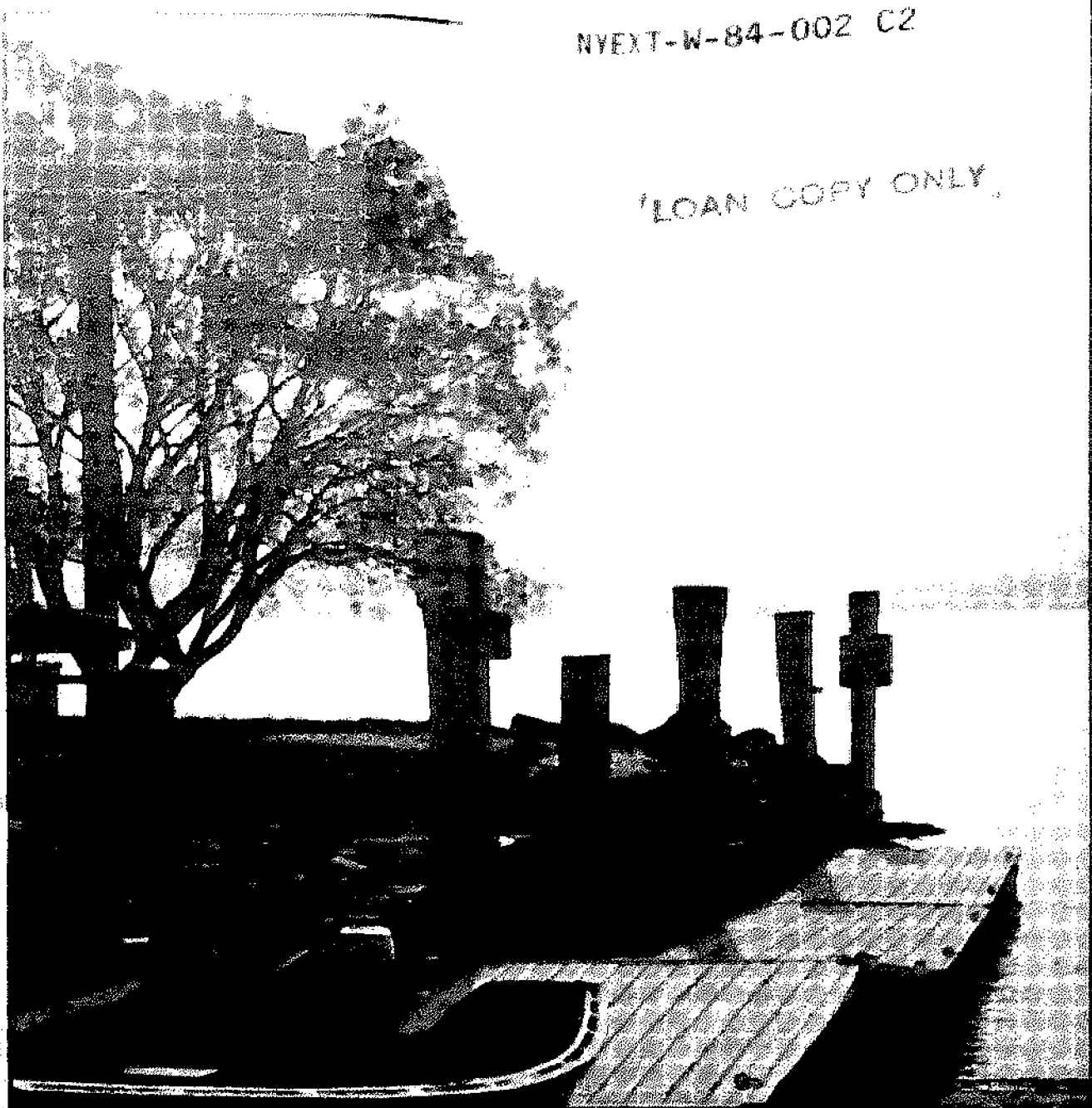


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**SCENIC QUALITY
OF THE
LOWER HUDSON
RIVER**

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Proceedings of
SCENIC QUALITY
IN THE LOWER HUDSON RIVER VALLEY
A Conference on Assessing and Preserving Visual Resources
Cunneen-Backett Cultural Center
Poughkeepsie, New York
November 14, 1984

Stephen B. Lopez and Carol Sondheimer
Editors

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FOREWORD

The concept for a conference on Scenic Quality in the Lower Hudson River Valley grew out of the observation by the Lower Hudson River Sea Grant office and Scenic Hudson, Inc. that many issues being addressed by these two organizations -- and others in the Valley as well -- were directly or indirectly influencing the area's visual attractiveness. A regional conference on the subject of visual quality was planned to heighten the awareness of individuals and organizations of the affect of their activities on the area's scenic qualities.

The sponsoring organizations felt that a conference should address several important educational objectives: (1) define a scientific basis for scenic quality assessment through presentation of scientific research on the topic, (2) present techniques for preserving and enhancing scenic quality that would aid local officials in their decision-making, and (3) encourage wise management of visual resources in land use decisions thereby preserving and enhancing the scenic heritage of the lower Hudson River Valley. The Valley has a unique and outstanding scenic quality that is precious to all who live, work and visit here.

In organizing this event, we tapped the expertise of many generous and talented people. We are indebted especially to the conference speakers whose time and energy helped bring the conference alive. In addition to the speakers whose presentations are summarized in these proceedings, others were supportive as well. The county Cooperative Extension Associations of Dutchess, Orange, Putnam, Rockland, Ulster and Westchester provided financial support. Dutchess County Cooperative Extension also assisted with the printing of the conference brochures. Others were helpful too, but space limits the names of individuals and organizations that can be mentioned.

We hope that these proceedings will serve as a useful reference on this topic for many years to come.

Conference Coordinators:

CAROL SOMMERINER, Associate Director, Scenic Hudson, Inc.

STEPHEN W. LOPES, Regional Sea Grant Specialist, Lower Hudson River Sea Grant Office

RANDY ROGAN, Cooperative Extension Agent, Dutchess County Cooperative Extension

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Illus. 1

KEYNOTE ADDRESS

Orin Lehman
Commissioner, NYS Office of Parks, Recreation
and Historic Preservation

Recently I was invited to give a talk to the Chamber of Commerce of Tarrytown, the Hudson Valley community where I grew up. When I began outlining my remarks, it was very tempting to refer back to the serene old village of my memories, and imagine its future as the gateway for Hudson Valley tourism.

Tarrytown, after all, is still identified throughout America as the center of that romantic place called Sleepy Hollow. Its list of restored historic sites could well be envied by most other towns in the nation.

Yet, as I continued to prepare for my talk, I was continually confronted with present day realities. The possibilities of tourism and of attracting new residents would be only of peripheral interest to a business leadership already preoccupied with twelve-hour traffic jams. Discussion in Tarrytown now centers on the need for additional lanes across the Tappan Zee -- not upon increases in tourist trade.

Today -- despite all efforts to save it -- the Sleepy Hollow that I remember so well from my youth is rapidly disappearing. The quiet pace -- so characteristic of Hudson Valley life -- is changed. The special blend of open vistas, trees and architecture is gone. The prized sites that I mentioned seem gems detached from their setting.

Now I am sure that are many that find the Tarrytown of today an exciting place to be. After years of contending with the problems of vanishing populations and unused factory sites -- a bit of unbridled growth might well seem refreshing.

BUT I WONDER -- IF GIVEN THE CHOICE ONCE MORE, HOW MANY WOULD OPT FOR THIS BRAVE NEW WORLD SO COSTLY IN THE VALUES OF THE OLD?

The Executive Director of the American Land Forum, Chuck Little, has observed that a time can come when an outstanding landscape becomes so "disintegrated" that its essential

values to the public are lost. At that point in time, he said, its values become simply real estate.

For the people of Tarrytown, that time was hastened along by the construction of the Thruway. They live in a world thrust upon them in the 1950s, when the community became the eastern terminus of an important Thruway bridge.

Perhaps no one in the 1950s could have foreseen all the changes that the Thruway would set in motion. It was not completely overlooked, however, that historic and scenic values were particularly vulnerable to a project of such dimensions and that there might have been more appropriate -- as well as more economical -- places for its crossing than at one of the widest and most colorful stretches of the River. But such concerns carried little weight back then.

IF THE TIME OF CRITICAL DECISIONS HAS PASSED FOR TARRYTOWN, FOR MOST OF THE VALLEY IT IS JUST ARRIVING. THERE ARE CHOICES THAT STILL CAN BE MADE.

In this regard, some of the past misfortunes of the Valley might now seem blessings in disguise. They brought us valuable time to stress what is truly meaningful and to determine, perhaps, the best ways of saving it.

I am all too familiar with the effects of the Valley's long period of decline. From 1890 until IBM rediscovered us in the '50s, our population dropped; our historic towns grew stagnant. Not much of value was built; on the other hand, not much of value was torn down.

In the '60s and '70s, the mid-Hudson -- like most other parts of the state and the nation -- was caught up in the quest for the Great Society. Much of the effort was aimed at removing evidence of the shrinkage that our cities had experienced over the course of so many years. In retrospect, as we went about demolishing abandoned factory sites and clearing slums -- we lost a great deal. Much of the Rondout section of Kingston, some of the choice Greek Revival buildings near the riverfront of Poughkeepsie, some of the finest efforts of Downing, Withers and Vaux in Newburgh and much, much more was shattered by the wrecker's ball.

Enough of the Valley's solid old building stock remained intact, however, to become an important factor in the economic turn-around that we have so happily experienced in recent years.

People have discovered that it is possible to enjoy the scenic beauty, the relatively inexpensive housing, and the cultural and recreational opportunities of the Valley while commuting for work in White Plains or Danbury. In the meantime, more and more businesses are discovering the

attractions of the Valley. A survey that the State itself conducted a short time ago among major business firms looking to relocate clearly indicates that the availability of scenic, recreational and cultural resources and a plentiful supply of attractive old communities in which employees can reside are very high up on the list of what prompts a business to move.

Clearly, a new era has arrived but just as clearly a new time for decision has come with it. It is not without a certain sense of *deja vu*, for example, that we learn of the New York Bridge Authority's search for the best place for an additional mid-Hudson crossing.

Among the questions that we have to pose are these: CAN THE REGION SUSTAIN ITS PRESENT GROWTH AND STILL HOLD ON TO THOSE THINGS THAT MAKE IT SUCH A DESIREABLE PLACE TO LIVE? Are we any more sophisticated today than we were in the 1950s? Will we be able to protect ourselves any better now than we did back then?

The changing nature of the State's inventory of historic places over a period of 15 years is not without its relevance to our discussion. New York was the first state in the union to focus on historic site preservation. It accepted responsibility for Washington's Headquarters in Newburgh way back in 1850. But for a century or more, the focus remained primarily on famous men and great events.

In the 1960s, as the State began compiling new lists, it defined historic resources in far broader terms. HISTORY WE HAD DISCOVERED WAS NOT JUST SOMETHING YOU SET ASIDE IN A PARK AND VISITED ON SUNDAY. IT WAS SOMETHING YOU LIVED WITH, AND THAT INFLUENCED YOUR LIFE ON A DAILY BASIS. Any place that added to a community's special character -- be it a mill, a railroad station, or even an old Dutch barn -- might prove eligible. Experience quickly taught us that districts of buildings -- associated by use, style, date of construction and the like -- also could have significance.

Gradually the circle of concern broadened, and the interests of preservation and conservation began to blend. It became increasingly clear that what was done to the marshland in front of a mansion could be just as damaging as a sledgehammer blow to its woodwork.

In fact, in the vast amphitheater of the mid-Hudson it has sometimes been necessary to extend the sphere of concern for dozens of miles at a stretch. Much of the shoreland between Germantown and Hyde Park, for example, has been officially designated both an historic and scenic area. Scenic Hudson, DEC, my own office and other groups have all been at work seeking ways to maintain traditional land uses and to protect the historic ambience while at the same time

adjusting to the inevitable change. Our concern in this case has not been with what happens along the eastern shore alone. We are equally concerned with any serious interruption in the sweeping views to the west.

Now I would like to emphasize that in designating and protecting such resources, no one that I know wishes to put such a broad span of the Valley into a glass case. Since the time of first settlement, the Hudson has been a living landscape. There is no blind desire to halt change now. We recognize too that everything need not be saved just because it is old. In the course of project review, we often are called upon to weigh the potential of a resource for our own and future generations.

But when we do this -- especially in the Hudson Valley -- we discover that a high percentage of our manmade environment is worthy of consideration. The beauty of the region has proven an inspiration to most of those who ever lived within it. In design and scale and quality, a high percentage of the older structures in the Valley -- mills and mansions alike -- have been built in keeping with their surroundings.

THIS UNIQUE COMBINATION OF THE MANMADE AND NATURAL HAS PROVIDED A RICH LEGACY. IT IS THIS, IN FACT, THAT MAKES THE VALLEY SUCH A VERY SPECIAL REGION BOTH TO VISIT AND TO LIVE. IT IS THE HARMONY, BALANCE AND PROPORTION FOUND IN SO MUCH OF WHAT WE SEE AROUND US THAT WE HAVE BEEN STRIVING SO HARD TO PROTECT.

It is one thing, of course, to broaden your conception of what should be preserved. It is quite another to come up with the means and the money to do it. Even in the days of wine and roses, there were limits to what government could do when left to its own resources. There were few limits to what could be achieved, however, when the private sector joined in the effort.

During the '60s and '70s, we made a deliberate search for positive ways to involve private citizens. In the historic preservation incentives of the federal Tax Acts of 1976 and 1981, we finally found them. In just a brief period of time, many hundreds of buildings throughout New York -- not a few of them right here in this Valley -- have been restored with integrity.

The search for effective measures, of course, did not stop with the Tax Act. It is continued, for example through the State's Urban Cultural Park program which aims at community development keyed to the enhancement of significant natural and historic resources. In this region, projects encouraged by the program are advancing in Ossining, Kingston, Cold Spring and several of the cities of the Hudson

Mohawk Industrial Gateway.

The search is continued also in more rural areas through attempts to establish Greenline Parks protected through the use of scenic easements and other incentives. The 25 mile long Mid-Hudson Shorelands District referred to earlier provides one of the most important examples.

The brief experience with the Hudson River Valley Commission in the late 1960s was as close to control over private development as we ever really got. Other conservation and preservation legislation in the '60s and '70s, of course, provided more enduring safeguards. The restrictions they contained aimed, for the most part, at the federal and state agencies responsible for funding, licensing or granting permits for projects that might adversely affect scenic or historic values.

Federal and state statutes have left to local communities matters of zoning, historic districting, and landmark commissions with the powers to curtail the activities of homeowners and developers alike.

The limitations of this traditional approach become obvious in a beautiful valley with broad scenic vistas. A private developer in the village of Hastings, for example, recently sought to build a high rise apartment on a plot at the River's edge. If the village had gone along with the project, it would have been like selling a front row theater ticket to a giant seven feet tall.

The decision involved more than the possible loss of nearby property owners whose view and access would be cut off. The project would blight the view from the other shore for miles up and down. It would destroy some of the qualities of the riverfront that tourists now travel to see. Despite all the other interests involved, however, the decision remained Hastings' alone.

If the federal and state laws now in effect do not tackle such problems directly, they have at least contributed to a changed climate of public opinion. As members of the public began participating in efforts to compile resource inventories and entered into debates over urban renewal, power plant locations, riverfront arterials and the like, they gradually developed an appreciation of what modern preservation and conservation were all about.

Just how significant this public awareness might be is revealed in the story of a proposed nuclear plant on the shore of the Hudson River at Cementon. The Cementon proposal came before the Nuclear Regulatory Commission in the mid - 1970s. The staff of the Commission conceded that the plant would have a serious negative impact on both historic sites

and natural resources. It would have dominated the view from Olana, the magnificent mountain top home of the artist Frederic Church. And it would have cast a devastating pall over the historic estates and towns stretched along the eastern shore.

BUT MEMBERS OF THE NRC STAFF WERE CONCERNED THAT THE RESOURCES INVOLVED WERE VALUED ONLY BY ELITIST GROUPS. VERY QUIETLY, THEY TOOK A PUBLIC OPINION SAMPLING. THE RESULTS GAVE THEM QUITE A SURPRISE. THE ORDINARY CITIZENS OF COLUMBIA, DUTCHESS, GREENE AND ULSTER COUNTIES WERE NOT AT ALL INDIFFERENT TO THE ISSUE. INDEED, THEY FELT SUCH THINGS AS SCENIC VISTAS AND HISTORIC SITES WERE OF CONSIDERABLE IMPORTANCE TO THEIR WAY OF LIFE.

And their reasons went far beyond the loss of potential visitors who might be deterred from touring the area. The people interviewed were saying: "Forget about the tourists. What about us? These historic sites, these marshes, this beauty happens to have a lot to do with why we chose to live here."

For the first time in NRC history, its staff recommended against a project. It did so, it said, primarily because of the impact on scenic and aesthetic resources.

I SUSPECT THAT THE SENTIMENT OF THE GENERAL PUBLIC WILL CONTINUE TO BE A MAJOR DETERMINING FACTOR IN DECISIONS REGARDING THE MID-HUDSON'S FUTURE. THE PUBLIC UNDERSTANDING AND SUPPORT THAT WE NOW ENJOY WAS NOT EASILY WON. IT COULD BE EASILY LOST. BUT I AM CONFIDENT THAT IF WE MOVE FORWARD REASONABLY AND WITH SENSITIVITY AND INTELLIGENCE, WE WILL KEEP THAT SUPPORT.

As was so clear during my recent visit to Tarrytown, decisions over such things as the location of a bridge can make a tremendous difference to the world in which we will soon be living. Fortunately, here in the mid-Hudson region, important choices still remain to be made. With your continued leadership, with your ability to focus attention on sensitive issues at the earliest stages of their unfolding, we have a far better chance than ever before of discovering the answers and the results we seek.



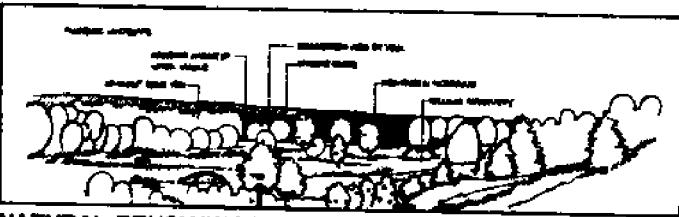
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LAND USE CHARACTER

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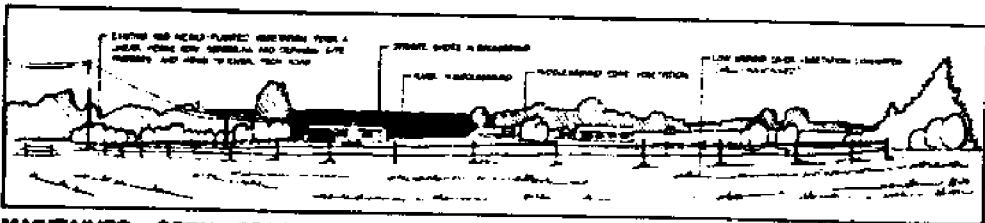
NATURAL MARSHLAND (INCLUDES SWAMPS AND WETLANDS)
 WITH MARSH VEGETATION AND THE PRESENCE OF OPEN WATER ADJACENT TO THE RIVER. USUALLY A LINEAR TERRITORY OF STANDING WATER WHICH PROVIDES VISUAL AND PHYSICAL ACCESS TO THE RIVER. THE PRESENCE OF MANMADE ELEMENTS IS MINIMAL. VISUAL ACCESS TO THE RIVER MAY OR MAY NOT BE PRESENT FROM THE VIEWER'S POSITION.



NATURAL BRUSH/WOODLAND INCLUDES A MIXTURE OF CONIFEROUS AND DECIDUOUS VEGETATION TYPES FROM GRASSES AND LOW SHRUBS TO TALL TREES. THE PRESENCE OF MANMADE ELEMENTS AND IMPROVED OPEN SPACE IS MINIMAL. SIGNIFICANT NATURAL FEATURES MAY ALSO BE ASSOCIATED SUCH AS FACILLATING TOROSSWAY AND ROCK OUTCROPS.



AGRICULTURE CHARACTERISTIC VISUAL APPEARANCE ASSOCIATED WITH ACTIVELY CULTIVATED, SUBSIDIZED PASTURES OR INACTIVE PASTURE LAND REVERTING TO BRUSHLAND OR MAINTAINED OPEN SPACE. THE PRESENCE OF SUPPORT STRUCTURES SUCH AS BARN, CLOS, FARM HOUSES AND FARM EQUIPMENT MIGHT ENHANCE RURAL IMAGE AND SCENIC QUALITY.



MAINTAINED OPEN SPACE USUALLY ASSOCIATED WITH RESIDENTIAL AND RECREATION. THIS AND OTHER VISUAL APPEARANCE IS CHARACTERIZED BY A SPARSE LINEAR VEGETATION AND A RURAL IMAGE. TYPICAL VISUAL APPEARANCE MAY INCLUDE THE MAINTAINED BOUNDARY BORDERS AND LINE VEGETATION. VISUAL ACCESS TO THE RIVER MAY OR MAY NOT BE PRESENT FROM THE VIEWER'S POSITION.

THE SCIENCE OF WHAT YOU SEE

Richard Swardon
Senior Research Associate
School of Landscape Architecture
State University of New York at Syracuse

"An Approach to Community Visual Resource Management:
Science and Application"

In approaching visual resource management, a community should decide three things:

1. What are scenic/aesthetic resources?
2. Where are they located or seen from?
3. What is the range of anticipated management goals?

What Are Scenic Resources?

While scenic resources may include designated scenic overlooks in state parks, they may also include village centers, rural farm areas, river views and wetlands, hills and valleys, and historic sites. They may or may not be publicly owned. A local community should decide for itself what constitutes a scenic resource. Professional assistance on this is fine, but the question is basically a value determination -- how are these areas valued and by whom? This is why, in many cases, we as researchers advocate a participatory process of local scenic area nomination. (See Leveque and Palmer, 1984.) Local citizen groups may also want to be involved in classifying landscapes into various homogeneous zones or types based on their perceived characteristics. (See Palmer, 1983.)

Where Are Scenic Resources Located or Seen?

This question appears straight forward, but in practice is often perplexing. Where are scenic areas or, more importantly, from where can they be seen? Planners and designers often want to map areas that have homogeneous characteristics -- a sort of areal inventory and analysis. Local residents, however, may tend to perceive landscape from major travel routes -- a routed inventory and analysis. (See Palmer, 1983.) Both approaches may be needed, depending on the scope and purpose of a visual assessment study. Some visual resources are point-like in nature as, for example, a

mountain, small pond or village center. Others are linear, like a scenic road or river. Still others are blanket-like and area-wide, such as open fields with forested edges which can be perceived as scenic from many different vantage points.

Once the configuration and central location of a visual resource is determined, the question becomes: From where can it be seen or What is its visibility? There are many methods of determining visibility, ranging from field plots and profiles to computerized methods with varying degrees of accuracy. (See Felleman, 1979, 1982.)

What Is The Range of Anticipated Management Goals?

Once we have determined what the resource is, where it is and its visibility, the next important question is: What is the range of management options we will consider? Do we simply want to maintain the area or resource the way it is (i.e. preserve it)? Or perhaps, do we want to enhance the area to higher quality levels? Allow some development within certain quality thresholds of visual impact? Rehabilitate a deteriorated area? Or completely redevelop an area to a different type of visual quality? These area management decisions imply that the community has agreed on visual management goals and objectives. These goals and objectives can be arrived at by using professional assistance but, again, they are expressions of community values and priorities and ideally should be developed with considerable local input and direction. A good way to solicit this input is by proposing alternatives for specific areas -- by means of visual simulations (drawings or photographs delineating landscape changes) -- for public reaction. (See Smardon, 1984 and Willmott et al, 1983.) Goals based on community consensus will have more relevance and usefulness than those proposed by outsiders.

What Are Appropriate Methods or Techniques to Use for Visual Assessment?

Buried within the three questions posed at the outset are many methodological choices. Should a resource inventory be done for the entire town or just along the roads? Should local volunteer groups classify landscapes or should that be done by professionals? What criteria should be used for indicating landscape quality? Should a visual impact assessment system be developed to judge the compatibility of new development with the existing landscape?

A basic guide for deciding on what techniques to use would be to design an approach that gives the community a defensible and objective way of making the type of land management decisions that are anticipated. In other words, you will need areal inventories and analyses to produce

defensible zoning overlays for scenic areas. You will need detailed visibility maps along roads if you are going to propose acquiring land via scenic easements. (See Smardon, Volpe and Price, 1984.) You will need a visual impact procedure with locally derived thresholds or design guidelines if you are making judgments about whether development "fits" or is compatible with the community landscape. (See Smardon, Sheppard and Newman, 1984.) Finally, if you are trying to revitalize Main Street or a community commercial strip, videos or scale models are extremely useful for evaluating design alternatives or in assessing the impact of a proposed sign ordinance at eye level. (See Smardon and Goukas, 1984.) In summary, there are a wide range of methods and techniques available to a community but their choice will depend on the scope of the environment to be studied and the range of implementation devices that are being considered.

Perception of Landscape Visual Quality by Environmental Professionals and Lay Citizens

I have been contrasting professional assistance versus local citizen involvement in visual resource assessment throughout my remarks. A recent paper by my associate, Dr. James Palmer, highlights this issue and yields some light on whether trained landscape assessors or the lay public should be used for landscape evaluation. After reviewing the literature and doing his own comparative study, Dr. Palmer concludes that "overall, there is substantial agreement between lay and professional evaluations of landscape visual quality." (See Palmer, 1984.) However, more detailed examination resulted in the following conclusions:

- " In contrast to the citizens, professionals exhibit the critical appreciation of the natural environment... On the other hand, citizens seem more attuned to the cultural meaning of their local built environment. In particular, they identify specific qualities that they think capture the local sense of place while professionals only identify attributes that could apply to Anytown, USA... While the scenic quality evaluations of local citizens is balanced between natural and built context, the professionals rely on natural attributes. In addition, professionals tend to give equal weight to natural attributes in all three distance zones, while local citizens are much less sensitive to background attributes."


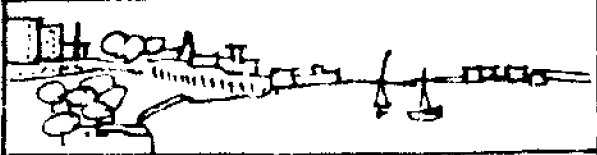




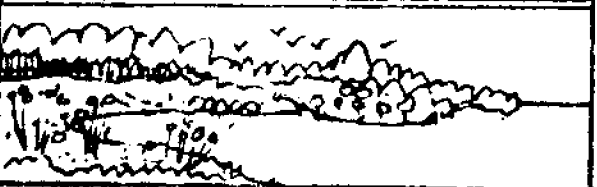
Thus, there are some differences between citizen and professional evaluations of landscape quality even though overall judgments often are quite similar. The key is that once these differences are understood, professionals can apply new-found criteria consistently to landscape evaluation tasks, as proven by recent studies. (See Buhjott et al, 1978.)

In summary, the visual or scenic landscape is a challenging resource to identify, locate and manage because it represents the interaction of landscape and observer. The challenge, however, should not be used as an excuse for not addressing visual quality management issues. The tools and approaches to accomplish the job exist. Our job is to find the appropriate ways to attack scenic quality issues and problems.

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	<p>1 Center City</p>
	<p>2 Intermediate City</p>
	<p>3 Fringe City</p>
	<p>4 Rural Town with Resort Strip</p>
	<p>5 Farm with Resort Strip</p>
	<p>6 Uncultivated Farm Forest</p>
	<p>7 Undeveloped Wildland</p>

Illus. 4

TRANSLATING THEORY INTO PRACTICE

Daniel Shuster
President, Shuster Associates

"Strategies for Scenic Quality Management"

The focus of my remarks will be on scenic quality management as a legitimate public concern -- especially at the local level. This is the only way that scenic quality theory can be translated into reality.

Local Role in Scenic Management

A recent newspaper article quoted Richard Benas, DEC's expert on scenic quality, as saying municipalities are in a better position than the State to protect scenic values due to their zoning powers. The Hudson River Valley consists primarily of small communities with little or no technical assistance or expertise, and relatively few actions actually come under the scrutiny of state or regional bodies through the State Environmental Quality Review Act (SEQRA). Therefore, the burden of review falls mostly to local volunteer officials.

If the scenic values which make the Hudson Valley unique are to be preserved, it is vital that local officials are made aware of the issues, that they really care about them and that they begin to deal with them as part of the development review process. While the battle is by no means won, I am encouraged by many indications that visual quality is being given increasing status. I would like to share several recent examples of this new concern, suggest why it is often difficult to deal with and, finally, offer a few hints as to how to make the process work.

Examples of Local Scenic Quality Management

A few recent examples illustrate the range of recent action to enhance the over-all aesthetic of the waterfront environment:

The first State designated Scenic District has been created in northern Dutchess County.

The Village of Saugerties is working hard to turn abandoned industrial ruins into a waterfront park so that citizens can enjoy the view of the water, among other benefits.

The City of Kingston has transformed a waterfront dump into a park after some 20 years of planning. The City also is developing a park system along the Rondout Creek to replace abandoned and neglected sites, and has studied the feasibility of relocating oil storage facilities and junk yards away from the water's edge to see if the visual environment could be enhanced.

The Village of Athens demolished a large, view-blocking abandoned industrial structure to create a waterfront park.

Two of the four Mid-Hudson lighthouses are being restored and a third is under consideration.

The Town of Esopus is considering various techniques to preserve the visual environment on the west shore of the Hudson, opposite the Scenic District in Dutchess County.

There is considerable interest in the Scenic Roads program proposed by the Heritage Task Force for the Hudson Valley.

What is most significant to me from all these examples is that all are locally initiated or require local support and participation. Unlike previous attempts to regulate visual quality at a regional level (eg. the Hudson River Valley Commission), these local efforts, while less consistent, suggest a more well-rooted commitment.

Managing scenic quality is a task made complicated by the diversity of the resources and the varied perspectives of the managers -- both in terms of location and judgment. Visual resources include natural phenomena, historic landmarks, cultural features and the particular blending of many elements into one landscape. To maintain credibility, it is essential to be able to explain why the Poughkeepsie Railroad Bridge, for example, should be preserved while new power lines are to be prevented, why the view from the River is as important as the view of the River, why the cumulative impact of many small actions may be significant even though one seems unimportant.

Strategies for Visual Quality Review

Let me conclude with a few general strategies to deal with visual quality review and analysis on the local level:

Be prepared to offer guidelines and suggestions early in the process. Don't just say: "We don't like it -- Come back with something we will."

Relatively few visual quality issues are absolutely critical. Save the big guns for those few, but make sure that the visual impact of all actions is considered so that

the process is firmly established.

Fully understand the concerns that must be balanced against visual issues so that the merits of both sides can be considered, intelligently addressed and, if necessary, a reasonable compromise agreed upon.

Finally, I would submit that translating scenic quality theory into practice requires an awareness of the aesthetic environment and a belief by public officials that it is as important as our other resources of land, water and air.

Kathy Madden
Senior Project Manager
Project for Public Spaces

Design and Management of Public Spaces

Project for Public Spaces (PPS) is a non-profit urban planning, management and design organization that was founded in 1975. For the past 10 years, PPS has been working on the design and management of public spaces to make them more active, safe, comfortable and attractive for the people who use them. PPS has completed projects throughout the United States, ranging in scale from individual corporate atriums and plazas to entire central business districts and mixed use developments. This experience gives PPS a unique perspective on how to create public spaces that work.

PPS's work is an outgrowth of that of writer - urbanologist William H. Whyte who founded what is known as the Street Life Project in order to determine what makes the difference between a public space that is actively and enjoyably used and one that receives no use at all or is misused. His work, which pioneered the use of time-lapse filming in urban studies, has increased our understanding of the often overlooked design factors and management strategies that foster well utilized public spaces.

PPS has worked with a variety of clients including federal and local governmental agencies as well as private developers. The projects provide specific services to clients and, at the same time, demonstrate the broader aspects of our work to others trying to improve public spaces. In addition, the organization conducts general research on different aspects of public space use and offers education and training programs in open space analysis.

Methodology

In each project, PPS makes a careful evaluation of the needs, perceptions and preferences of potential users of a public space. This is done through techniques that include on-site observations, time-lapse and documentary film making, user surveys and interviews. PPS's unique skill is its ability to translate this understanding of use into specific recommendations for public space design and management improvements.

The staff encompasses diverse backgrounds including architecture, landscape architecture, planning, social science, film and law.

Cold Spring Case Study

In our work, we have found that while much attention is paid to the physical ecology of a place, too little research and evaluation is done of the social ecology of a scenic place. The two, however, can fit easily together.

We recently were involved in a project in Cold Spring in which we examined this issue of the use of a scenic area in detail. Cold Spring is unique in many ways. First, it is one of the few towns on the east bank which has not been totally cut off from the river by the railroad. Although the train does cut across Main Street, the street extends down to the river where it ends in the village's most actively used open space -- the waterfront park.

The view up the Hudson from the park is spectacular. In fact, many tourists stop in Cold Spring specifically for this view, despite the relative inaccessability of the village from Interstate 84. More recently, Cold Spring also has developed as an antiques center. Significant numbers of people are drawn to the community on weekends, particularly during the warmer months. Maintaining the delicate balance between being a town for tourists and a town for the local people is perhaps the most difficult challenge Cold Spring residents face today.

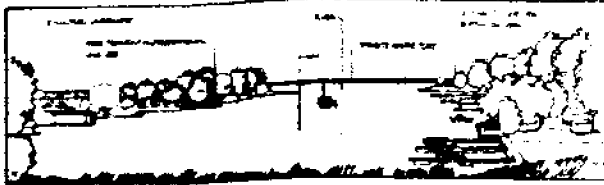
Clearly, Cold Spring has concerned citizens who care deeply about their community. From our discussions with people in Cold Spring, it is evident that residents would like the village to be improved but, at the same time, not changed a lot. PPS has tried to keep these important concerns in mind in coming up with recommendations for this project.

In the Cold Spring waterfront park, we found a very well-used public space. Any changes that may be made to it need to respect its existing use. A variety of people of different ages use the park for many activities at all times

of the day, week and year. Many of the local residents we interviewed said they used the park every day! Based on this understanding of the existing use, an improvement plan for the park was developed by our office.

Many of the issues addressed in this plan relating to the preservation and development of scenic areas to accommodate existing uses are of interest not only to Cold Spring but to many other communities along the Hudson as well. Issues such as improving access to the waterfront, keeping institutions (such as banks and shops) downtown, and retaining a community's unique identity are critical. These issues cannot be addressed by one community alone -- they must be approached by communities working together. A critical part of this is a strong focus and understanding of the needs of the people who use scenic areas.

AMOUNT OF WATER VISIBLE



HIGH



MODERATE



LOW

DISTANCE TO WATER

REGARDS THE PHYSICAL NEARNESS OF THE WATER TO A POINT ON THE BARRIER, THE DISTANCE REQUIRED BY DRIVING A LANDSCAPE SCENE FROM THE VIEWER'S POSITION TO THE WATER IS DIVIDED INTO FOREGROUND, MIDDLEGROUND, AND BACKGROUND.



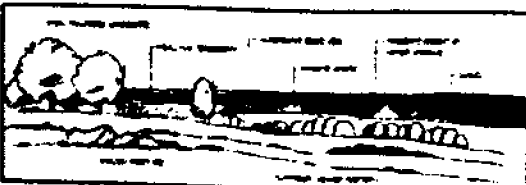
FOREGROUND

THE FOREGROUND ZONE REPRESENTS THE AREA CLOSEST TO THE VIEWER. THE PHYSICAL FOREGROUND OBJECTS ARE LARGE AND PROVIDE A SENSE OF SPACE BETWEEN THE VIEWER AND THE LANDSCAPE. THE FOREGROUND OBJECTS ARE SHARP.



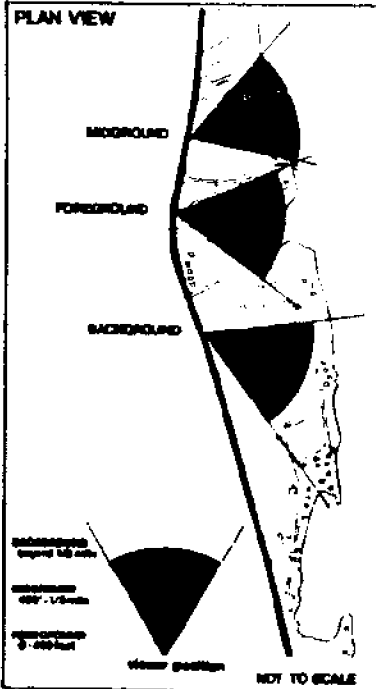
MIDGROUND

THE MOST OPTICAL LANDSCAPE SCENE ARE TO BE FOUND IN THE MIDGROUND. THE LANDSCAPE SCENE IS MOST CLEAR IN THIS ZONE. THE OBJECTS IN THE LANDSCAPE CAN BE SEEN AS SHARP AND DETAIL IS SHARP.



BACKGROUND

THE BACKGROUND ZONE REPRESENTS THE AREA FURTHEST FROM THE VIEWER. THE OBJECTS IN THE LANDSCAPE ARE SMALL AND PROVIDE A SENSE OF SPACE BETWEEN THE VIEWER AND THE LANDSCAPE. THE BACKGROUND OBJECTS ARE BLURRY.



NOW WHAT DO WE DO? IMPLEMENTATION AT THE LOCAL LEVEL

James Coon
General Counsel
NYS Department of State

I would like to introduce this afternoon's panel discussion by noting the broad range of powers that already exist at the local level for managing scenic resources.

Breadth of Municipal Powers

Municipalities in New York State have extremely broad powers to achieve their development objectives, including scenic quality protection.

Statutory authority is particularly broad, both in its authorization of police power regulations and in its authorization of acquisition and special contractual arrangements. Following are the relevant statutes:

Zoning - General City Law, Sec. 20; Town Law Article 16; Village Law Article 7; Municipal Home Rule Law, Sec. 10.

Aesthetics - Municipal Home Rule Law, Sec. 10(1)(2)(11).

Special Purpose Statutes - General Municipal Law, Sec. 96-a; General Municipal Law, Article 5-K.

Acquisition - General Municipal Law, Sec. 247; County Law, Sec. 215; General City Law, Sec. 20(2); Town Law, Sec. 64(2); Village Law, Sec. 6-624.

Court decisions have repeatedly affirmed the breadth of municipal power to regulate in the interests of scenic quality -- even in the absence of specific enabling authority or specific regulatory techniques. Relevant cases include:

People vs. Stover, 12 N.Y.2d465 (1963) - Aesthetics, standing alone, is a proper subject of police power regulation.

Cromwell vs. Perrier, 19 N.Y.2d263 (1967) - What is involved are those aesthetic considerations which bear substantially on the economic, social and cultural patterns of a community or district pattern.

People vs. Goodman, 31 N.Y.2d262 (1972) - Upheld very restrictive provision in a particular setting.

Penn Central Transp. Co. vs. City of New York, 42 N.Y. 2d324 (1977) - Upheld application of transfer of development rights procedure; upheld historic landmark regulation.

Municipal power to regulate using the police power is limited by constitutional requirements. Regulations must be reasonable and reasonably related to the ends sought to be achieved, may not deprive regulated persons of due process of law, and may not so severely restrict the use of property as to amount to a confiscation.

What Is Being Implemented

Municipal regulatory and acquisition powers must be used in furtherance of legitimate governmental objectives, and must be reasonably related to the end sought to be achieved. Thus, the use of legal "tools" for implementation proceeds on the assumption that visual resources have been identified and that the municipality has identified specific scenic quality objectives.

In Village of Euclid vs. Ambler Realty Co., 272 U.S. 365 (1926), the Supreme Court upheld the validity of zoning on the basis that it was a rational approach to handling a broad variety of community development problems. While this was a zoning case, its principle is broadly applicable to all types of police power regulations, including those aimed at the protection of scenic quality.

In short, the more attention that is paid to the development of scenic quality objectives and the more attention that is paid to documentation of the purposes behind those objectives, the better a municipality will be able to design appropriate regulations, and the less likely it will be that successful challenges will result.

Specific Examples

Village of Nyack - Bonus Provisions

The village of Nyack has adopted a local law providing for a "floating zone" - a Planned Riverfront Development (PRD) district which may be located by rezoning riverfront land. The PRD district contains a list of permitted uses, performance standards, floor area ratios, density, height and other provisions designed to provide flexibility in development of riverfront areas.

While floating zones are not uncommon in zoning regulations, bonue or incentive provisions are. The Nyack PRD district includes density, floor area ratio and height bonuses IF certain riverfront amenities are provided, including improved public access, public parks or plazas, and other uses open to the public and pedestrian access.

In providing bonue provisions, the planning process becomes critical. The municipality must carefully decide what amenities are needed to further the community's development objectives, and what bonuses will be acceptable within its development objectives.

New York City - Transfer of Development Rights

The City of New York has established numerous special zoning districts -- among them is the South Street Seaport District. Its objectives are to encourage preservation, restoration and, where appropriate, redevelopment for a seaport environmental museum with associated cultural, recreational and retail facilities, and to preserve small-scale historic structures as a part of the area.

To accomplish this, a "transfer of development rights" (TDR) system is included which allows the transfer of allowable zoning density from lots desired to be kept as low-density areas to "receiving" lots (i.e. lots where the additional density may be used).

Suffolk County - Purchase of Development Rights

The two illustrations above are examples of police power controls. Suffolk County has initiated an imaginative program involving use of the County's power to acquire interests in real property -- a power granted by General Municipal Law, Sec. 247.

In order to preserve significant agricultural lands, the county has negotiated with numerous land owners the purchase of development rights that apply to such land. Agreements are executed with the land owners and these are filed, appearing in the chain of title. The land itself continues in private ownership and may be farmed, sold, devised, left unused, etc. as long as no development occurs thereon. The land owner, of course receives compensation.

While this particular example pertains to protection of agricultural lands, the technique of purchasing development rights is broadly available to all counties, cities, towns and villages, and may be used for any open space purpose which is itself broadly defined in the statute.

City of Hudson - Facade Easements

Another innovative example of the use of municipal powers to enhance aesthetic quality is the City of Hudson's facade easement program. The City has acquired an easement on the facades of architecturally significant structures along certain streets. Worked out with building owners, agreements specify obligations by both the City and the owners with respect to the maintenance of the facade. Use of the building itself is not affected.

John Fox
Member, Planning Board
Hastings-on-Hudson

"A Progress Report from Hastings-NEAR-Hudson" Planning Waterfront Development Through Constructive Abrasion

In Hastings-on-Hudson, the waterfront today is nearly totally inaccessible to the public, being a collection of abandoned and decaying industrial buildings. However, the Village Trustees, Village Manager and the Planning Board are working with the owners in the hopes of changing this to residential and public use. Our experience over the past few years may provide guidance for officials in other communities which face a similar opportunity.

The main parcel under consideration for development is 45 acres of waterfront land formerly owned by Anaconda and purchased by the present owners in the late 1970s. The village government is eager for development, not only to provide public access but also to increase revenues. The tax contribution of the property dropped from 13% of total village revenues in 1975 to 5% in 1982.

In 1981, Gruzen and Associates was retained by the village to review past reports and proposals, and to provide the village -- including the public -- with recommended alternatives for development. Initial proposals by Gruzen involved ten-story towers and a density of as many as 400+ dwelling units. Extensive public debate in response to these ideas was vigorous and sometimes acrimonious. The owners of the property responded with alternate, more acceptable plans (lower buildings and lighter density), created in response to public and other discussions with the Planning Board, Trustees and Special Counsel.

By now, much time, energy and even a certain amount of public and private money has been invested in reaching some sort of consensus on directions for development acceptable to all parties concerned. At the moment we remain optimistic

that some form of non-industrial development will occur soon, although the owners are presently using the property for light industrial use and storage, which is what is permitted under the existing zoning. Meanwhile, the public is impatient, and repeatedly and vigorously importunes poor Planning Board members at dinner parties: "When are you guys ever going to do something with the waterfront?" We remind them that the land is privately owned...but that we could pass the hat around the table to see if we could raise enough to buy it.

Even though we do not yet have any new development on the waterfront, at least one Planning Board member in Hastings has received an education:

Four Truths Revealed to a Green Planning Board Member by Protracted Public Debate

1. A fundamental principle of contemporary regional American democracy is that the view and access to the Hudson River belongs to everyone in Hastings -- hence the term "scenic Hudson."
2. A fundamental political and commercial reality is the perception that the waterfront -- at least, the view of it and access to it -- belongs to only a few Hastings people - i.e. the legal owners of the property.
3. Local governments quite naturally are ever in search of greater revenues. This quest inevitably will shape their vision of the most desirable waterfront future.
4. The public -- even the enlightened public -- won't always see the bigger picture and the longer view. Oldtimers still want to hear the Anaconda noon whistle echoing off the Palisades; newcomers yearn for a miniature Corona del Mar. Between these conceptions, there is enormous possibility for chasms of misunderstanding.

Eight Ways We'll Do It Better Next Time

1. We will carefully and methodically listen to all sides in the debate -- but not forever. To get the best public input, break the debate into components and priorities.
2. We will steadfastly avoid getting mired in the tiny details of sample plan alternatives.

3. We will better appreciate the value and power to any would-be developers of necessary zoning changes.
4. We will consider the height of building proposals, but we will also realize that breadth, bulk and other aesthetics are perhaps even more meaningful - - if more subtle -- aspects of the development solution.
5. We will keep the principle before us that, for the majority of us in these Valley towns, any waterfront development is part of the foreground view -- that is, our interpretation of the view to be preserved.
6. We won't "OD on DUs." The number of dwelling units is not nearly so important as the square footage involved. That goes for commercial or mixed use development as well.
7. To accompany discussions on design -- where everyone has God-given credentials as an expert -- we will insist on hard figures from would-be developers on estimated costs, revenues and investment/profit ratios.
8. We won't be so tentative, timid or shy in arguing strongly for what we believe is right for the public which we represent -- amenities, access, aesthetics, traffic flow and the like. As an appointed and advisory board, we are safe in this and can leave practical and political (not used pejoratively) amendments to others with statutory responsibility to change zoning.

These eight conclusions will guide me the next time I have the opportunity to review a major change of use for riverfront land in a Hudson River village. But, like so much in life, for most of us there will be no "next time." For our waterfronts today, this is especially true. We seldom will have a second chance so we must do it right the first time.

Sally Mazzarella
Chairperson, Rhinebeck Planning Board

**"How One Community Incorporates Scenic Values
into Local Decision-Making"**

Rhinebeck's leaders and decision makers have quite a responsibility. Our history, our architecture, our culture and our natural landscape make an important statement for our visual environment.

Special Scenic Features

Rhinebeck can boast of its 400 homes within the Village boundaries that are listed on the National Register of Historic Places. A large, multi-resource Historic District has been nominated for the National Register. The District contains properties and buildings of significance sited throughout the community.

Rhinebeck also is part of a 20-mile historic district that stretches along the river bank, starting in Hyde Park, running through Rhinebeck, Red Hook and Tivoli, and ending in Clermont.

In addition, in perhaps one of New York State's boldest concepts, Rhinebeck has been designated, under Article 49 of the Environmental Conservation Law, as part of the State's first and so far only Scenic District. Not only does this area incorporate the entire 20-mile historic district, it extends further north and blends inland beyond the eastern borders of the historic district as well.

Beyond this, there is a proposal for scenic road designations which includes most of the roads found throughout this environmentally significant area.

Having resources like this presents quite a challenge to local decision-makers. What is Rhinebeck doing to protect and preserve these valuable resources? What will we leave for future generations?

Local Management Tools

We have a variety of tools but, at this stage, we're mostly testing concepts. Like many communities, our legislators do not favor more stringent regulations. Although we are rich with architectural significance, we cannot seem to win support for historic zoning or architectural review. But with initiative and determination and an unwritten sense of mission, we travel through some virgin territory. Let me give you some examples of how we accomplish this mission.

One very basic technique is the way the Planning Board approaches a subdivision. We treat each proposal as being unique. We meet early in the application process and walk the site with the Town Engineer and the applicant.

Several years ago, a major riverfront estate was being purchased by a New York attorney. The parcel was to be divided into 4 large lots. One would think this would be a sensible subdivision, but there were a number of complicating considerations we had to deal with. A large 5-story nursing home, approved prior to enactment of our zoning ordinance, sat in the middle of the parcel. The site contained Stanford White barns and other significant buildings, ponds and scenic vistas, and beautifully laid stonewalls along our most scenic roads. We got through most of these important, albeit time-consuming, considerations. The subdivision was approved contingent upon County Public Works approval since the 4 lots would need access onto a county road.

The County Public Works review came back with a requirement to tear down 800' of stonewalls and a large number of evergreen trees due to poor sight distance. We really didn't want to see this happen as both the stonewalls and the trees contribute greatly to the scenic quality of that area. There followed extensive meetings with the State DoT and County Public Works, threats of lawsuits and lots of namecalling (including labeling me an "obstructionist") but the end result was that the speed limit was lowered from 55MPH to 40MPH, sight lines were improved and the walls were saved.

The scenic district designation provides us with other approaches to preserving visual amenities as part of a subdivision. Because of this designation we can stipulate greater setbacks and require conservation easements. We can require good management practices for maintaining and installing new and existing vegetation. We can request inventories of significant trees of substantial size that are along scenic roadways. As part of the subdivision approval process, we are requesting the installation of common driveways to cut down on the impact of access points. In some areas, we'll be requesting the developer to install berms to create buffers and diminish the visual impact of new development.

One example of how scenic district designation has been helpful in protecting scenic values is the way this designation was used to keep a coal port from locating in the Town of Ulster and the City of Kingston, just across the River from Rhinebeck.

Without going into details, coal was proposed to be moved through the City of Kingston to the riverfront in the Town of Ulster (which, by the way, has no zoning.) The

operation would have involved loading the coal onto large ocean vessels almost around the clock.

The site lies within our scenic viewshed as defined in our Scenic District Management Plan.

In all my years on the Planning Board, I can't remember ever getting so much support and so many calls from local realtors who feared the coal port would adversely affect property values along the River. And indeed it would have. It would have made a definitive statement about land use far into the future and not a very favorable one at that.

We were very fortunate to have the Scenic District designation -- and its management plan, not to mention the support of DEC in requiring the applicant in the scoping session on the draft EIS to focus on the impacts of the project on the Scenic District. The applicant also went to special lengths to try to allay our concerns about the impact on our viewshed. They arranged special tours for the communities on the east side of the River to try to build support for the project. But they soon found that our fight would be relentless. They have since abandoned the Kingston/Diater site as the locus for their project.

Among the benefits of Scenic Road designation are our ability to enlist the cooperation of the State D.O.T. in, for example, providing for bikeways as part of their resurfacing work along scenic roads. In addition, stonewalls, views and other scenic resources play an important role in our assessment of traffic impact generated by new development.

Rhinebeck, like many communities in the Hudson Valley, is working on its Coastal Management Program. Through the 44 coastal policies that will be included in the program, we will build the case for preserving our scenic qualities. And once our program has been approved by the Department of State, we can make use of the Consistency provision which will fight against major Federal and State infringements that may threaten our environment. In addition, one of our projects in putting together this program is design of a development guide to assist in future development and preservation activities.

In closing, I would just like to say that the Hudson Valley has a wealth of visual resources. With the projected growth that Dutchess County will be facing in the near future, we will be making significant decisions with long-term implications for the Valley. With diminishing resources and a lack of interest in stringent regulations, we must be resourceful. We must take advantage of opportunities to promote educational experiences for our decision makers and to bring public awareness to our citizens. We must use our imagination and creativity to find mechanisms to protect and

preserve our visual resources not necessarily by attempting to stop development but rather by promoting sensitive development that will enhance our environment.

Pam Parisi
Department of Public Works
City of Kingston

Making It Happen

The City of Kingston is seeing a remarkable and exciting resurgence of its waterfront. And it is happening, in large measure, through creative use and application of a variety of government programs and joint ventures:

Kingston Point Beach

Through the use of excavated materials and bush chippings as fill, the Department of Public Works (DPW) has been able to reclaim approximately two acres of previously unusable swamp (which was not designated as fresh water wetlands). This fill operation has increased the usable area at Kingston Point by 35%. Approximately 3 more acres will be reclaimed during 1985, making the entire site usable by the public. The cost of this operation is \$0.00. Costs of excavation, trucking, spreading and compacting are absorbed as part of the normal operating budgets of the City's street and sewer programs. This means that all monies the City has appropriated for Kingston Point Beach can be spent on beach fixtures such as picnic tables, barbecues, paved parking areas, lighting, tennis courts and play structures which the public can enjoy. Public monies have been stretched by the fact that the New York Telephone Company has contributed old phone poles for use as play structures.

Rondout Lighthouse

For years, the City of Kingston has wanted to convert the Rondout Lighthouse into a museum and tourist attraction. When Jay Hogan, Superintendent of the Department of Public Works, was appointed to the Heritage Task Force for the Hudson River Valley, he immediately became involved, in the fall of 1983, with the Task Force's committee to preserve the four remaining lighthouses in the Mid-Hudson area. An application was presented to the Coast Guard for the leasing of the lighthouse and a joint venture was worked out between the City of Kingston and the Hudson River Maritime Center which is located in the Rondout. Under the terms of the agreement, the Maritime Center is the lessee. Under a separate management agreement between the City and the Maritime Center, the City of Kingston -- through the DPW --

has agreed to provide overall project management (with Superintendent Hogan serving as project manager), perform renovation work, do routine maintenance, handle bookkeeping and administration, and prepare grant applications. The Maritime Center provides transportation to and from the lighthouse, assembles permanent and rotating exhibits, staffs the lighthouse and gift shop, and handles publicity. Funding is also a joint venture. The City of Kingston provided \$15,000 for renovation work, the Heritage Task Force \$7,500 for the docking facility at the lighthouse, and the State of New York a portion of a \$50,000 appropriation obtained by Assemblyman Maurice Hinchey for the docking facility at the Maritime Center. The lighthouse will be open to the public in Spring, 1985.

West Strand Plaza

This project illustrates a different form of joint venture -- one between government and the private sector. West Strand Plaza was a Community Development project with a fixed budget. When preliminary estimates showed a figure in excess of the budget, a decision had to be made whether to deprogram the project or look for an alternate solution -- using the DPW to do the work. The alternate solution was selected and DPW did all the site demolition including removal and stockpiling of bluestone, which is to be reset by the contractor, preparation and delivery of old period light poles for installation by the contractor, and construction of an adjacent 60-car parking lot. As a result of this approach, all items originally planned for the Plaza, which would have had to have been left out, are intact and are being installed.

Hudson River Maritime Center & The Trolley Museum

These not-for-profit organizations significantly impact Kingston's waterfront. The Maritime Center occupies 400 linear feet of waterfront property. The Trolley Museum is 1,000 yards back from the water's edge. The Museum leases 3 miles of track from the City for \$1/year, including the spur that runs along the Rondout Creek and terminates at the old Dayline pier. Both organizations have aggressive building programs but, as with many non-profit organizations, suffer from a lack of funds. Enter variation three of the joint venture concept. The City allows non-profit organizations to hire DPW personnel during their off-hours. The organization pays the workers directly and the City permits equipment to be used free of charge. This enables an organization to save as much as \$20/hour. It should be noted, however, that it is not the intention of the DPW to compete with the private sector. The Superintendent of Public Works evaluates each request for assistance and makes a determination of eligibility for each request. Both the Maritime Center and the Trolley Museum have active and on-going programs

ng DPW personnel.

In The Works

Beyond these examples, several more programs are actively in the planning stages. These include:

1. Capping the north and west dikes at the mouth of the Rondout Creek with a concrete recycled bridge deck. This will provide a 2,000 linear foot public promenade along the Creek between the lighthouse and the terminus of the west dike.
2. Restoration of the Dayline pier at Kingston Point. This also will involve using a recycled bridge deck and will result in a 1,000 linear foot deep water docking facility on the Hudson River.
3. Restoration of the Trolley Terminal at Kingston Point Park, and rebuilding the trolley and pedestrian bridge between the Park and the Dayline pier. This will allow resumption of trolley service along approximately 4 miles of existing trolley track. One of the City's long-term goals is to make it possible for people to ride the railroad from New York City to Rhinecliff, take a boat ride to Kingston, board a trolley car and ride through the entire Rondout Historic District.
4. Installation of a public boat launch. The City currently is working with the Department of Environmental Conservation on the installation of a public boat launching ramp in the Kingston Point area which should be in place by Spring 1985.
5. Expansion of the commercial docking facility in the Rondout. A facility currently exists in West Strand Park. The City is working on the possibility of moving this facility approximately 1,000 yards to the west under the new North/South Arterial Bridge. This would allow for a covered boarding facility with a large staging area and an adjacent trolley terminal. In the 3 years since the DPW constructed the present facility, 40,000 people have boarded tour boats, which use the facility free of charge.

The majority of the engineering, design, grant application, coordination, construction and management work for all these projects will be done in-house by the Public Works Department and the Planning and Engineering Departments of the City of Kingston.



Illus. 6

USING STATE AND FEDERAL PROGRAMS

Richard Benas
Associate Environmental Analyst
NYS Department of Environmental Conservation

There are three concepts I suggest we consider in assessing and preserving visual resources in the Hudson River Valley. These are:

1. Aesthetic Offsets.
2. Decommissioning.
3. The Difference between Visual and Aesthetic Impacts.

Aesthetic Offsets

Aesthetic offsets are different from traditional mitigation techniques. In concept, the idea has been borrowed from the air quality discipline. In essence, any aesthetic problem (whether or not related to the proposed project) can be identified and corrected in some fashion, resulting in an improved environment. Under this approach, a perceived decline in landscape quality associated with a project can, at least partially if not completely, be offset by the correction. In some instances, a net improvement may result.

As an example of this approach, let me describe the offset the Department suggested in the Marcy-South 345 KV line case. In that hearing, we noted that the area around East Fishkill represented a visually saturated landscape. A visually saturated landscape is where an excessive accumulation of utility lines, poles, cables, and equipment creates a chaotic, incoherent or confused composition.

An offset in such a situation would reduce the cluttered or messy appearance of the area. This could be accomplished by burying lower voltage distribution, cable television and telephone systems near the proposed KV transmission line. If this is done, the wires, cables, poles and equipment associated with these facilities would not contribute to the deteriorating condition of the landscape. This deterioration would be further exacerbated by the additional installation of the KV line without the offset. Burying the smaller transmission facilities (such as phone and cable lines) would cost far less than burying expensive 345 KV lines and would

also result in an amelioration of the aesthetic impact caused by the KV line.

Offsets should be considered in sensitive locations where significant impacts from a proposal are unavoidable or where traditional mitigation would be uneconomic.

Decommissioning

Decommissioning refers to removing structures from service. Removal of a structure can range from simple abandonment to complete dismantling. Society needs to begin to employ this concept -- especially the aspect of dismantling -- as good industrial sites become scarcer and as a way of removing aesthetic eyesores.

One example of this approach is a stipulated agreement between DEC and the Long Island Lighthouse Company (LILCO) for LILCO to dismantle an ash handling silo at a proposed waste site, subsequent to the completion of its useful life. This would accomplish several useful land use ends, including an aesthetic one.

Visual versus Aesthetic Impacts

A distinction needs to be drawn between visual and aesthetic impacts. Even a work of art can become an eyesore under certain conditions. Visual impact analysis represents an evaluation of the degree to which an action will be a point of interest to a normal observer. Aesthetic impact analysis is an evaluation of the consequences of an action on public enjoyment and appreciation on the appearance of the area where the project is located and its surroundings.

George Stafford
Coastal Program Administrator
NYS Department of State

"Applying the State's Coastal Program to Visual Concerns"

The Coastal Management Program is both a state and federal program that can be used to address visual resource concerns. First, I will describe what the Coastal Management Program offers that can be used to preserve visual resources and second, I will focus on how those elements of the Coastal Management Program can be used.

What the Program Offers

With respect to the first point -- What does the Coastal Management Program offer to preserve visual resources? The

answer is three tools -- legal clout, money and Local Waterfront Revitalization Programs.

In a word, the legal clout is consistency. It's a unique legal provision in the country and unique in New York State. No other program has it. Consistency is a provision of both Federal and State law that can result in a local government or the State telling its bigger brother "No, you can't allow that project to occur." We can do that under two conditions -- if the project requires a federal or state permit, involves federal or state money, or is directly undertaken by the federal or state government, and if the project flies in the face of State coastal policies.

The 44 State coastal policies are based on state law and are the core of the Coastal Management Program. Everything the Department of State does in the coastal area, and everything the federal government does in the coastal area must take into consideration these 44 policies, prior to deciding whether or not to proceed with any action. Two of the 44 core policies directly address visual resource concerns. One of these policies says "Prevent impairment of scenic resources of statewide significance." The second policy states "Protect, restore or enhance natural and manmade resources which contribute to the overall scenic quality of the coastal area even though not identified as being of statewide significance."

Consistency is a very powerful tool for the State. No other provision of federal law enables the State to tell the federal government no and make it stick. Consistency can be an equally strong tool for local governments. I will give you more detail on that later when I describe how consistency can be used.

The second tool the Coastal Management Program offers to help preserve visual resources is money. We don't have a lot of money and we're limited in what we can do with what we do have. Unfortunately, we don't have money to buy visually significant areas nor do we have money for landscaping or renovating buildings. However, we do have money to help communities decide what visual resources are important enough to protect; we have money to assist communities in designing local laws to protect those visual resources, and we likely will have money to help communities enforce those laws.

The third tool is the Local Waterfront Revitalization Program. These programs provide communities with the opportunity to decide what they want for their waterfront and to refine the 44 core State coastal policies to more accurately reflect the circumstances and goals of the community. Once a local waterfront program is approved by the Department of State, that local government will have the legal clout provided through consistency. It will mean that

local governments will have the opportunity to assure that state and federal permits, state and federal funds, and directly undertaken state and federal actions occur only if those actions comply with the local waterfront program.

How the Tools Work

How do these tools work when we are talking about preserving visual resources? Perhaps the best way to describe the working of these tools is to give some examples of what is now occurring. In the Hudson Valley, 31 of the almost 100 local governments in the coastal area of the Valley are currently preparing Local Waterfront Revitalization Programs. In the last 18 months, the Department of State has provided almost \$500,000 to these 31 communities to prepare the local programs. These communities have provided at least an equal amount of time and effort to our initial investment so that in total we estimate that over one million dollars is being spent right now on the preparation of Local Waterfront Revitalization Programs in the Hudson Valley. The majority of the local programs that we have seen so far address visual resource concerns in a variety of ways, including:

The VILLAGE OF SAUGERTIES proposes to retain the low density residential character of its historic estate area along the River through cluster zoning standards and site plan review.

The VILLAGE OF HYDE PARK is proposing three scenic vistas be designated as scenic areas of statewide significance.

The VILLAGE OF OSSINING is proposing height restrictions on buildings in order to protect its citizens' view down to the Hudson River and across to the Palisades.

RED HOOK and RHINEBECK are taking yet another approach. They are preparing a development handbook for local decision makers and developers to guide them in determining the impact of any proposed project on the visual quality of their communities, which are part of the Shorelands Scenic District.

Once these local programs are approved by the Department of State, the examples I have just given of the local variations and detailing of the 44 State coastal policies will be incorporated into state and federal decision-making through consistency. The consistency provisions of the Coastal Management Program will give those approved local programs the legal clout to assure that the local objectives for preserving visual resources are adhered to by all levels of government.

What does this really mean?

In Red Hook and Rhinebeck, it would mean that, if the development handbook includes criteria for allowing or not allowing a project because of its visual impact and if the criteria are incorporated into the Local Waterfront Revitalization Program, these same criteria will then be used by state and federal agencies in making decisions about permits, money or direct actions. More specifically, if a high rise building is proposed for the shore in Rhinebeck, and the developer is going to build a bulkhead as part of that project, then the developer will need an Article 15 - Stream Protection permit from the Department of Environmental Conservation. Assuming Rhinebeck has an approved local waterfront program, then the DEC will look at that program, including the criteria included in the development handbook, in deciding whether or not to issue the Article 15 permit. If the project does not fit the visual quality criteria that Rhinebeck prepared, then the DEC is empowered to deny that stream protection permit because of the project's negative visual impacts, and the project won't go forward.

As another example, the Village of Ossining has building height restrictions in order to protect the community's views of the River. If the State property around the prison at Ossining ever were released for private development purposes, then any building that might be built on that property -- even if it is State land -- must conform to the height restrictions contained in Ossining's Waterfront Revitalization Program. Thus, in this instance, Ossining likely will be able to control development affecting their views, even if the land to be developed is not under their jurisdiction.

What happens if there isn't a Local Waterfront Revitalization Program for a section of the coast? After all, only a third of the eligible communities along the Hudson are preparing local programs now. There aren't any in the Hudson Valley that have been approved yet, and there's never enough money to go around. So what's the Coastal Management Program doing now to preserve visual resources in the Hudson Valley? As the lead coastal management agency, the Department of State is using consistency to make sure federal permits, money and direct actions occur only if they are in accord with the core group of 44 State coastal policies, and State agencies are making sure they only issue permits, provide money, etc. if the action is consistent with those same policies.

An example of this working in the Valley involves a proposed oil refinery along the upper Hudson, just south of Albany. The local government had applied to the federal Department of Housing and Urban Development (HUD) for an

Urban Development Action Grant which would have provided some of the financing needed for construction of the refinery. We reviewed the federal grant request, listened to public comments, and, in July 1984, determined that providing those federal funds for the construction of the refinery would not be consistent with the State's Coastal Management Program, in part because of the refinery's negative visual impact on nearby historic structures. Because of our decision, HUD did not approve the grant and the project has not gone forward.

I've briefly described how the Coastal Management Program can be used to preserve visual resources as well as how consistency, coastal management funds and Local Waterfront Revitalization Programs can be used.

My last point is simple -- We're going to use these tools; we hope you will too.

Loretta Nello Simon
Principal Consultant
Heritage Task Force for the Hudson River Valley

"Scenic Resources: The New Commons"

In the Hudson Valley, there is a continuing history of concern for protecting scenic resources. The victories of the recent past must not lead us to be complacent. Development pressures are building as the Valley's population grows and energy demands are increasing statewide.

In a desperate effort to turn aside major power plant proposals in the 1960s and '70s, communities scrambled to list their historic structures on the National Register of Historic Places and get land use controls in place. The best evidence of local appreciation of an environmental resource is the willingness of a community to struggle through the public debate and political negotiation that constitutes the planning and environmental protection process.

Today there is the added interest in recognizing scenic roads and scenic areas as well. In the fields of historic preservation and land use planning, there exist concrete criteria such as age and architectural integrity of structures and carrying capacities of the land. Regarding scenic resource assessment, the textbooks are still being written. The need for criteria is evidenced through the public expectation that these resources will be protected. THERE IS EVIDENT A FEAR OF THE LOSS OF AND A GENUINE AFFECTION FOR THAT PART OF THE ENVIRONMENT THAT IS SAVORED WITH THE EYES...THAT ENVIRONMENT WHICH ENRICHES OUR DAY, NOURISHES OUR CONTEMPLATIVE BEING, AND DEFINES OUR

COMMUNITIES AND OUR REGIONS.

The Scenic Roads Program

The Heritage Task Force has been working with both the New York State Department of Environmental Conservation (DEC) and the Department of Transportation (DOT) for three years to develop a set of criteria and an assessment method by which scenic roads can be identified and deemed worthy of designation under Article 49 of the Environmental Conservation Law. Together with county planners, citizen volunteers and professional consultants, we tested survey methods in the field and produced a list of nominated roads for designation under Article 49 of the Environmental Conservation Law. DEC is now making final decisions on that survey method and those designations.

The criteria and method we are recommending integrates quantitative and qualitative measures. It also begins the planning process by describing and recording what exists and identifies the enhancing and detracting elements in the visual environment. Because there exists in the Hudson Valley a plethora of scenic resources that range from the pristine to the moderately developed, an attempt has been made to classify and prioritize the highway corridors. Management techniques have been developed according to class and function of the roads.

We had to address the question of how scenic is scenic. If the standard in this region were NYS Route 218 north of the United States Military Academy at West Point, few other roads would be designated.

What Scenic Road Designation Means

Yet, residents throughout the Hudson Valley are interested in seeing the roads in their areas designated as scenic roads and given the special consideration that designation implies. The scenic road designation can be significant in two ways. The designation can serve to protect sensitive resources under such decision procedures as SEQRA, NEPA and the Article VII and VIII siting laws for electrical generating and transmission facilities. The designation also can serve to reinforce the local perception of scenic quality and inspire local government to institute their own protective measures. Concern is expressed that a decision not to designate may lead to further deterioration of a scenic corridor on the borderline, a road along which removal of blight, sign control and landscaping could reopen vistas and provide appropriate foreground for a pleasing landscape outside the right-of-way.

Survey of the scenic road corridor by local residents could constitute the inventory recommended in the guidelines published by DEC for addressing visual resources under SEQRA.

From the beginning of our study, the Task Force recognized that there are two distinct parts to the scenic corridor -- the public right-of-way and the land beyond, primarily in private ownership and governed by local land use controls.

Guidelines for maintenance and management of the right-of-way were relatively easy to develop, although integrating scenic enhancement with safety and highway design issues is very difficult and must be carefully weighed on a case by case basis.

Outside the right-of-way, preservation and enhancement depend on an incremental exercise of local land use authority in one municipality after another. Just as scenic resources can be degraded and lost a little at a time over the years, their protection can be achieved only in bits and pieces. There can be no sweeping regulation in the management of the visual environment.

In recognition of this, the Scenic Roads Program emphasizes local initiative in the designation process. The goal has been to develop a professionally defensible survey method that also can be used by interested citizens to evaluate their own resources and request a scenic road designation. Nominations from local government can then be reviewed by professionals for reasonableness and consistency, and subsequent discussion undertaken with the community concerning any points of disagreement.

This initial survey by the community residents accomplishes two goals:

- 1) It sensitizes them to their own resources and helps them identify both the positive and negative aspects of their environment;
- 2) It provides a data base for future land use decisions and implementation of protection and enhancement measures.

The community values are up front from the beginning.

To encourage local protective measures for resources the community itself has identified, DEC will probably institute a re-evaluation process, a greater time period elapse for roads in municipalities where active preservation measures are being designed and enforced. Hopefully, technical assistance in the planning process can be offered as a carrot. Removal of the designation would be the ultimate

stick. The degree of local commitment to resource preservation and enhancement would continue to be evidenced.

A public education program will be needed in those municipalities which shy away from protection of scenic resources because the process is perceived as anti-development. Discussion of good design and siting of projects, as well as mitigative measures, may convince them that concern for the visual environment is compatible with growth.

Ideally, a region-wide consensus could be reached that recognizes the value of each type of land use to the total quality of life and compensates each community for its contribution. For instance, revenue generated by industrial development in one municipality could be shared with other municipalities in which recreational facilities are located that may not generate as much property tax. This would take the pressure to enlarge the tax base away from local officials making decisions on the appropriateness of new development.

Absent this ideal, municipalities must become aware of the effects their decisions have upon neighboring municipalities, including visual impacts.

Such a good neighbor policy is especially important for municipalities that face each other across the Hudson River. Informed decision making is the key -- with all the issues on the table, including effects on the visual environment. The Scenic Roads Program can make a significant contribution to the assessment and recognition of important visual resources accessible to the general public. The Hudson River is the most prominent scenic road in the Valley. The scenic road assessment criteria and method could be applied by the users of the waterway to evaluate the river's scenic corridor and identify sensitive visual resources, giving Hudson River communities a common base from which to evaluate proposed development.

Townley McElhiney
Director, Architecture, Design & Planning Program
New York State Council on the Arts

Mandated by the State legislature, the New York State Council on the Arts was first established in 1960 as a temporary commission. It became a permanent agency in 1965. The Council's charge is to support the arts and cultural activities across New York, but the essence of that charge is to nurture quality in the arts. So, when the Architecture, Planning and Design Program was inaugurated in 1973, our mission was and is to underwrite design and public awareness programs focusing upon quality in the built and natural environments. Of all the project types and topics the Architecture Program has funded over the years, our "Waterfront Development" theme most frequently incorporates today's topic -- Scenic Quality.

Three years ago, Waterfront Development was endorsed by the Council as a "Design Issue of Special Concern." Along with Contemporary Architecture and Design, Ethnicity in the Built Environment, Main Street Revitalization, and Regional Architecture, the waterfront theme was specifically set forth in our application guidelines booklet to inspire those who might otherwise not think about their waterfront resources (especially scenic quality) to do so. In taking this proactive approach, the Architecture, Planning and Design guidelines state:

- New York is blessed with some of the most attractive waterfront property in the nation, an asset that too often has been compromised by under utilization, neglect, or inappropriate development. In order to recognize the importance of water to the State's commerce and recreation, the Architecture Program seeks planning and design proposals that address the environmentally-sound development of waterfront resources including harbors, ocean beaches, bays, rivers, lakes, and canals."

An applicant requesting monies for a waterfront project must select one of the Architecture Program's "project types" such as "Design Study" in order to incorporate, for example, recreational facilities along a river's edge or "Exhibitions" to educate local citizens about a planning process regarding scenic quality and waterfront resources. Other project types include Conferences, Publications, Research, and Surveys. Generally, an applicant organization is eligible for consultant fees and direct costs of a project; sometimes provision is made for overhead expenses.

NYSCA-Funded Waterfront Development Projects

I would like to highlight the results of two NYSCA-funded Waterfront Development projects -- one along the LaChute River in the Village of Ticonderoga on the eastern edge of the Adirondack Park, and the other in Ithaca along Fall Creek which empties into Cayuga Lake. Both projects employed professional consultants who, in their planning and design, capitalized on the respective locale's physical setting or scenic quality, visual and physical access as well as the area's interpretive history.

Both of these projects were inspired by the Public Utility Regulatory Review Act (PURRA) of 1978 and, of course, by the Architecture Program's guidelines. PURRA encourages utility companies to buy hydro-electric power from small dams. This, along with the concurrent rise in the price of kilowatt hours -- from one to six cents, made many riverfront parcels across New York State suddenly become viable sites for hydropower plants. The following two case studies took full advantage of this set of circumstances and are well along in the planning stages for power plant facilities that will incorporate maximum recreational activities.

Village of Ticonderoga

In the Village of Ticonderoga, the municipality applied to the Federal Energy Regulatory Commission (FERC) for intervenor status in order to supply its citizens and the three concerns vying for a license to construct the power plant with an expert consultant's design for minimum intervention of the facility on the landscape as well as maximum inclusion of recreational activities and public amenities. A NYSCA grant of almost \$11,000 allowed the Boston-based firm Lane/Frenchman, developers of New York State's Urban Cultural Parks system, to design site-specific features for this project. The resulting design study informed the licensee how to modify their plans in order to serve the public good and also educated Ticonderoga's citizens to seek amenities they did not know were available. This educational process was enlivened by a slide show depicting the area's scenic quality, historic development, present condition, and the prospect of change resulting from quality design.

Through this slide presentation, viewers learned that the Champlain Valley's picturesque quality -- created by its mountains, rivers and lakes -- not only was aesthetically pleasing but also had historic significance through its physical provision of eighteenth- and nineteenth-century transportation routes and also strategic defense points in decisive Revolutionary War battles. The audience became aware of the LaChute River corridor's historic development which focused on milling and paper production. Prior to the

Revolution, there were grist and lumber mills. In the nineteenth century, graphite was produced and the "Ticonderoga" pencil -- still in use today -- was born. By the turn-of-this-century, paper manufacturing was the dominant concern. As these industries boomed, so did the Village of Ticonderoga. When these industries declined in the mid-twentieth century, mill buildings were demolished, the Village lost its tax base, and the municipality itself fell into economic decline. The construction of a hydropower plant provides for economic renewal, not only through its sale of power but also through the site's development as a recreational and tourist attraction with boating, fishing, biking, picnicing, shopping, museum-going and other activities. The plant will include indoor and outdoor interpretive displays on the generating process. Exhibits will explain the historic milling use of the property; tourist facilities such as picnic grounds and restaurants will be integrated into the plan.

City of Ithaca

Situated in the heart of the Finger Lakes region, Ithaca is punctuated by dramatic falls. Perhaps the most scenic of these is that on Fall Creek which plunges 100 feet through a picturesque gorge in the center of the City. Unlike Ticonderoga, the City of Ithaca is applying directly to FERC for a license to construct and operate a hydro-electric plant along the Creek. Realizing that they needed an expert consultant to develop designs for the plant and amenities, Department of Planning staff put together a Request for Proposal and selected Roger Trancik, ASLA, from among five finalists. Since the City, as project sponsor, already was amenable to an environmentally-sensitive treatment of the Fall Creek site, Mr. Trancik's chief mission -- beyond designing alternative solutions to the problems of the site -- was to educate the Fall Creek neighborhood and community-at-large about the planning process and toward making responsible choices.

At each step of the planning process, the City and its consultant sought public input. They began with a history of the site, its present status, and the project's goals. Fall Creek was a center of intensive industrial activity, first with hydro-works established during the late nineteenth century by Ezra Cornell, the founder of Cornell University, and later with such concerns as the Ithaca Gun Company. Today, Ithaca Gun still owns the central portion of the site, and there are remnant walls and foundations from earlier mills at various levels throughout the terraced area.

Four goals were developed for incorporating the locale's scenic assets and cultural remnants: accessibility at various points throughout the site; safety on the precipitous and slippery rocks; interpretation of the area's history; and

preservation of its natural character. At successive public forums, site analysis (topographic, circulation, viewsheds, etc.), schematic designs, and alternative design solutions were presented for public comment. The result was a sensitive design for a power plant that would improve the City's economic base as well as add to its recreational amenities with overlooks, picnic areas, and historical markers. After expending approximately \$9,000 in planning grant monies from the Council's Architecture Program, the City of Ithaca is now ready to begin plant and park construction.

In summary, the State Council on the Arts' Architecture, Planning and Design Program can fund a wide variety of meritorious proposals falling under diverse project types, and the dollars are distributed across the Empire State. Over the years, first-step design studies as part of the Waterfront Development theme have most often addressed the issue of scenic quality. But other themes address this concern as well. And the Architecture Program will introduce a new Design Issue of Special Concern in next year's application guidelines booklet -- The Rural Landscape. Seen as a topic to encourage the preservation and conservation of this State's natural landscape, "Rural Landscape" proposals may include landscape architecture design studies, open space planning schemes, historic landscape reports, or rural surveys.

ILLUSTRATIONS

- cover Hudson River from Louis H. Engle Park in Ossining (S. Lopez)
- illus. 1 Hudson River Shoreline (Scenic Hudson)
- illus. 2 Sketch of Coastal Landforms (from: Warbach, J.D. and Harper, D.S., A Fresh Look at the New York Coastline, drawings by D.A. Roser, NY Sea Grant Institute, 1979)
- illus. 3 Visual Assessment Study (Richard Swarden)
- illus. 4 Character Map Legend (from: Warbach, J.D. and Harper, D.S., 1979)
- illus. 5 Visual Assessment Study (Richard Swarden)
- illus. 6 Sketch of Coastal Landform (from: Warbach, J.D. and Harper, D.S., 1979)

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