilities would result in thinner tree canopies in the

<sup>8</sup> An orange ribbon is visible in the photo tied to the guiderail at the actual culvert location.

midground in all seasons. A portion of the easternmost building on the Marketplace site can be seen on the hilltop well to the west of the DOT Parcel, as can the regraded slope leading down into the DOT Parcel (see Cross Section C on drawing 2A). Within seven years after planting, the planted vegetation along the Easterly Access Road would increase the density of the understory so that the road and guiderail would be largely obscured in this view year round. As discussed below, the planted side slopes of the Access Road would be evident within the woods during the winter for many years, given the proximity of the Access Road to I-84.

In Alternative B, the Easterly Access Road would be located some 400 feet more distant from the viewer than Alternative A, situated off of the DOT Parcel entirely. The road would be obscured during all seasons by woods cover that would remain on the DOT Parcel (refer to Cross Section G on drawing 1B). While the roadway on the Applicant's property would be obscured by topography, the Alternative B plan includes a large retaining wall following the west side of the access road, the upper portion of which would appear in the view through and above the intervening woods that would remain. The conceptual plan shows that retaining wall ranging in height from 10 feet to over 70 feet in height. Cross Section C on drawing 2B shows a sight line toward the wall at a point where the wall would be some 70 feet high; Photo Sim 8B shows a similar view in leaf-off conditions. A portion of the easternmost building on the Marketplace site and the retaining wall can be clearly seen on the hill west of the DOT Parcel. These features, which would all be located off of the DOT Parcel, would be visible from this vantage point year around although somewhat more obscured by the intervening woods when leaves are on the trees.

### **Effect on Visual Resources**

The DOT Parcel abuts Interstate Route 84 on one side and commercial property on three sides. This DOT Parcel is the only designated scenic resource in the local area parcel and is not connected to or near any other designated open space or scenic land. Visually, the DOT Parcel is oriented toward motorists on Interstate 84.

The cross sections and pre- and post-development photo-simulations prepared for this Visual Impact Assessment demonstrate the extent of potential change to the visual environment experienced from I-84 should either Easterly Access Road alignment be implemented. Photo sims 2A, 7A and 8A depict the immediate visual impact of the proposed Easterly Access Road on the DOT Parcel, which parallels I-84, to travelers on I-84 east and west bound during the winter season. Under Alternative A, the change would be the result of clearing some 5.28 acres of woods on the DOT Parcel and construction of a fill section for the road. At its widest, the road embankment facing I-84 would rise approximately 32 feet in elevation change, built as a 2:1 slope and landscaped with a mix of naturalizing deciduous shrubs, deciduous and evergreen trees, and a naturalizing seed mix of herbaceous cover and woody shrubs.

In comparison, Photo sims 2B, 7B and 8B depict the immediate visual impact of the Alternative B Easterly Access Road on lands of WBIA to travelers on I-84 east and west bound during the winter season. There would be no clearing of woods on the DOT Parcel. The change would be the result of clearing woods north and west of the DOT Parcel and construction of a tall retaining wall and earth fill section for the development beyond. At its widest, the road embankment facing I-84 would be approximately 24 feet in elevation change, built as a 2:1 slope and landscaped with street trees and lawn grass. The Alternative B plan, which is the plan from the DEIS, was designed with a typical street tree planting style. This is the style of planting preferred by the applicant for an access road into the Marketplace, as it matches the planting within the commercial portion of the project. By contrast, a naturalistic approach was developed



for Alternative A specifically as a visual mitigation measure based on comments the applicant received from NYSDOT.

Comparative information on the estimated amounts of clearing and grading for Alternative A and Alternative B alignments is shown in the table below. These numbers are based on area measurements on the plan view of the project area.

Tree clearing and grading to construct the road embankments and pavement surface represent the temporary impacts that would affect views identified herein in the short term. Clearing and grading would involve 5.28 acres of land on the DOT Parcel in Alternative A, versus no disturbance on the DOT Parcel in Alternative B. On adjacent land within the study area but outside the DOT Parcel, clearing and grading would involve 6.27 acres of disturbance in Alternative A versus 6.83 acres in Alternative B. The overall construction disturbance to build either roadway alignment would be visible from the highway for the duration of the construction period. Once the construction is completed, all exposed soils would be seeded and landscaped. (The Landscape Design plans for both alternatives accompany this binder.) The 2:1 side slopes along the Access Road necessitate installing plant material that is relatively small at the time of planting that will not provide an immediate visual buffer to screen the Access Road. For this reason the proposed landscape plan specifies a conservation seed mix (rather than a conventional grass mix) to be applied to the road embankments that is intended to provide a variety of herbaceous plant species to emulate natural ground cover species, in addition to planted trees and shrubs. Over the short term (say the first four to seven years), plants would become established and revegetate the understory so that herbaceous cover would be fully established, and the shrubs can be expected to approximately double in size. In ten to fifteen years of average growth of the plant species proposed, the understory (herbaceous plants, shrubs and small trees) can be expected to increase in density and these plants would reach their mature sizes. However, like in the existing condition, landforms within the woods near I-84 can be seen in winter months and it is expected that the planted side slopes of the Access Road would be evident within the woods during the winter for many years, given the proximity of the Access Road to I-84. During months when the leaves are on the trees, visibility of the most of the Access Road and the planted embankment would be virtually obscured from view from I-84, with the exception of the arch culvert and planted slope above it at the creek.

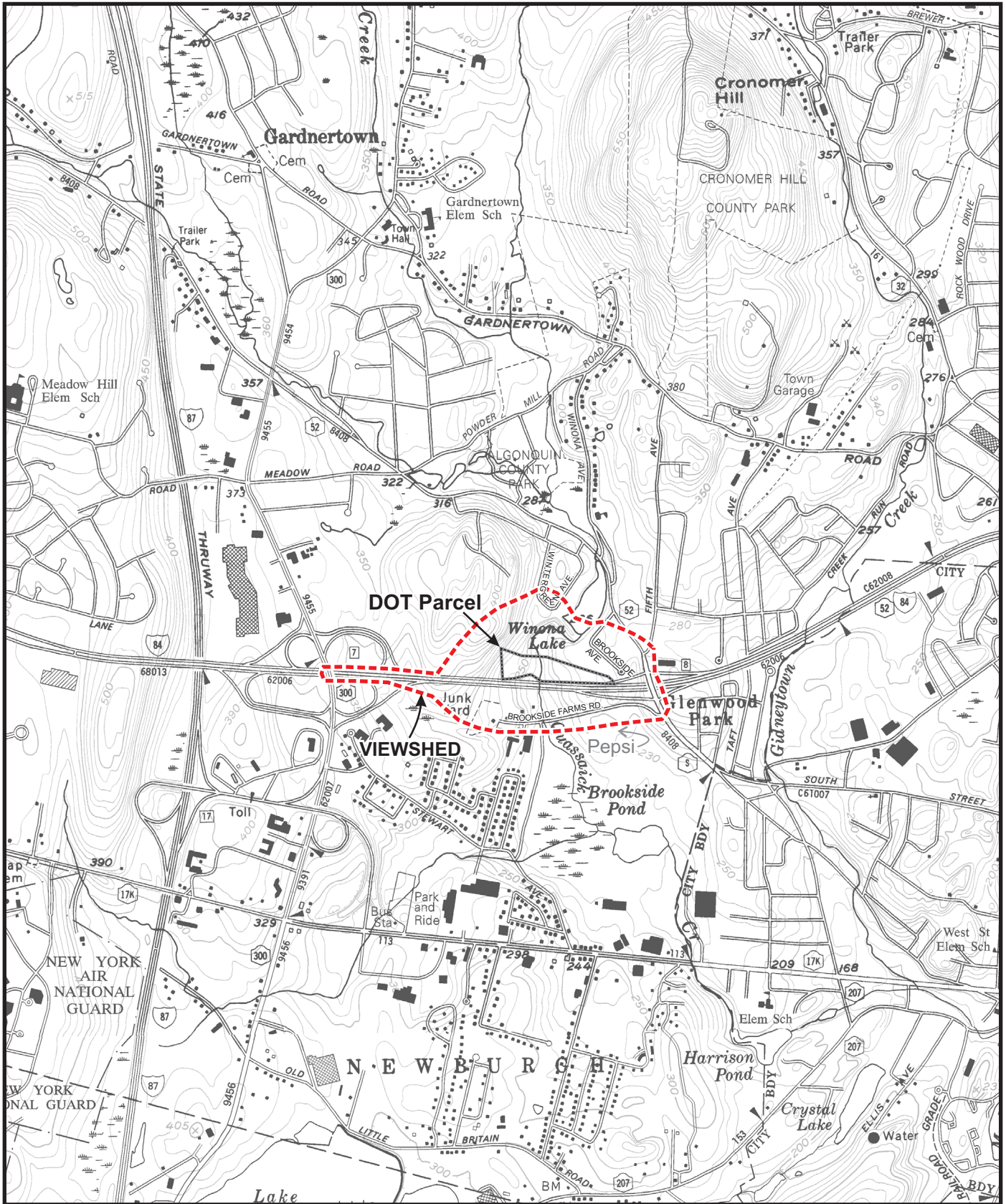
The applicant has modified the landscape design in the proposed plan from a uniform street tree pattern to a natural woods-like design of indigenous tree and shrub species. The accompanying landscape plan has been further modified in response to comments by NYSDOT as relates to reduced plant sizes suitable to the planting conditions. The current plan is dominated by naturalizing deciduous shrub species with a complement of deciduous trees in random arrangement along the roadway and evergreen trees concentrated at the eastern end of the roadway and scattered along the central and western portions of the roadway within the DOT Parcel (reflecting existing conditions nearby as described in Key Views 1, 2, 3, 4, and 5). The Alternative A plan includes landscaping that would provide revegetation of the disturbed areas and roadway embankments within the DOT Parcel immediately after construction and eventually restore the natural environment.

The Alternative B plan shows conventional street tree planting that would also provide revegetation of the disturbed areas and roadway embankments with lawn grass immediately after construction and eventually a conventional streetscape environment.

Comparative Table of Land Disturbance		
	Alternative A	Alternative B
Temporary land disturbance on DOT Parcel	5.28 acres	0 acres
Temporary land disturbance off DOT Parcel (in study area) <sup>1</sup>	6.27 acres	6.83 acres
Total land disturbance (in study area) <sup>1</sup>	11.55 acres	6.83 acres
Permanent land disturbance (area not revegetated in woodland cover within study area) <sup>1,2</sup>	3.78 acres	3.72 acres
Elevation change on south side of Quassaic Creek crossing facing I-84	32' at Sta. 45+00	24' at Sta. 47+70
<sup>1</sup> "Study area" refers to an area of approximately 22.8 acres encompassing the DOT Parcel and nearby land owned by WBIA subject to physical alteration by the studied access road alternatives. <sup>2</sup> Permanent disturbance = impervious road surface, managed grass shoulder and stormwater basins. Source: Calculations based on proposed grading footprint depicted on plans for the Marketplace at Newburgh by Divney Tung Schwalbe, LLP entitled: Easterly Access - Alternative A (Part Plan), Drawing No. A-1.1, dated 6/26/08; and Easterly Access - Alternative B (Part Plan), Drawing No. A-2.1, dated 7/2/08.		

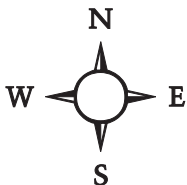
Secondary visual effects of either Alternative A or Alternative B for the Easterly Access Road would occur, relating to the visibility of off-site (off the DOT Parcel) changes in the I-84 viewshed associated with the Marketplace development and facilitated by the Easterly Access Road. As shown in the photo-sims, a portion of the easternmost retail building, changes in the tree line at the horizon, and reduced density of the tree canopy of midground trees would be evident in either scenario in views from I-84. In Alternative B, visibility of a large retaining wall below the retail building would also occur. The Alternative A plan excludes street lighting on the portion of the road within the DOT Parcel. The Alternative B plan includes street lighting on the entire road length. Street lighting on the access road (Alternative B) and the lights on vehicles using the roadway (either alternative) may be visible at night to varying degrees from the identified viewpoints, where not obscured by intervening topography or vegetation. These effects would be more evident when leaves are off the trees than in on-leaf conditions.

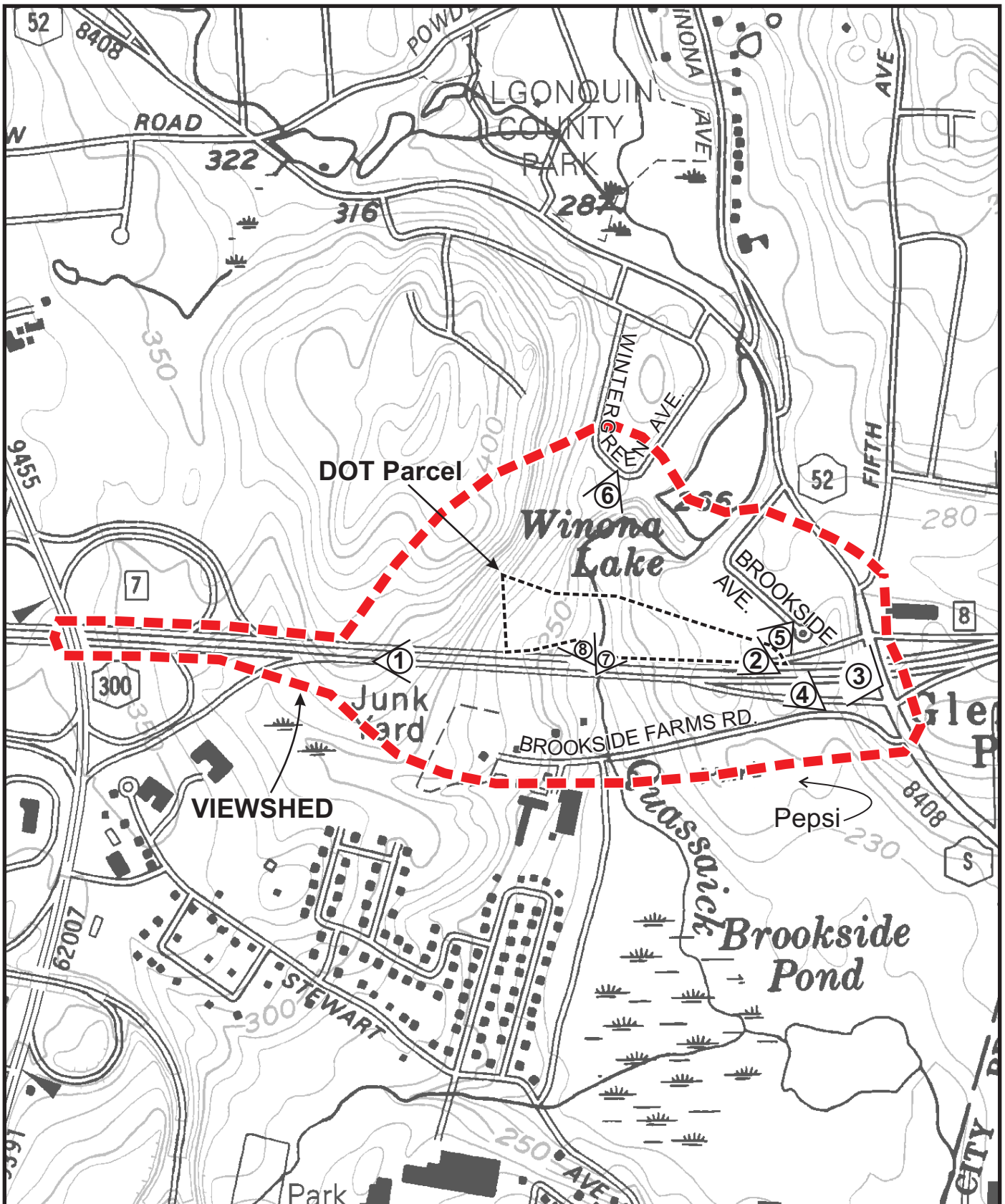
Figures



**Figure 1: Site Location Map  
Visual Impact Assessment**

Proposed Easterly Access Road Over State Land  
Associated with the Marketplace at Newburgh  
Town of Newburgh, Orange County, NY  
Base: NYSDOT Planimetric Map (1957, 1991)  
Scale: 1" = 2,000'





**Figure 2: Locations of Key Views  
Visual Impact Assessment**

Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, NY  
 Base: NYSDOT Planimetric Map (1957, 1991)  
 Scale: 1" = 800'

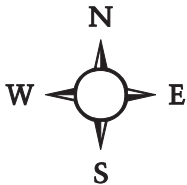
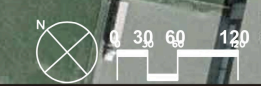




Figure 3: Alternative A Access Road  
 Proposed Access Road Over State Land  
 Town of Newburgh, Orange County, New York  
 Source: Divney Tung Schwalbe, LLP  
 Date 11/07/07

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11/7/2007



**Figure 4: Alternative B Access Road**  
 Proposed Access Road Over State Land  
 Town of Newburgh, Orange County, New York  
 Source: Divney Tung Schwalbe, LLP  
 Date 11/07/07



**Key View 1: View Looking East from I-84 - Existing Condition**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08





**Key View 2: View Looking West from I-84 - Existing Condition  
Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



**Key View 3: Panoramic View from Route 52 Looking N and W - Existing Condition  
Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/15/08



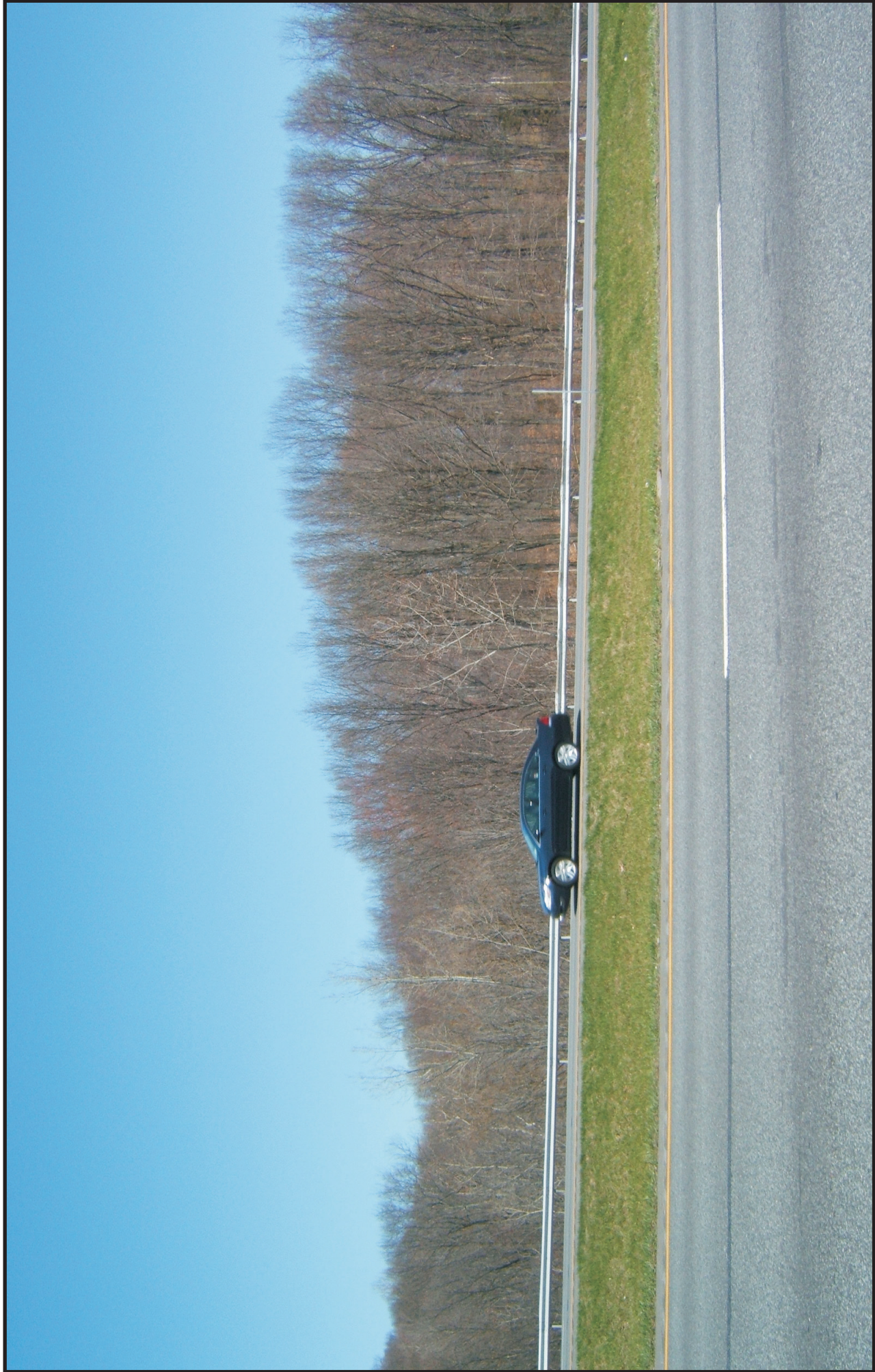
**Key View 4: View Looking NW from Brookside Farms Rd. - Existing Condition  
Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



**Key View 5: View Looking SW from Brookside Ave - Existing Condition**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/15/08



**Key View 6: View Looking S from Wintergreen Ave. - Existing Condition  
Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/15/08



**Key View 7: Looking North from I-84 Eastbound - Existing Condition  
Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/15/08



**Key View 8: View Looking North from I-84 Westbound - Existing Conditions**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Photo Date: 2/09/09



**Photo Sim 1A: View Looking East from I-84 - Alternative A**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08





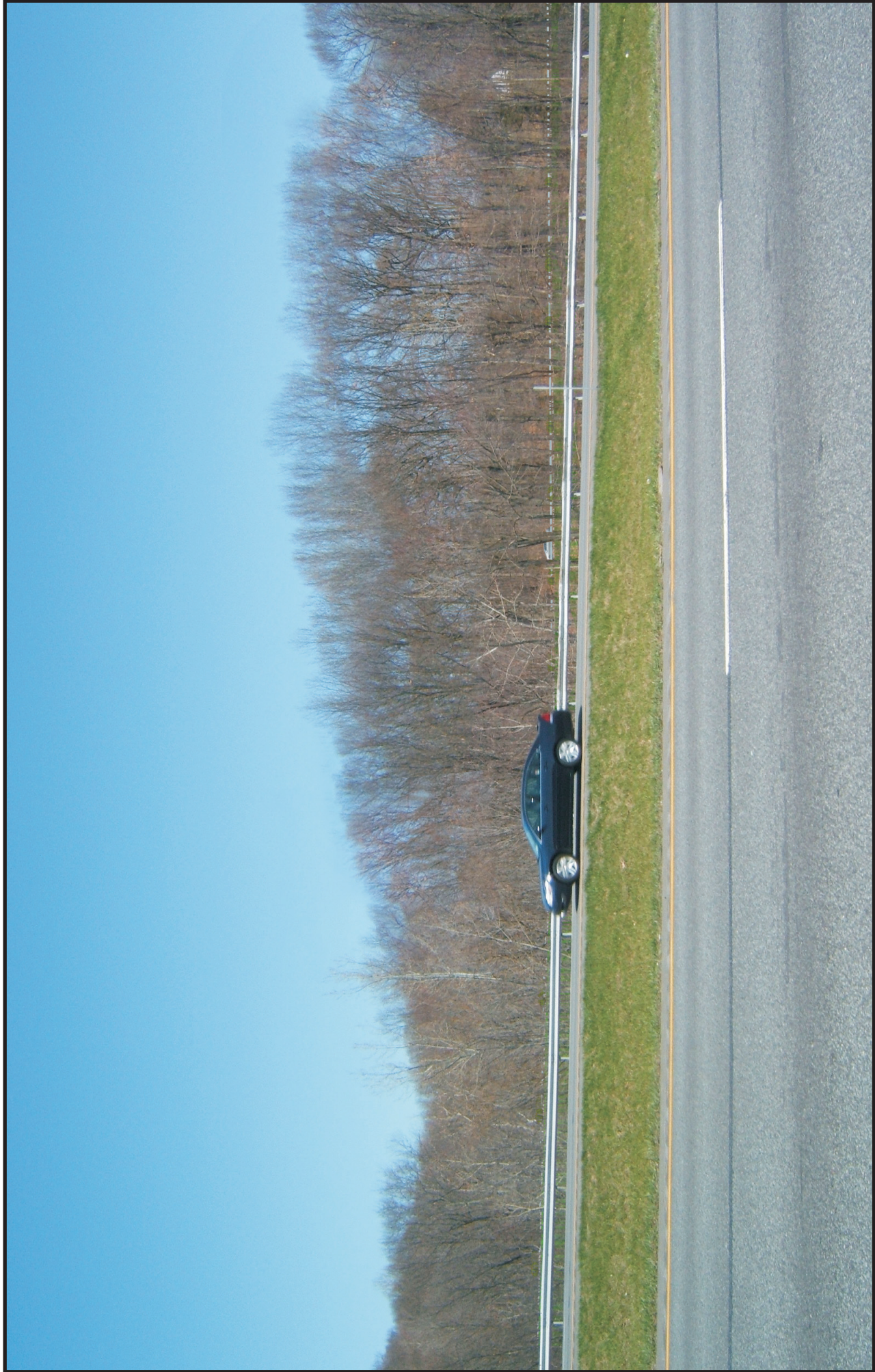
**Photo Sim 1B: View Looking East from I-84 - Alternative B**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



**Photo Sim 2A: View Looking West from I-84 - Alternative A**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



**Photo Sim 2B: View Looking West from I-84 - Alternative B**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



**Photo Sim 7A: View Looking North from I-84 Eastbound - Alternative A**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



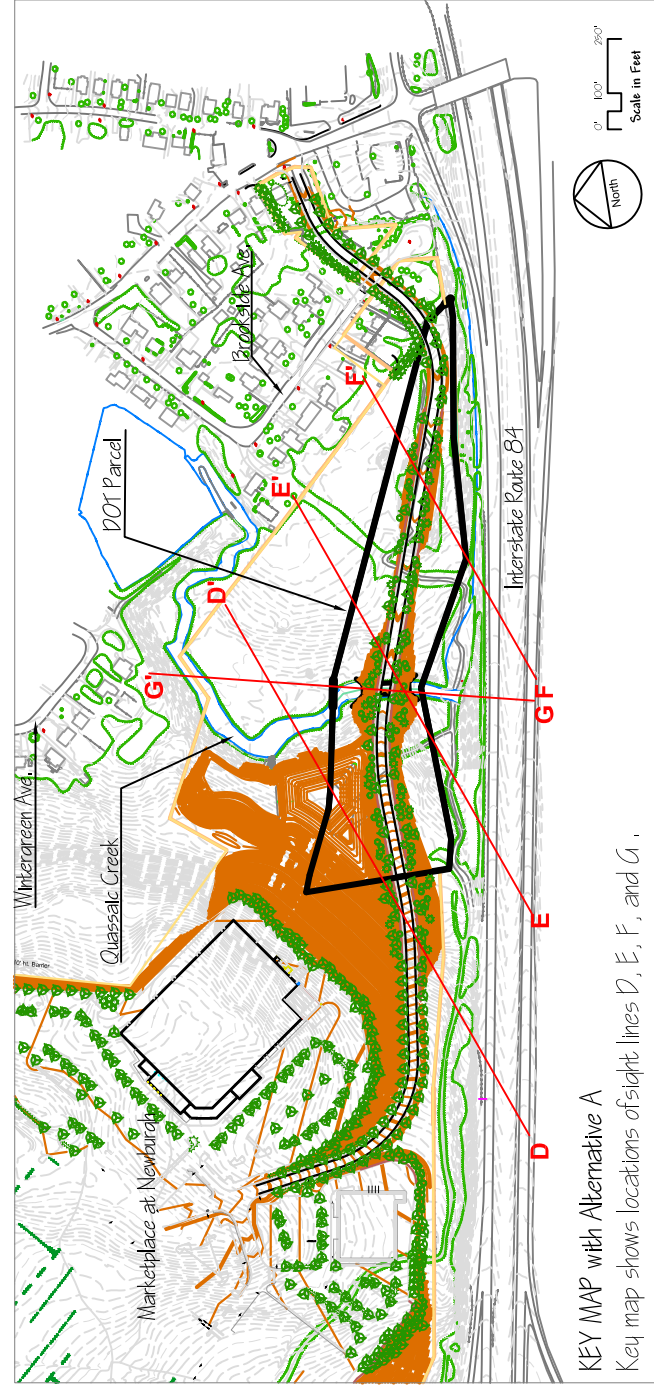
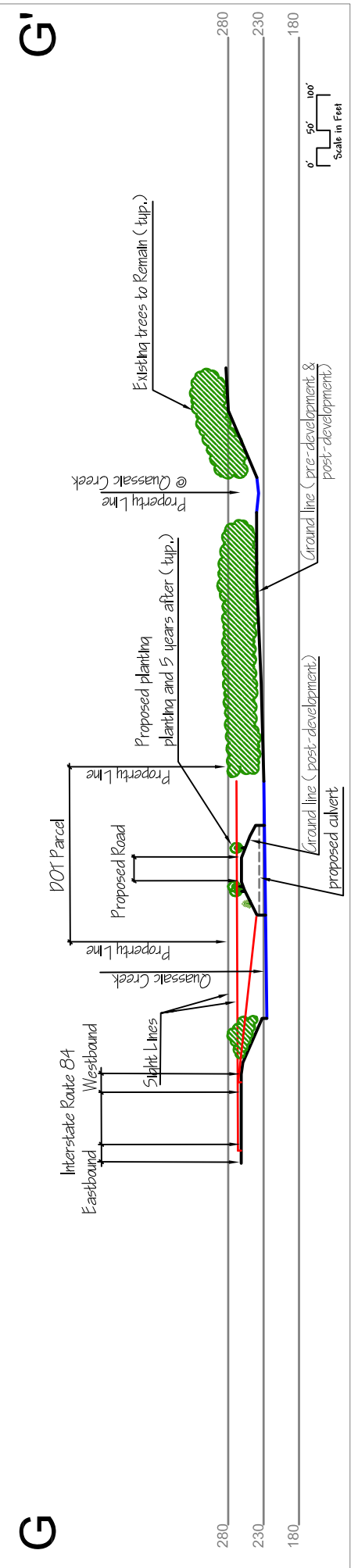
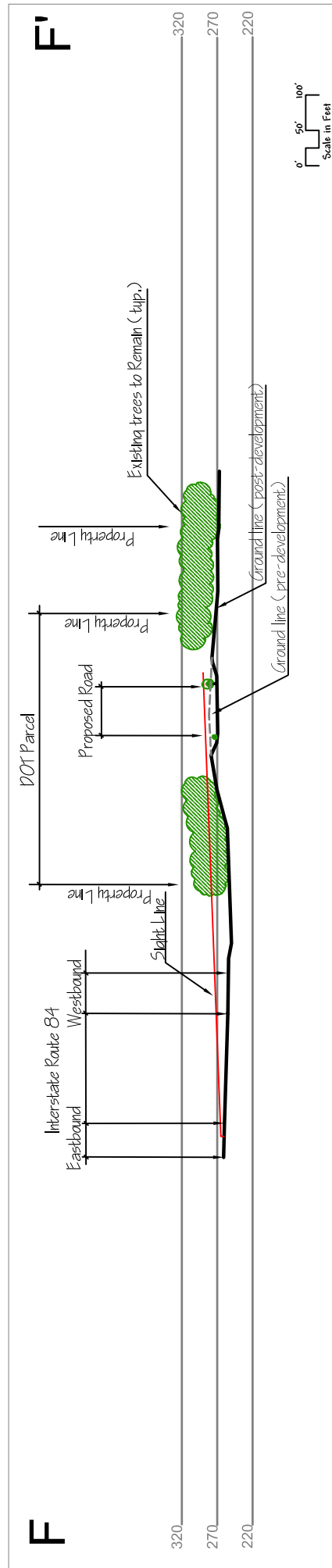
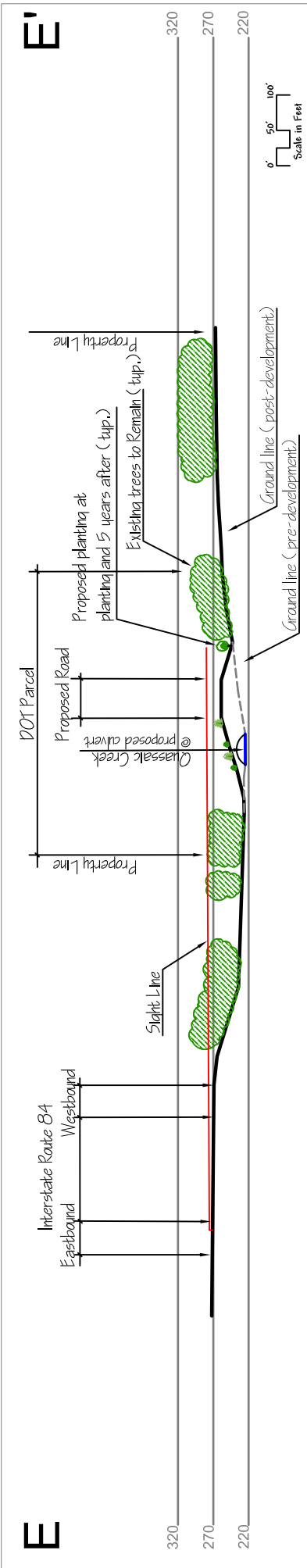
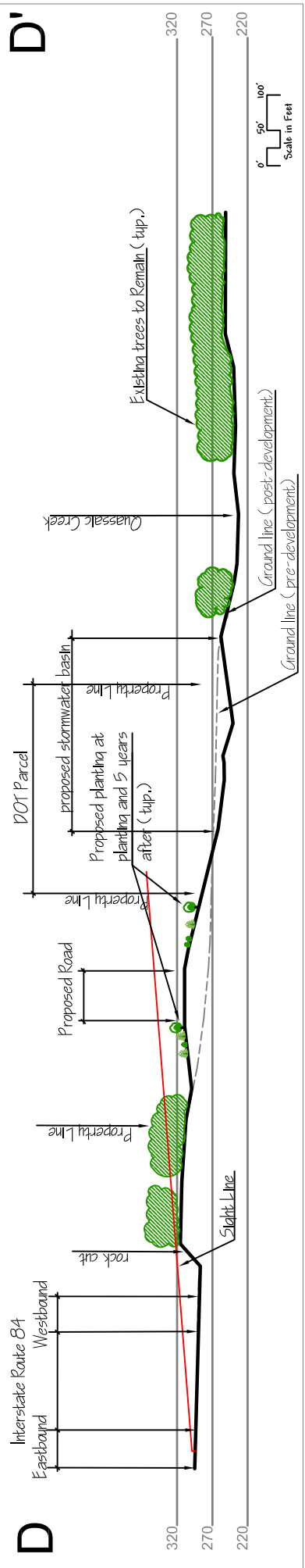
**Photo Sim 7B: View Looking North from I-84 Eastbound - Alternative B**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Source: TMA Photo, 4/22/08



Photo Sim 8A: View Looking North from I-84 Westbound - Alternative A  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Photo Date: 2/09/09



**Photo Sim 8B: View Looking North from I-84 Westbound - Alternative B**  
**Visual Impact Assessment**  
Proposed Easterly Access Road Over State Land  
Town of Newburgh, Orange County, NY  
Photo Date: 2/09/09

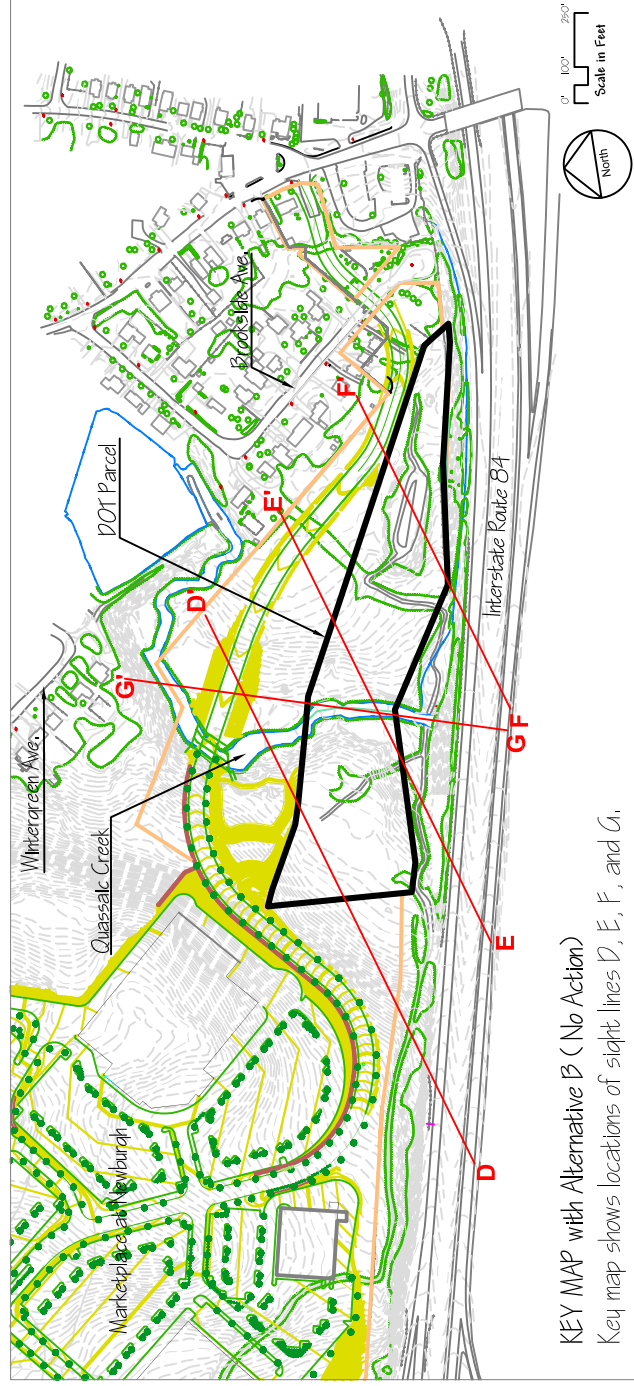
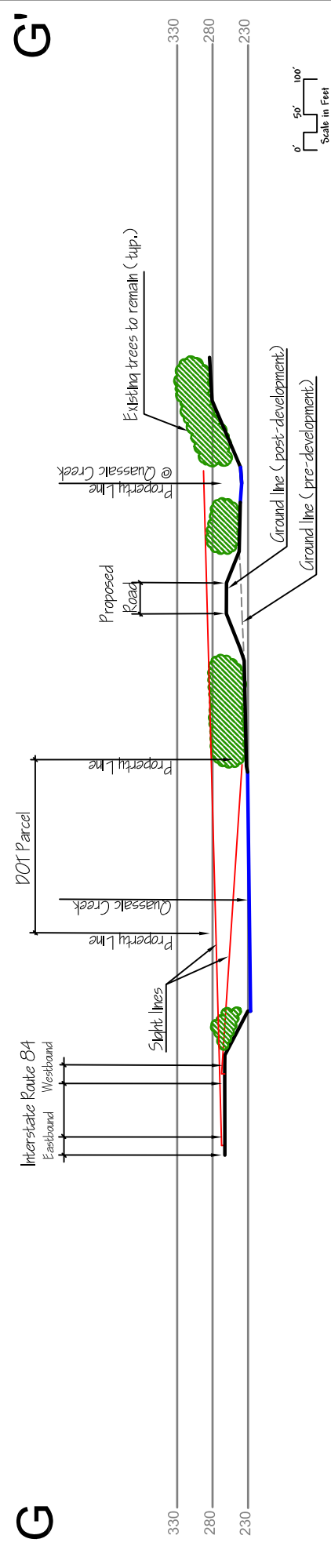
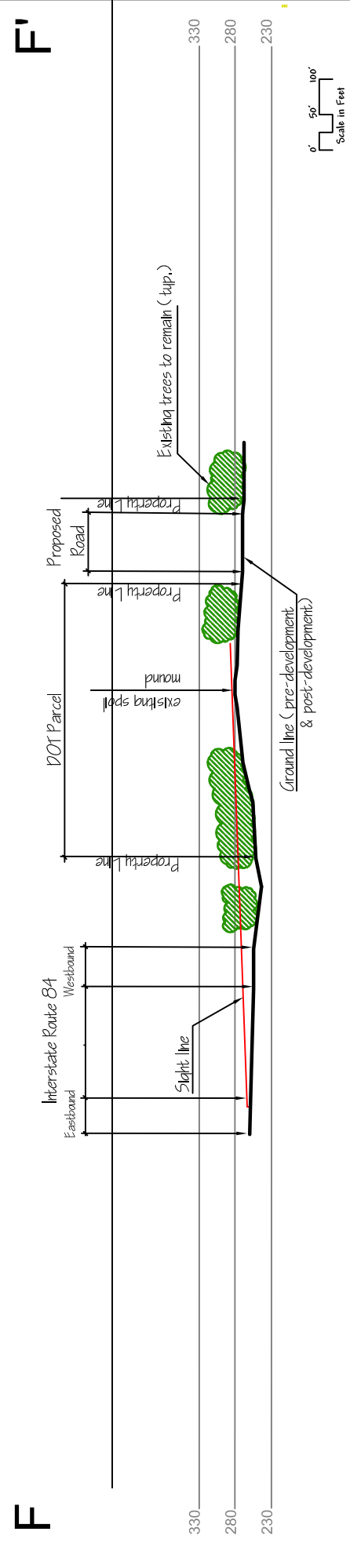
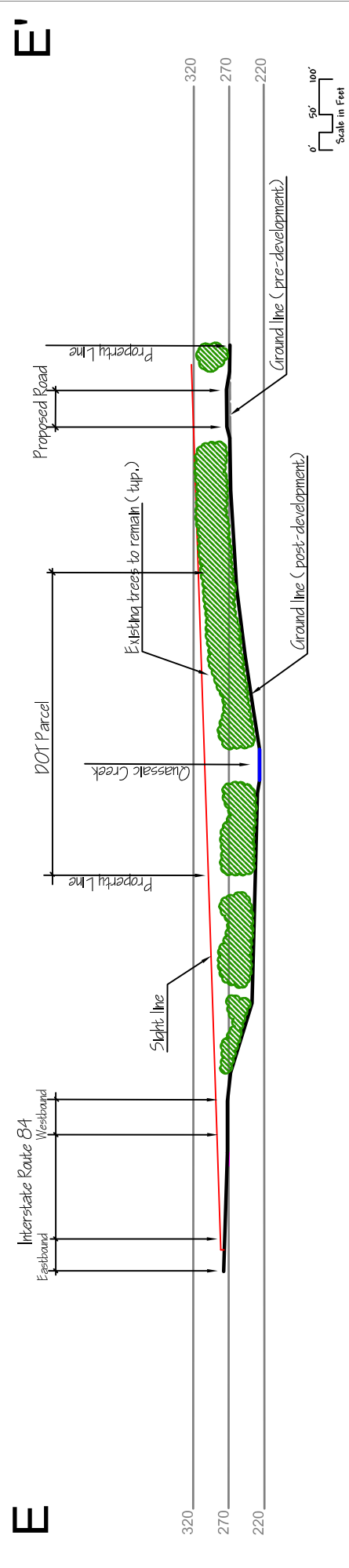
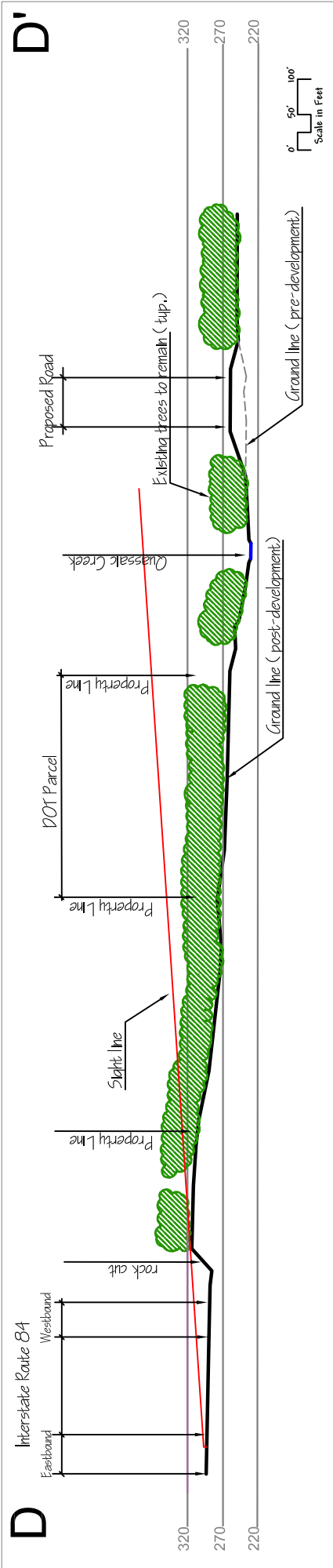


KEY MAP with Alternative A  
Key map shows locations of sight lines D, E, F, and G.

# Dwg. 1A

## Cross Sections - Alternative A - Eastbound I-84 Views Visual Impact Assessment Proposed Easterly Access Road Over State Land Associated with the Marketplace at Newburgh Town of Newburgh, Orange County, New York

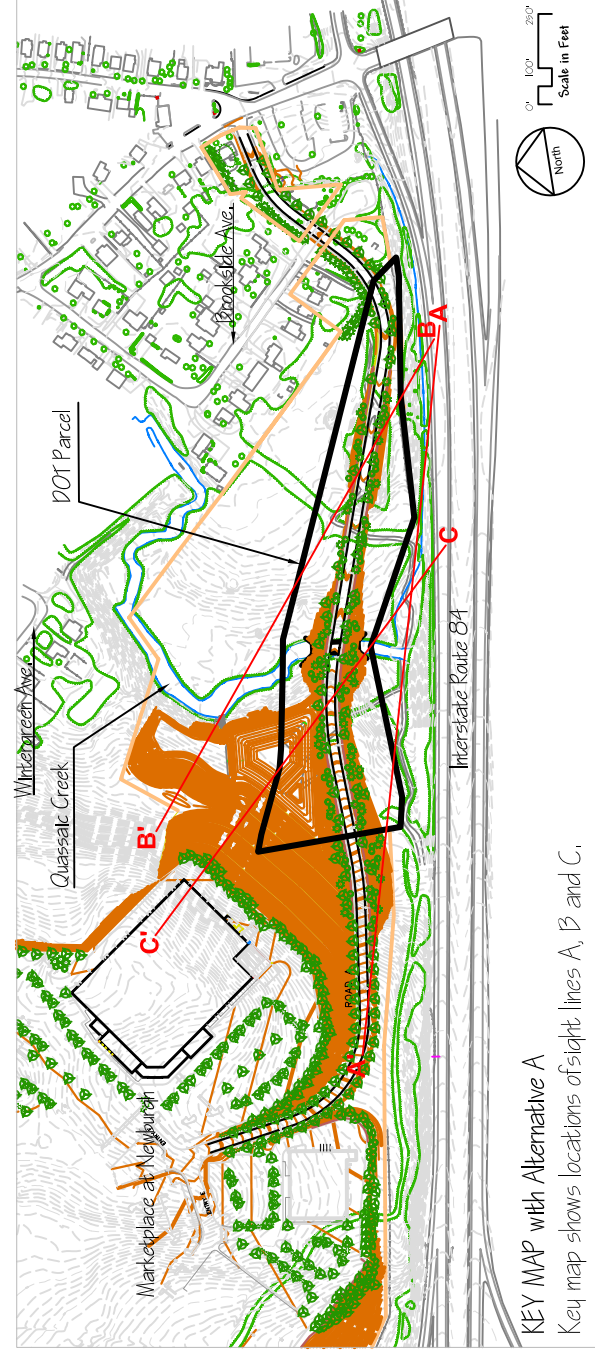
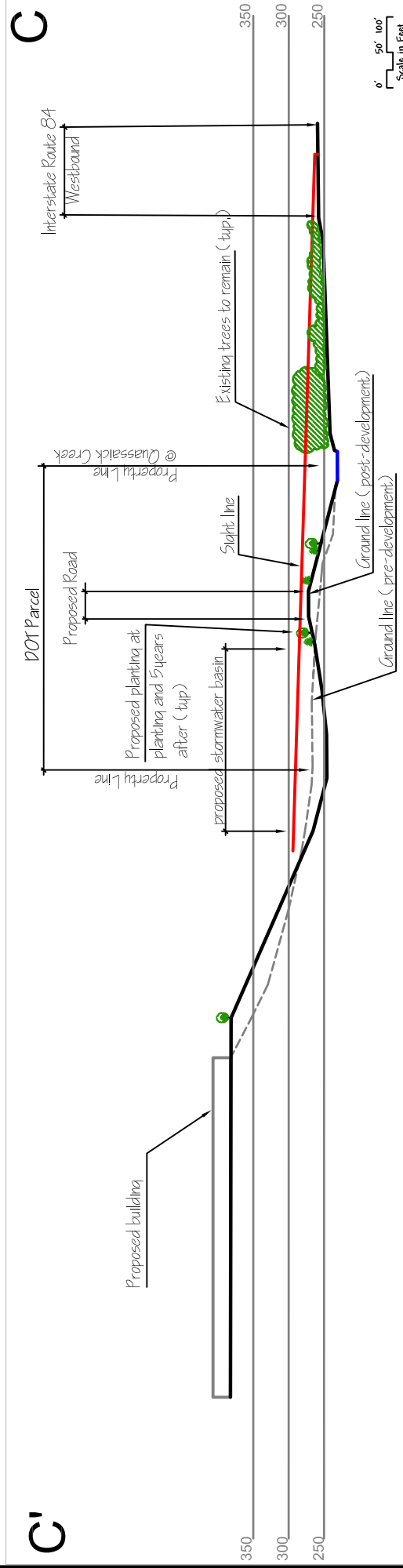
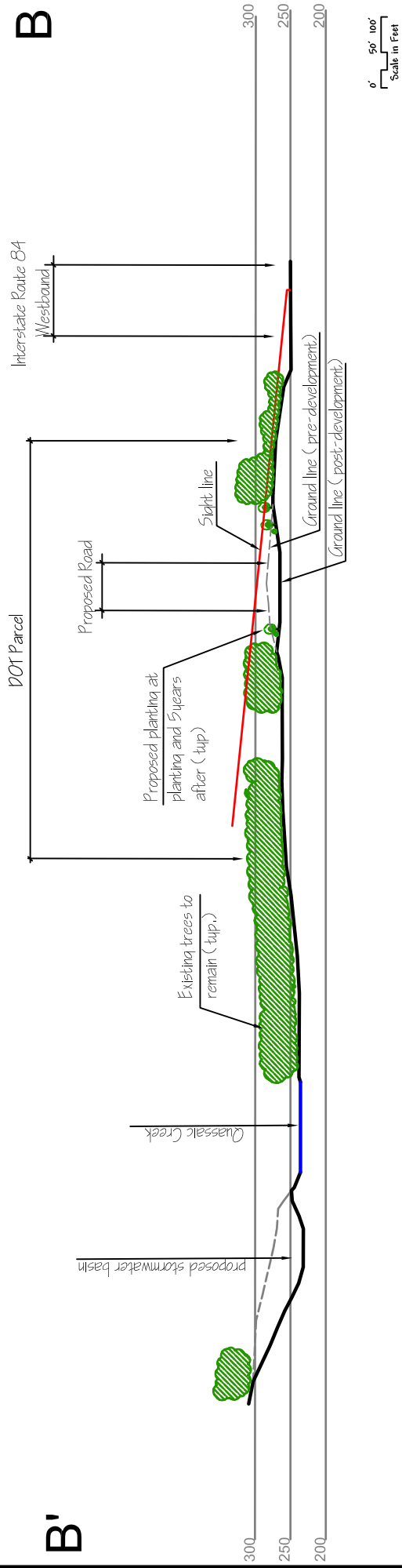
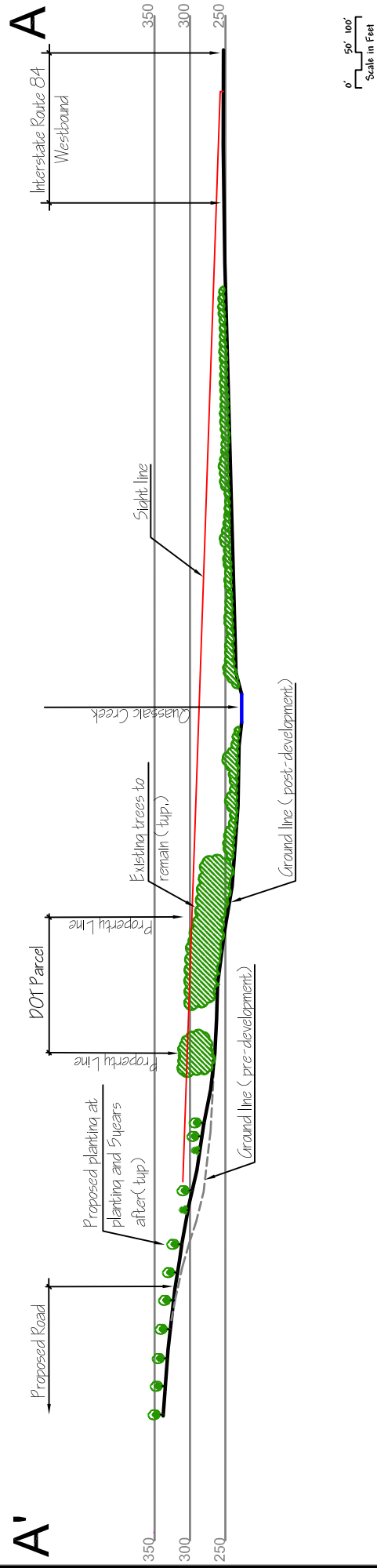




KEY MAP with Alternative B (No Action)  
Key map shows locations of sight lines D, E, F, and G.

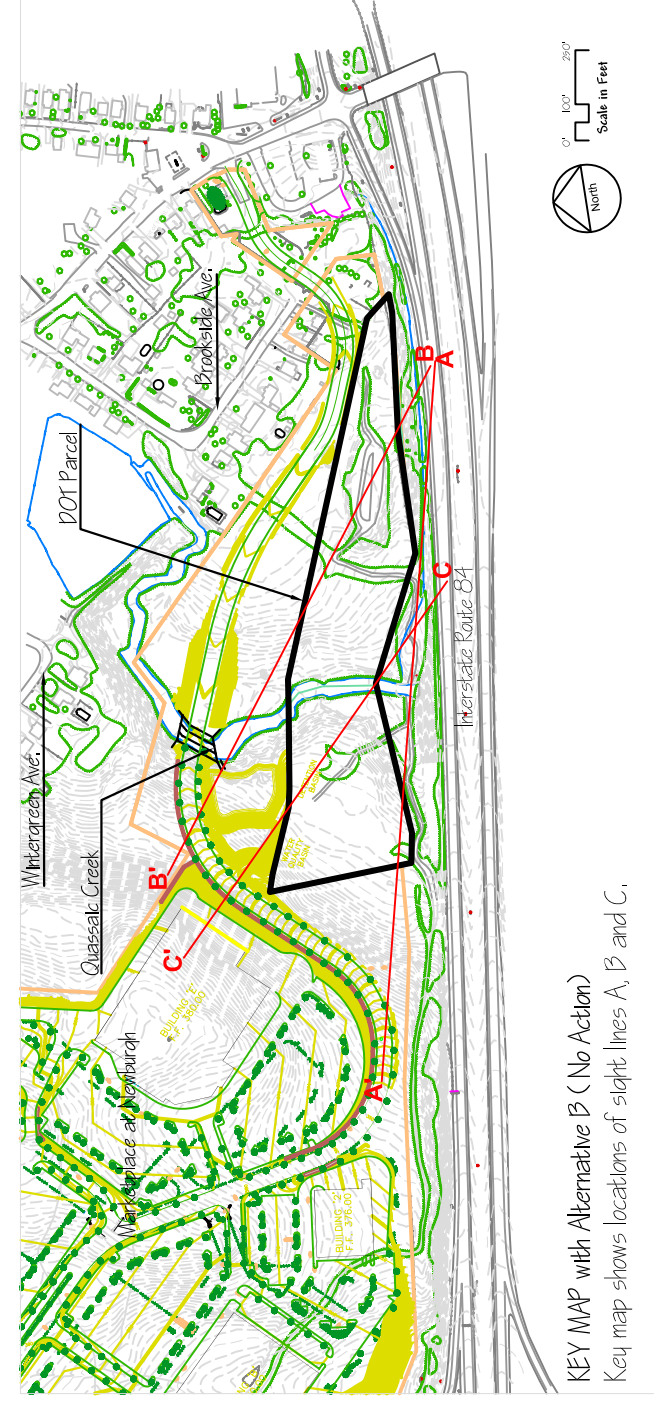
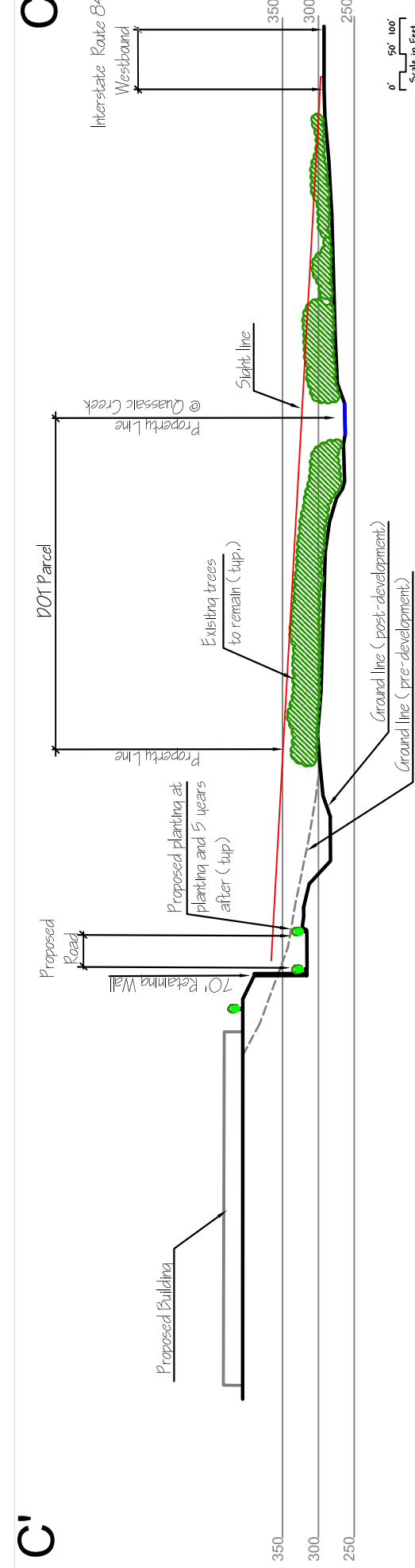
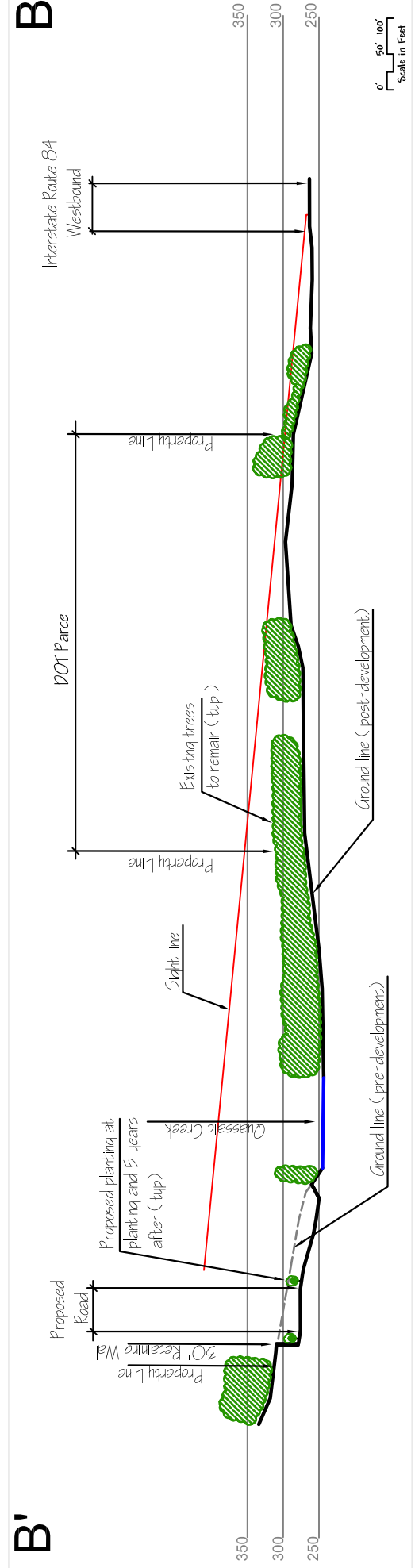
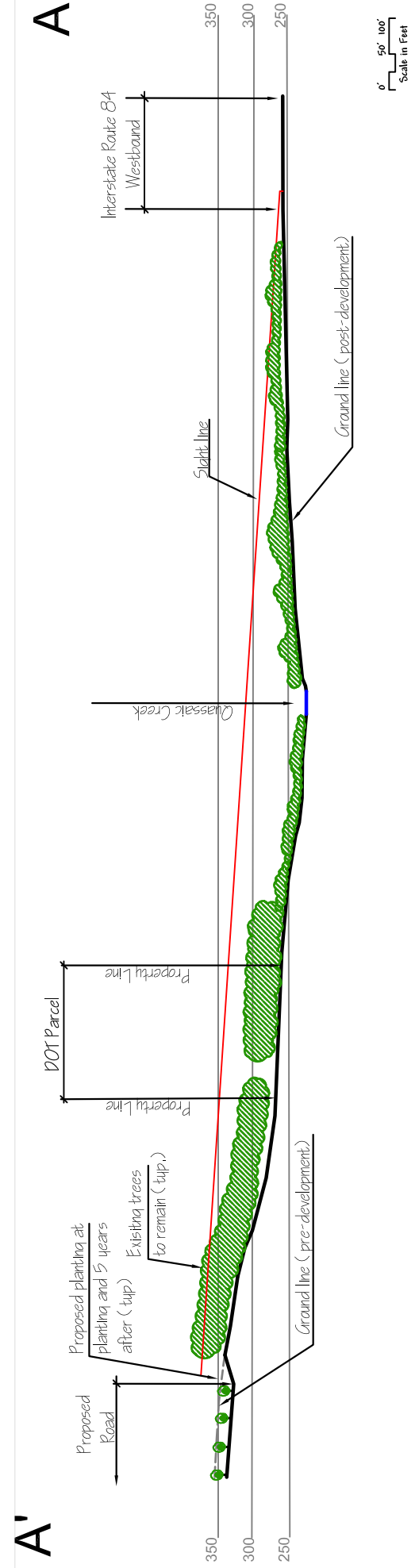
# Dwg. 1B

Cross Sections - Alternative B - Eastbound I-84 Views  
**Visual Impact Assessment**  
 Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, New York



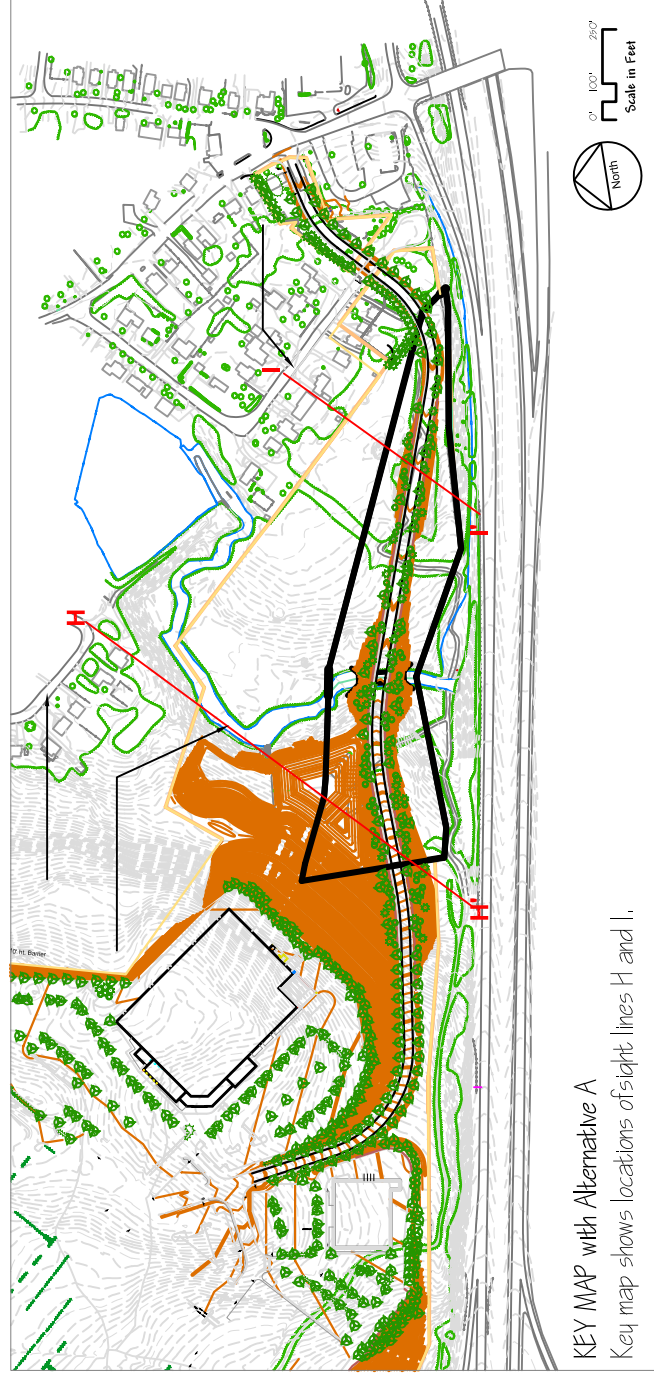
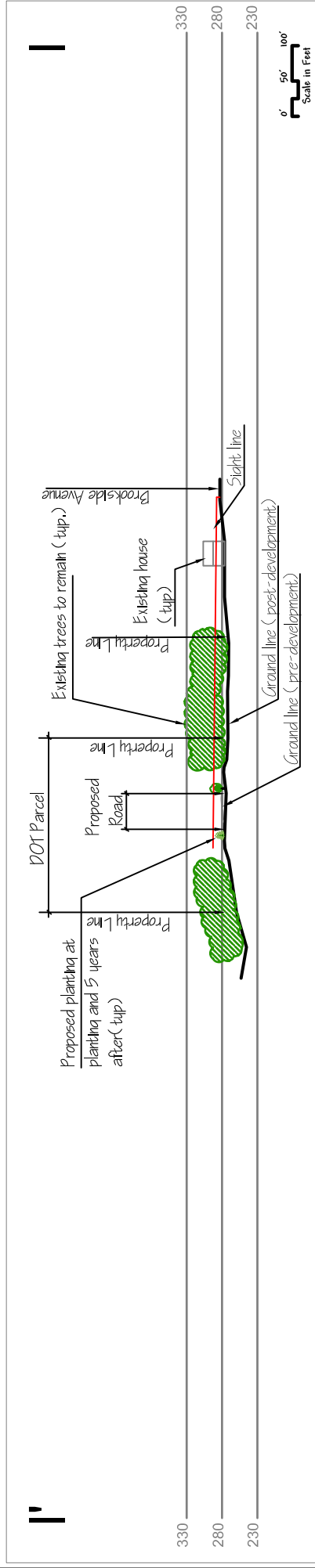
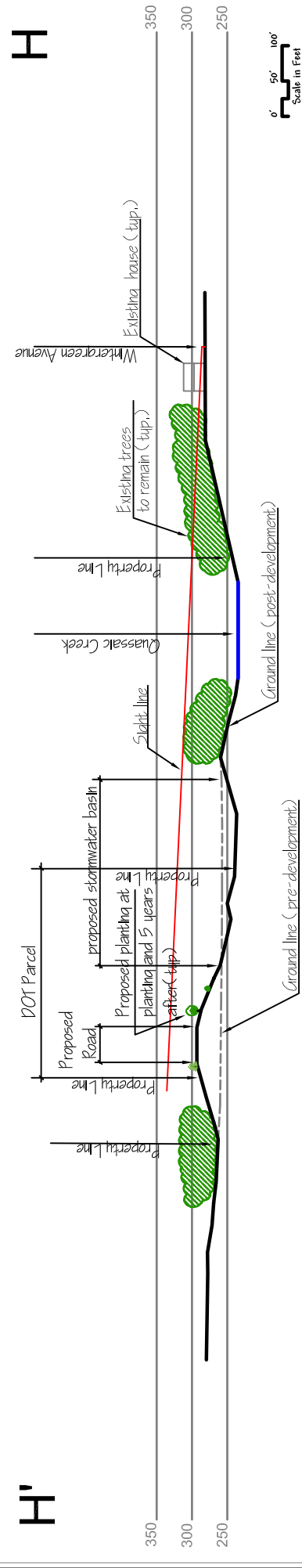
# DWG. 2A

Cross Sections - Alternative A - Westbound I-84 Views  
**Visual Impact Assessment**  
 Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, New York



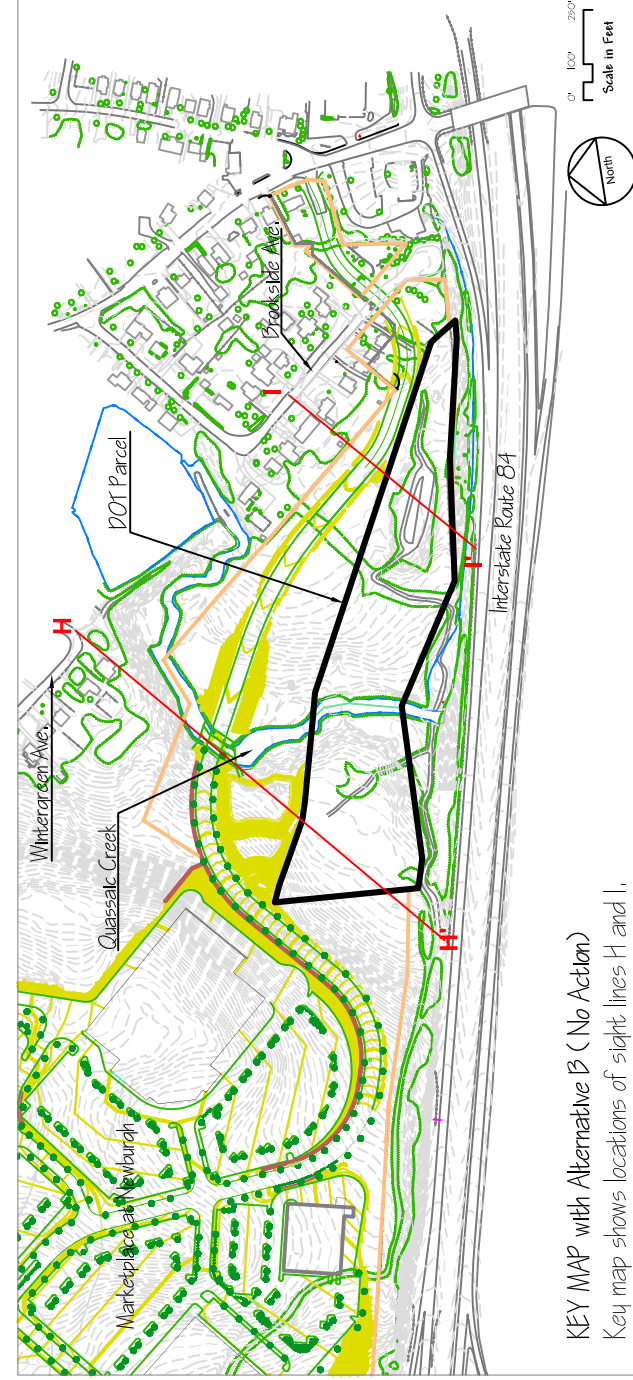
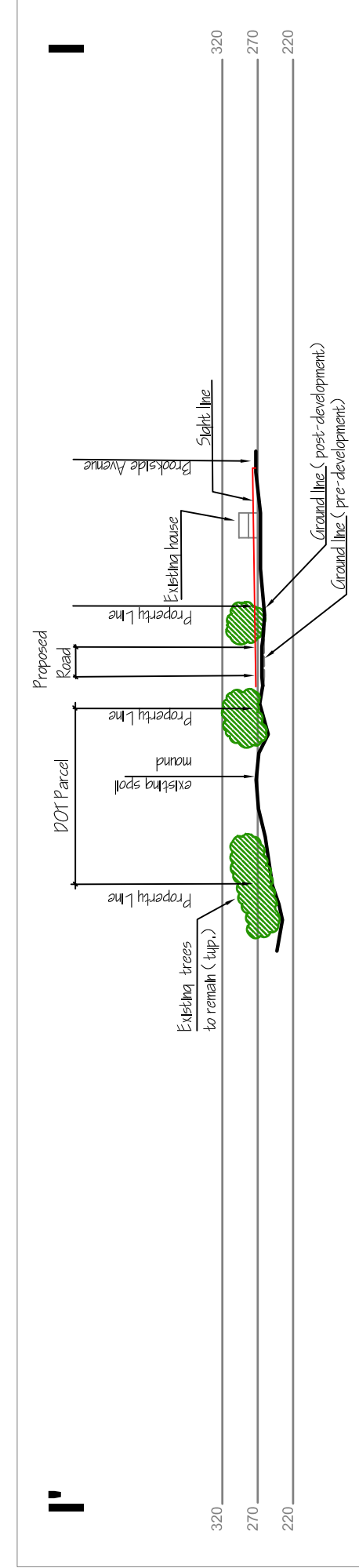
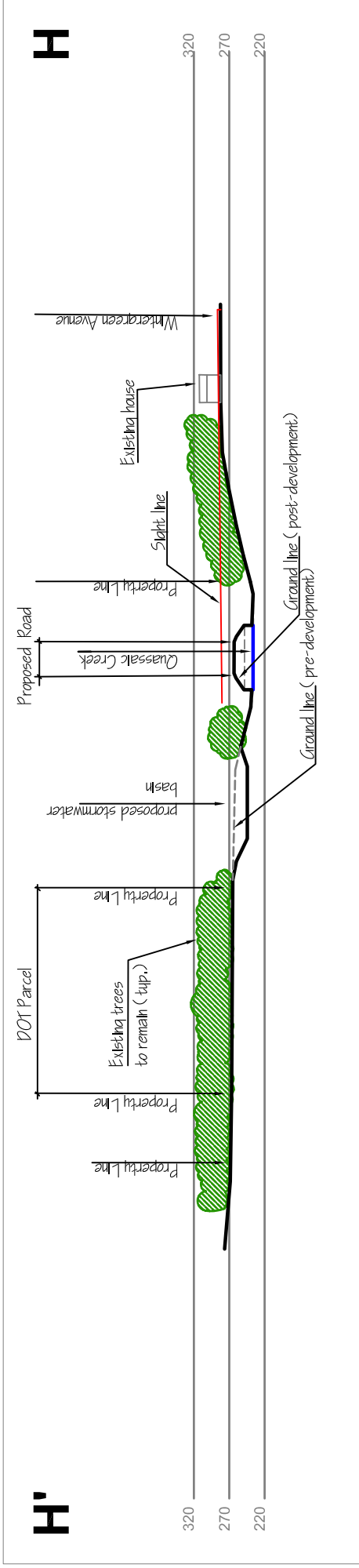
# Dwg. 2B

Cross Sections - Alternative B - Westbound I-84 Views  
**Visual Impact Assessment**  
 Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, New York



# Dwg. 3A

Cross Sections - Alternative A - Adjacent Neighborhood Views  
**Visual Impact Assessment**  
 Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, New York



# Dwg. 3B

Cross Sections - Alternative B - Adjacent Neighborhood Views  
**Visual Impact Assessment**  
 Proposed Easterly Access Road Over State Land  
 Associated with the Marketplace at Newburgh  
 Town of Newburgh, Orange County, New York