



Draft Environmental Impact Statement

Appendix K Visual and Aesthetic Resources Technical Report



P.O. Box 2020, Monroe New York 10949
Tel: (845) 774 · 8000 | cpcnynj@gmail.com

Cloewood

Visual Assessment

**Blaggs Clove, Village of South Blooming Grove
Orange County, New York**



**March 2017
(Revised April 2018)**

Report prepared by:
Ecological Analysis, LLC
633 Route 211 East, Suite 4, Middletown, NY 10941



Visual Assessment Conducted By:
AJ Ross Creative Media
62 Wood Rd, Chester, NY 10918

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A. Assessment Methodology

A visual assessment is an analytical technique for determining the viewshed of a project, identifying aesthetic resources within the viewshed, evaluating the potential impact of the project on aesthetic resources or other important public viewing vantage points and, if necessary, specifying appropriate mitigation measures to avoid, eliminate or reduce impacts.

This visual assessment incorporates use of line-of-sight profiles and/or photographs to demonstrate potential visibility of the proposed Clovewood Project feature from sensitive viewpoints identified by the Village of South Blooming Grove (the “Village”) in the Final DEIS Scoping Document dated 6/2/16.

A potential visual impact may occur when there is a demonstrated detrimental effect on the public enjoyment of an aesthetic resource and when design-oriented strategies, or the mitigating effects of perspective, do not adequately reduce the visibility of a development to an insignificant level. However, mere visibility of a development does not automatically mean there is a significant adverse visual impact.

The effects of the Clovewood Project on the visual environment have been analyzed through a process identified in the New York State Department of Environmental Conservation (NYS-DEC) program policy document entitled “Assessing and Mitigating Visual Impacts,” dated July 31, 2000 (see Exhibit 1).

In addition, the specific requirements of the Village for the Clovewood Project and the Village Zoning Code §235-14.4.B(3)(c) and §235-14.4.D(3), pertaining to identifying potential visual impacts have also been applied to ensure all relevant factors have been considered during the visual assessment.

The assessment of the potential impacts of the Clovewood Project includes documentation of existing conditions, identification of visual impacts and analysis of the need for any specific measures to mitigate visual impacts of the development.

B. Existing Conditions

B-1. Village of South Blooming Grove: The topography of the Village of South Blooming Grove and its greater surrounding areas consist of hills and valleys of various grades. The Clovewood Project Site is tucked away in a valley partially surrounded by hilly topography. The Schunnemunk Mountains run along the southeastern border of the Project Site where the Village boundary adjoins the Town/Village of Woodbury, Orange County, New York.

The Village is primarily a residential area with mostly small building lots with residential density. The Village consists mainly of single family homes of varying ages and styles. There is, however, a nine-building, multiple-family development comprised of 249 dwelling units within the Village as well.

The commercial development within the Village is centralized around the intersection of New York State (NYS) Route 208 and Orange County Route 27 a/k/a Clove Road.

B-2. Project Site: The Clovewood Project is located on 708 acres of land located on the east side of New York State NYS Route 208 and Clove Road within the Village of South Blooming Grove, Orange County, New York (the “Project Site”).

The approximately 708-acre Project Site is predominately vacant consisting of approximately 673 acres of forested upland and 35 acres of wetlands. The Project Site includes approximately 50 structures formerly known as the Lake Anne Country Club, a former golf course, which are in a state of disrepair.

There are several designated state lands within the vicinity of the Project Site and greater Village area. As noted above, the Schunnemunk Mountain State Park is located east of the Village. Bear Mountain State Park is located southeast of the Village. Harriman and Sterling Forest State Parks are south of the Village. Goosepond Mountain State Park is southwest of the Village. Stewart State Forest and Highland Lake State Park are north and northwest of the Village, respectively.

A Phase 1A and Phase 1B Cultural Resources Surveys¹, pertaining to cultural and historic character, identifies three significant features outside the “Project Site Area of Potential Affect (APE).” These areas include the following: M.H. Howell Farm; Howell Family/Round Hill Cemetery; and Schunnemunk Prehistoric Site. The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) has determined the proposed Clovewood Project would have no impact on these above-mentioned features (see Exhibit 2). Therefore, potential visual impacts from the proposed Clovewood Project were not evaluated from these identified features.

¹ Phase 1A conducted in 2014 by CityScape Cultural Resource Consultants, White Plains, New York; Phase 1B conducted in 2016 by Hudson Valley Cultural Resources Consultants, LTD., Poughkeepsie, New York.

C. Potential Impacts

C-1. Proposed Action: The proposed Clovewood Project includes the construction of 600 single-family homes, with homeowners having the option to later construct an accessory apartment for each single-family home, on approximately 708 acres of land east of NYS Rte. 208 and Clove Rd. in the Village of South Blooming Grove, Orange County, New York.

The Project Site is identified as Tax Map Section 208, Block 1, Lots 2 and 3. The centralized coordinates of the Project Site are 41° 22' 36.0" N Latitude and 74° 9' 42.3" W Longitude.

The Project Site is located in both the Rural Residential (RR) and Rural Crossroads I (RC-1) Zoning Districts. In addition, the Project Site is located in five Village Overlay Districts: Scenic Viewshed ("SY"), Ridgeline ("RL"), Scenic Roads ("SR"), Surface Water ("SW"), and Significant Biological ("SB").

The height limitation for building height in the RR and RC-1 Districts is 35 feet, whereas building height is restricted to 25 feet within the RL Overlay District. Building heights are proposed at 25 feet for most of the development per the current zoning code with the exception of the buildings proposed outside of the RL Overlay District along NYS Route 208 and Clove Road, where the approximately 50 former Lake Anne Country Club structures are currently located, which are not proposed to be restricted to 25 feet in height.

The approximately 50 structures associated with the former Club would be razed as part of the proposed Clovewood Project.

The Visual Assessment conducted included the proposed 600 residential homes and associated roadway on approximately 142 acres of the total 708 acres, as the Project proposes to preserve approximately 80% of the Project Site as open space.

Furthermore, the potential additional 600 accessory apartments would presumably have no visual impacts, being located within the proposed structures.

C-2. Visual Assessment: The proposed Project Site and its surroundings were surveyed and photographed during off-leaf conditions by AJ Ross Creative Media staff in the winter of 2017.

Nine Vantage Points (VP) locations in the vicinity of the Project Site were identified by the Village of South Blooming Grove Village Board and Planning Board (Co-lead Agencies) as areas that could see elements of the proposed Clovewood Project post construction.

Clovewood Vantage Point Locations		
VP	Location	Coordinates
VP-1	Schunnemunk Trail 1	41.368416667/-74.157866667
VP-2	End (West) of Arcadian Trail	41.382861111/- 74.149227778
VP-3	524 Clove Road (County Route 27)	41.388347222/-74.165219444
VP-4	551 Clove Road (County Route 27)	41.385061111/-74.170752778
VP-5	1002 NYS Route 208	41.373580556/-74.181263889
VP-6	End (South) of Hilltop Drive	41.385911111/-74.154155556
VP-7	54 Virginia Avenue	41.373883333/-74.169986111
VP-8	Schunnemunk Trail 2	41.372583333/-74.146005556
VP-9	1254 NYS Route 208	41.386527780/- 74.179344444

Two additional locations were added to the visual assessment task during the public input phase and approved by the co-lead agencies on January 30, 2017:

One was defined by the Village as: “On Long Mountain Parkway (NYS Route 6) southeast of Harriman/Central Valley, where vehicular traffic headed in a westerly direction may have an unobstructed view of the project site. This occurs approximately 1,500 feet easterly of the rest stop serving the west-bound traffic; and running to the rest stop.” The second was defined by the Village as, “On Route 208, looking southeastward in the vicinity of Barnes and Round Hill Roads, there may be a ground level view of the site.”

Figure 1 illustrates the nine original VP locations and Figure 2 illustrates the VP locations evaluated as well as the balloon test locations. The VP locations varied in elevation (higher or lower elevation of the Project Site).

Four balloons were staged during off leaf conditions within the boundaries of the proposed Project Site at locations selected by the Village and are also shown on Figures 1 and 2. A photograph of the balloon is found in Image 1.

Furthermore, the balloon testing was overseen on-site by the Village Engineer to ensure compliance with Village protocol. Notice of balloon testing was advertised in the local paper (see Exhibit 3) and posted online at the Clovewood website. None of the balloons, which represented the proposed development, were visible from any of the Vantage Points, concluding that the Project would not create an adverse visual impact.

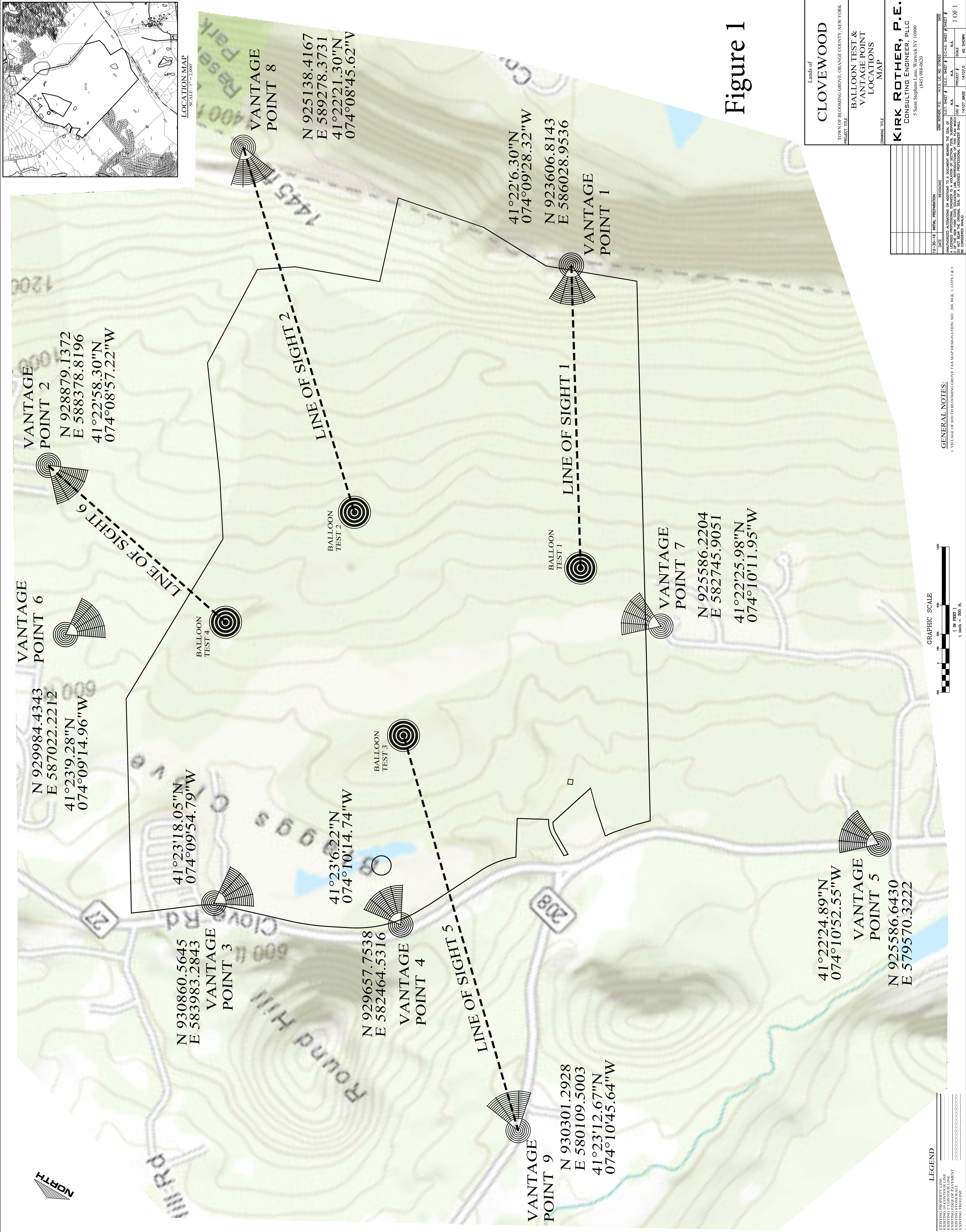


Image 1



C-3. Potential Views: A visual assessment of the proposed Clovewood Project was conducted in February 2017 by staff from both AJ Ross Creative Media and Ecological Analysis, LLC.

As noted in the Existing Conditions of this document, the Project Site is located in a valley mainly surrounded by hilly topography. Therefore, some of the VP locations selected by the Village would have visibility of the proposed Clovewood Project post construction.

The proposed Clovewood Project would be slightly visible in the distance during both leaf and off leaf conditions from VP-1, Schunnemunk Trail 1, as shown in Figure 3 and from VP-8, Schunnemunk Trail 2, as shown in Figure 4.

These Vantage Points are located east of the Project Site along the elevated Western Ridge Trail (WR) in the Schunnemunk Mountain State Park.

Because the Schunnemunk State Park is only in operation during day light hours, visibility of the proposed Clovewood Project from VP-1 and VP-8 would only occur during those operational hours.

Figure 5 provides a Line of Sight (LOS) Profile from VP-1, and Figure 6 provides an LOS Profile from VP-8.

Vantage Points VP-3 and VP-4, located along Clove Road in the Village, would have visibility of the proposed Clovewood Project post development during off leaf conditions.


The visual impact from these Vantage Points would include obscured views of a single row of the proposed homes depicted in Figure 7 following.

However, views of the proposed Clovewood Project should be nearly fully concealed from VP-3 and VP-4 during on leaf conditions, although some limited visibility (primarily of some rooftops) could still occur from these Vantage Point locations along Clove Road.

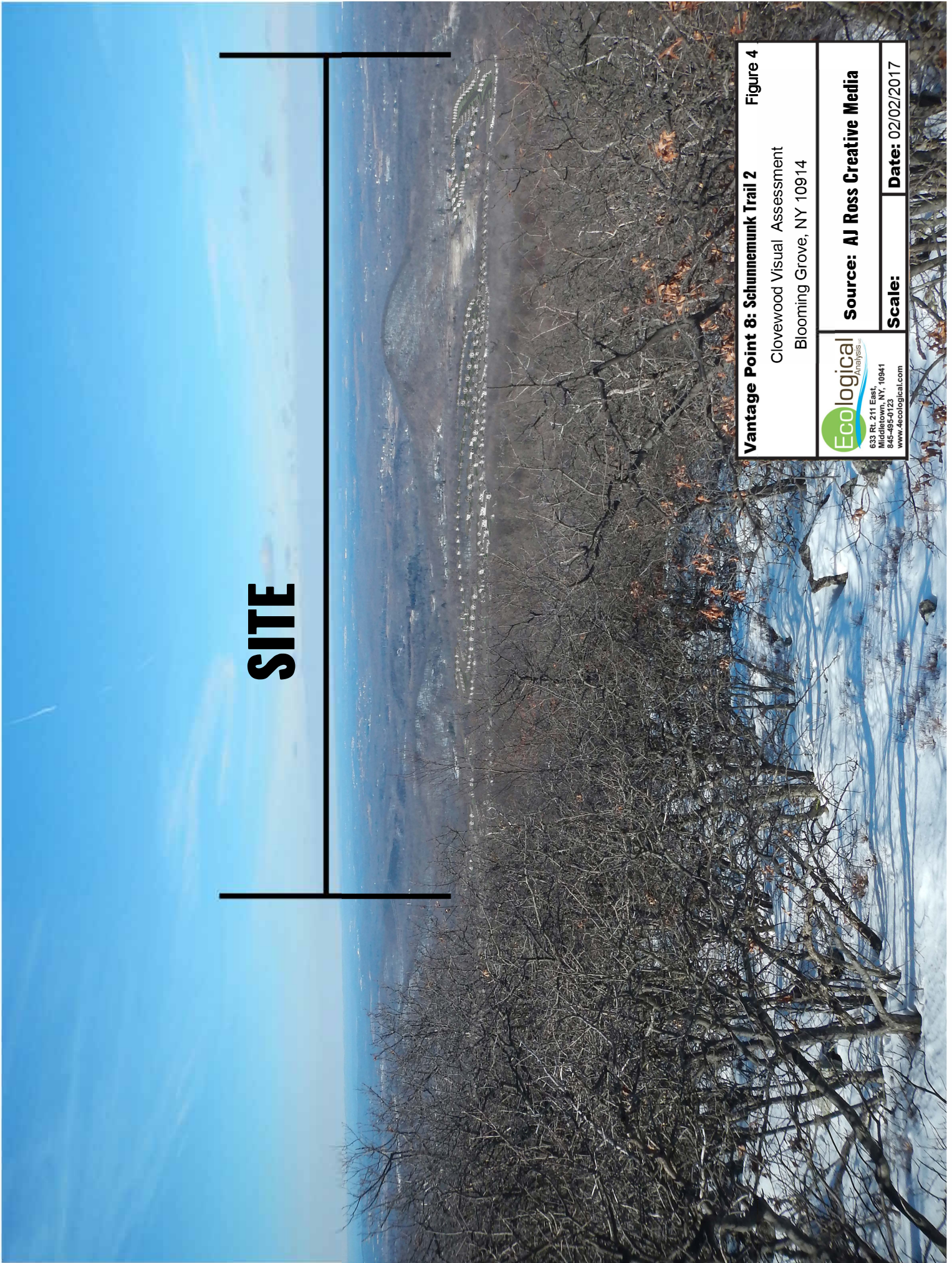
The proposed Clovewood Project would be partially visible from VP-7, which is an existing single-family development located on Virginia Avenue. The existing view is depicted in Figure 8 following.


The post construction views of the proposed Clovewood Project from Virginia Avenue would, however, likely be hidden by the Project Site's topography and the existing private homes and associated landscaping. See Figure 9.

SITE

Vantage Point 1: Schunemunk Trail 1		Figure 3
Clovewood Visual Assessment Blooming Grove, NY 10914		
 633 Rt. 211 East Bloomington, NY, 10941 845.637.0163 www.ecological.com		Source: AJ Ross Creative Media
Scale:	Date: 02/02/2017	

SITE



Vantage Point 8: Schunemunk Trail 2		Figure 4
Clovewood Visual Assessment Blooming Grove, NY 10914		
 633 Rt. 211 East Middletown, NY, 10941 845-495-0123 www.4ecological.com		Source: AJ Ross Creative Media
Scale:	Date: 02/02/2017	

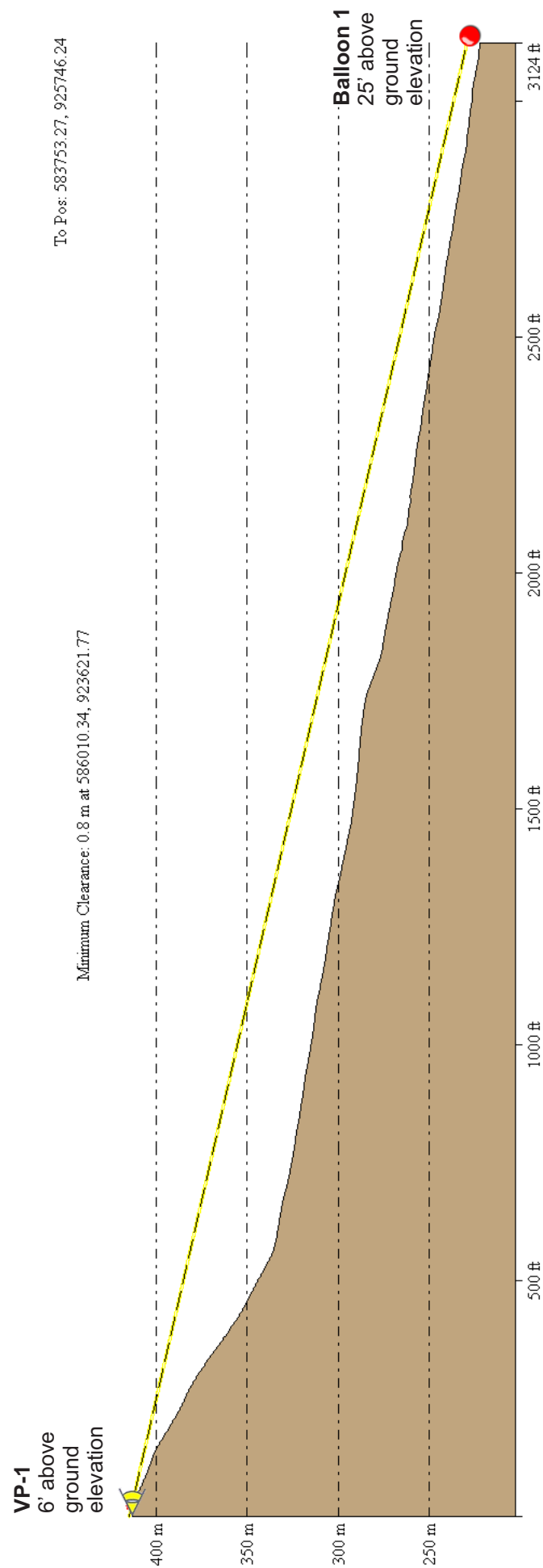


Figure 5: Line of Sight From VP-1 to Balloon 1
Clovewood Visual Assessment
 Village of S. Blooming Grove, Orange County, NY



Source: NYS GIS Clearinghouse

Scale: As shown **Date:** 04/02/18

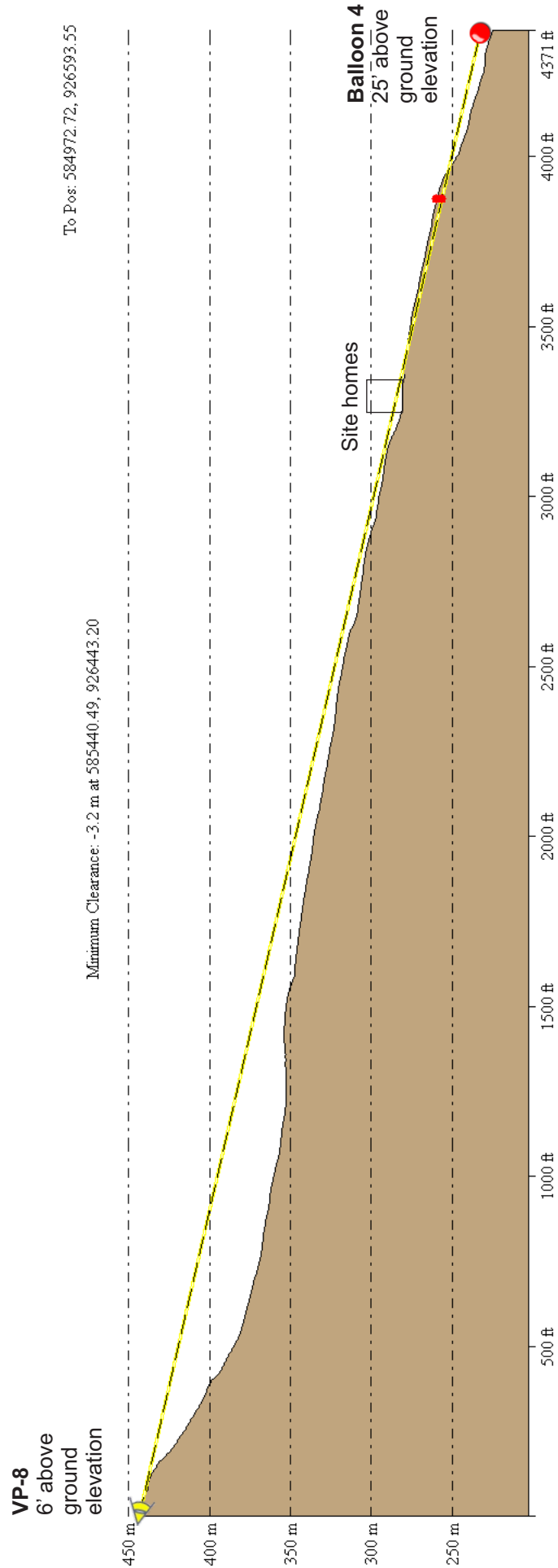


Figure 6: Line of Sight VP-8 to Balloon 4
Clovewood Visual Assessment
 Village of S. Blooming Grove, Orange County, NY



Source: NYS GIS Clearinghouse
Scale: As shown
Date: 04/01/18

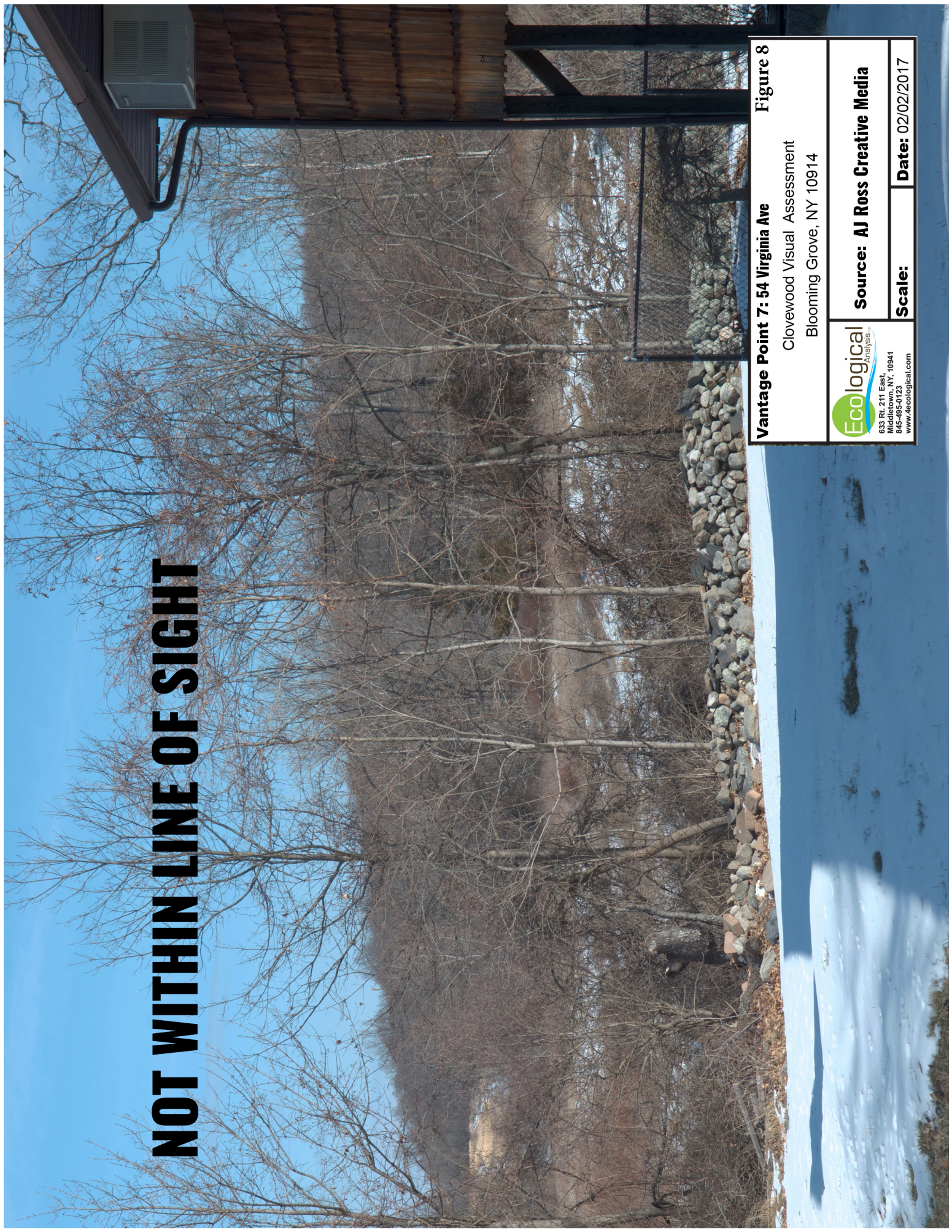



**Figure 7: Photosimulation from VP-4
Clovewood Visual Assessment**
Village of S. Blooming Grove, Orange County, NY



Data Source: NYS GIS Clearinghouse
Scale: NTS
Date: 3/27/18

NOT WITHIN LINE OF SIGHT



Vantage Point 7: 54 Virginia Ave		Figure 8
Cloverwood Visual Assessment Blooming Grove, NY 10914		
 633 Rt. 211 East, Middletown, NY, 10941 845-495-0123 www.ecological.com	Source: AJ Ross Creative Media	
Scale:	Date: 02/02/2017	

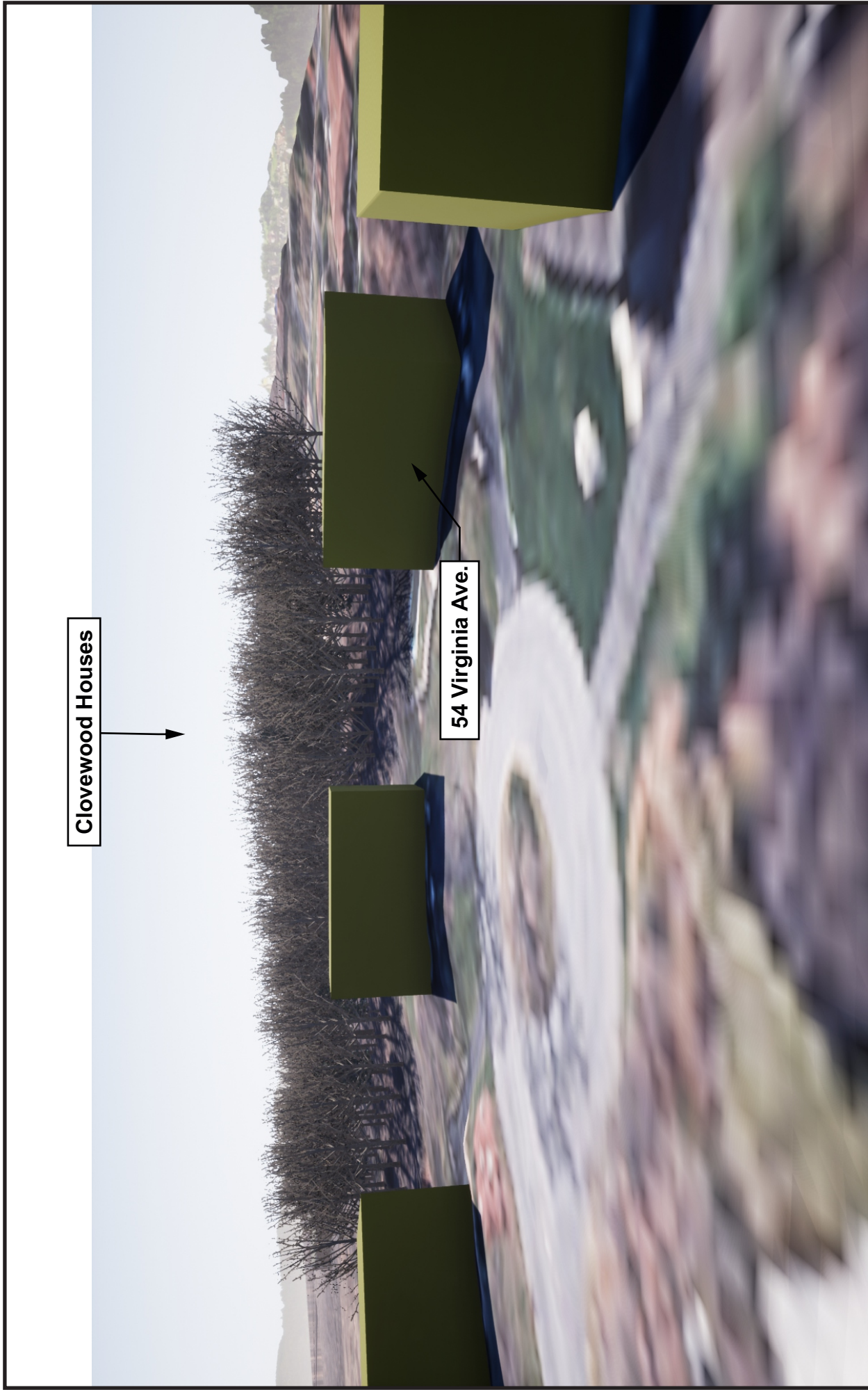



Figure 9: Post Construction Simulation from VP-7
Cloverwood Visual Assessment
Village of S. Blooming Grove, Orange County, NY

	Source: Google Maps, 2018
Scale:	Date: 03/28/18

The proposed Clovewood Project would not be visible from the following Vantage Points: VP-2, VP-5, VP-6, VP-9, VP-10 and VP-11 due to either distance from the Project Site, surrounding topography or Project Site topography.

See Figure 10 for the existing view from VP-2 and Figure 11 for the Line of Sight Profile for this Vantage Point.

The existing view from VP-5 is shown in Figure 12 and its Line of Sight Profile in Figure 13.

The existing view from VP-6 is shown in Figure 14. Topography and tree type indicate there is no visibility potential.

The existing view from VP-9 is shown in Figure 15 and its Line of Sight Profile in Figure 16.

The existing view from VP-10 is shown in Figure 17 and the Line of Sight Profile in Figure 18.

The Line of Sight Profiles for VP-11 are found in Figure 19 and three additional vantage points from Gonzaga Park (Figure 20), the Appalachian Trail (Figure 21) and the Goosepond State Park Trail (Figure 22) illustrate there would be no visibility from these Vantage Points.



NOT WITHIN LINE OF SIGHT

Vantage Point 2: End of Arcadian Trail Figure 10

Cloveswood Visual Assessment
Blooming Grove, NY 10914



Source: AJ Ross Creative Media

Scale:

Date: 02/02/2017

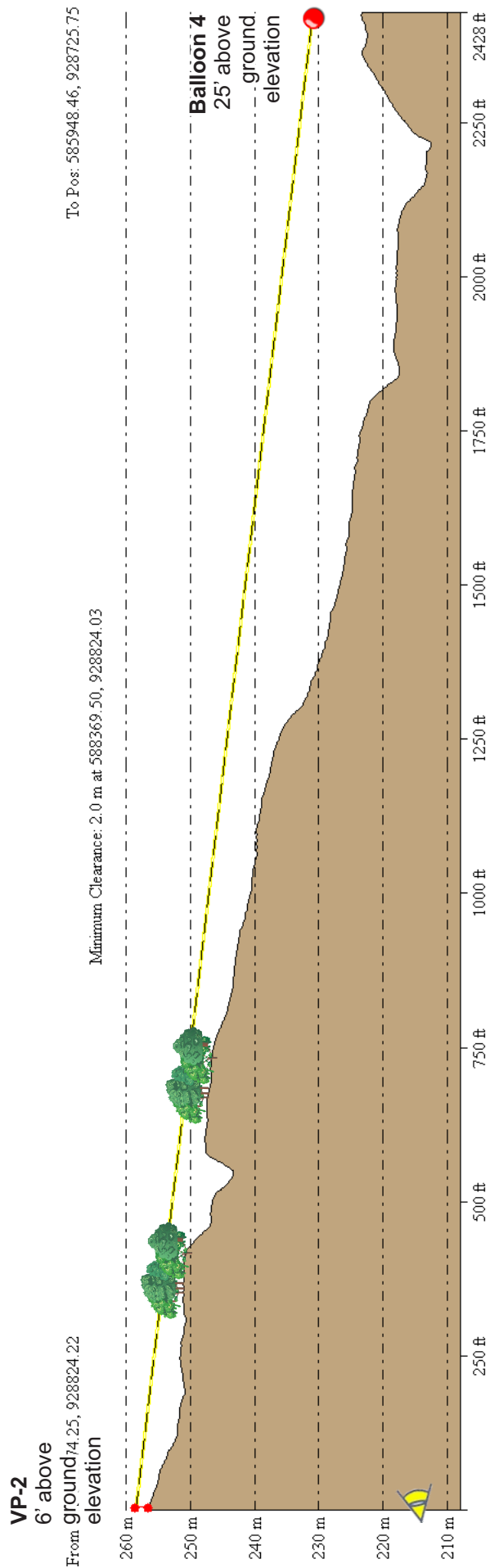


Figure 11: Line of Sight VP-2 to Balloon 4
Cloewood Visual Assessment
 Village of S. Blooming Grove, Orange County, NY



Source: NYS GIS Clearinghouse

Scale: As shown Date: 04/02/18

**Behind a Few Hills
NOT WITHIN LINE OF SIGHT**



Vantage Point 5: 1002 Route 208 **Figure 12**

Cloewood Visual Assessment
Blooming Grove, NY 10914



633 Rt. 211 East,
Blooming Grove, NY 10941
845-495-4123
www.4ecological.com

Source: AJ Ross Creative Media

Scale:

Date: 02/02/2017

Site Perimeter
 25' above
 ground
 elevation

From Pos: 579565.18, 925428.96

Minimum Clearance: 2.0 m at 579565.18, 925428.96

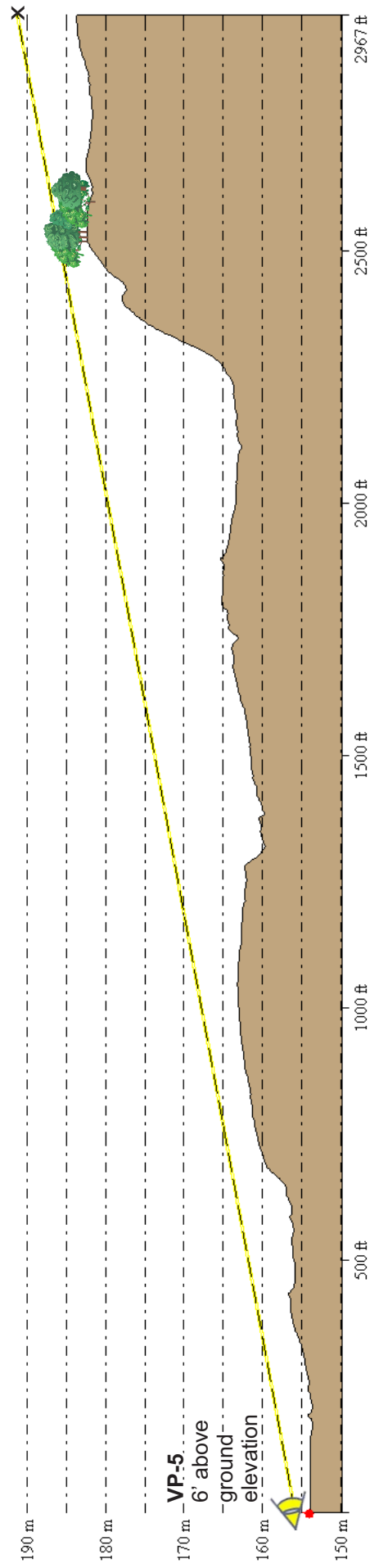


Figure 13: Line of Sight from VP-5 to Site
Clovewood Visual Assessment
 Village of S. Blooming Grove, Orange County, NY



Source: NYS GIS Clearinghouse

Scale: As shown Date: 04/02/18

NOT WITHIN LINE OF SIGHT

Vantage Point 6: End of Hilltop Drive **Figure 14**

Cloveswood Visual Assessment
Blooming Grove, NY 10914



633 Rt. 211 East,
Middletown, NY, 10941
845-495-5123
www.ecological.com

Source: AJ Ross Creative Media

Scale:

Date: 02/02/2017

NOT WITHIN LINE OF SIGHT



Vantage Point 9: 1254 Route 206 **Figure 15**

Clovewood Visual Assessment
Blooming Grove, NY 10914



Source: AJ Ross Creative Media

Scale:

Date: 02/02/2017

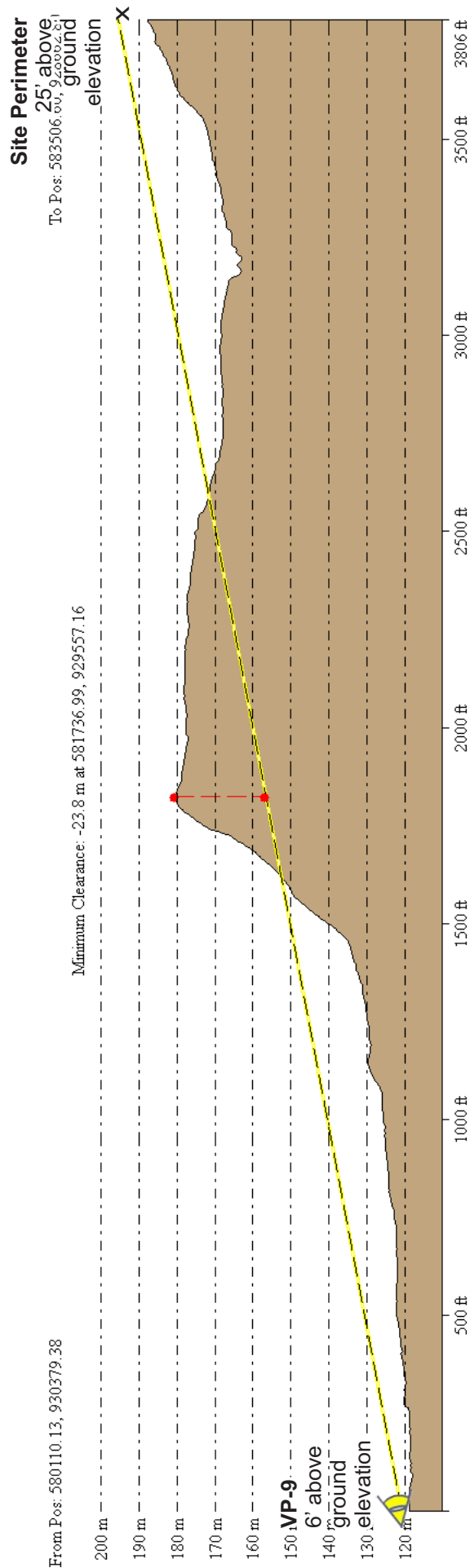
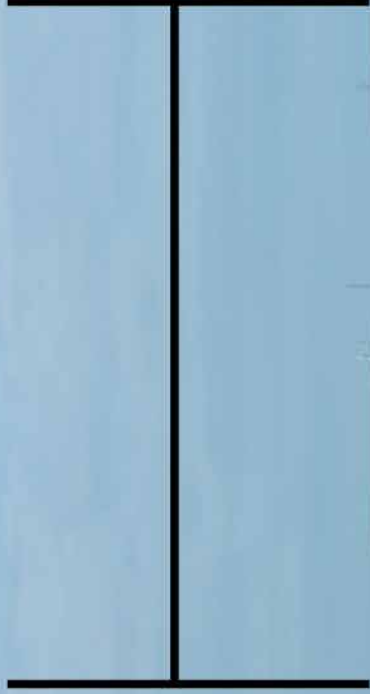


Figure 16: Line of Sight from VP-9 to Site
Cloewood Visual Assessment
Village of S. Blooming Grove, Orange County, NY



Source: NYS GIS Clearinghouse
Scale: As shown
Date: 04/02/18

NOT WITHIN LINE OF SIGHT



VP-10

Figure 17

Cloewood Visual Assessment
Blooming Grove, NY 10914

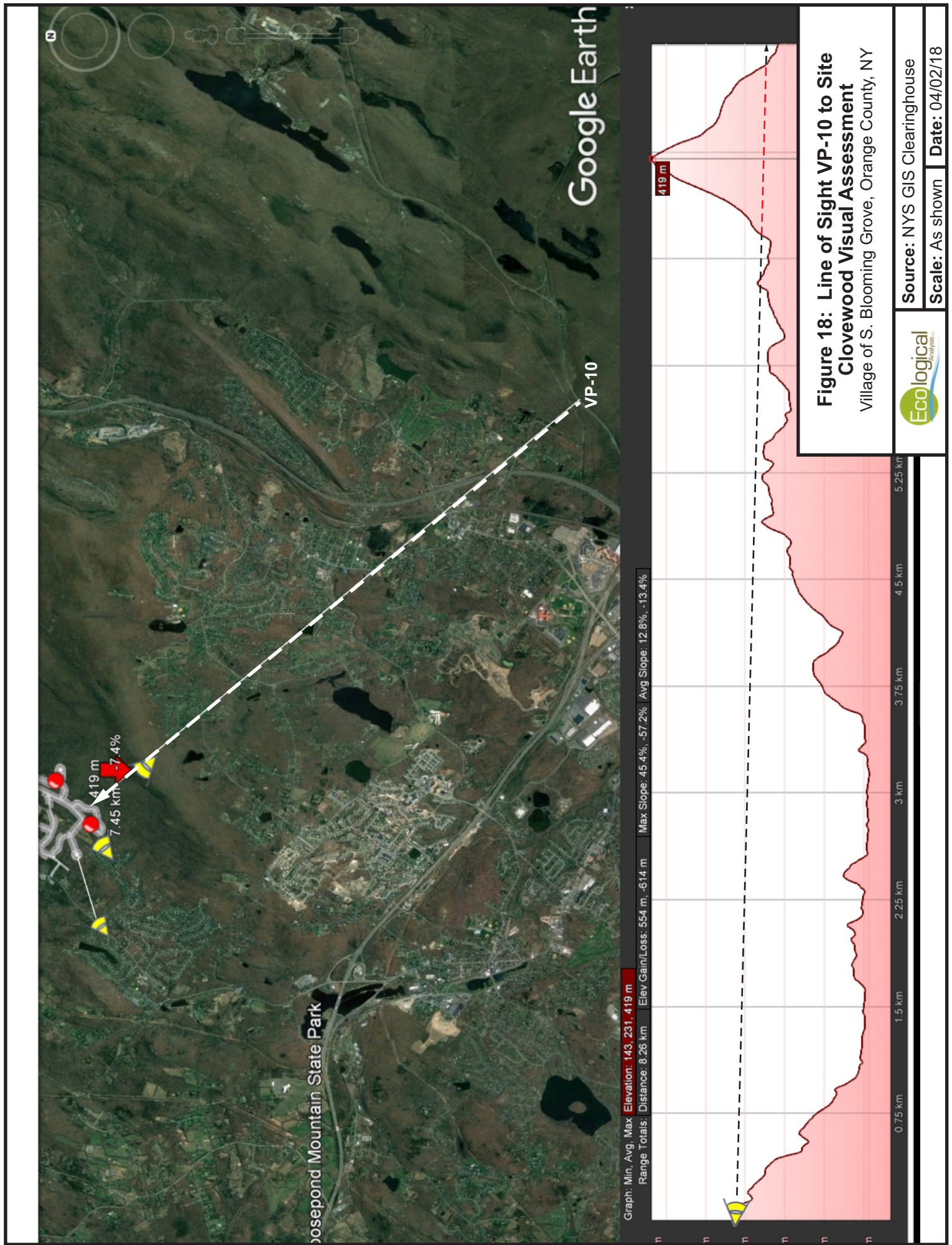


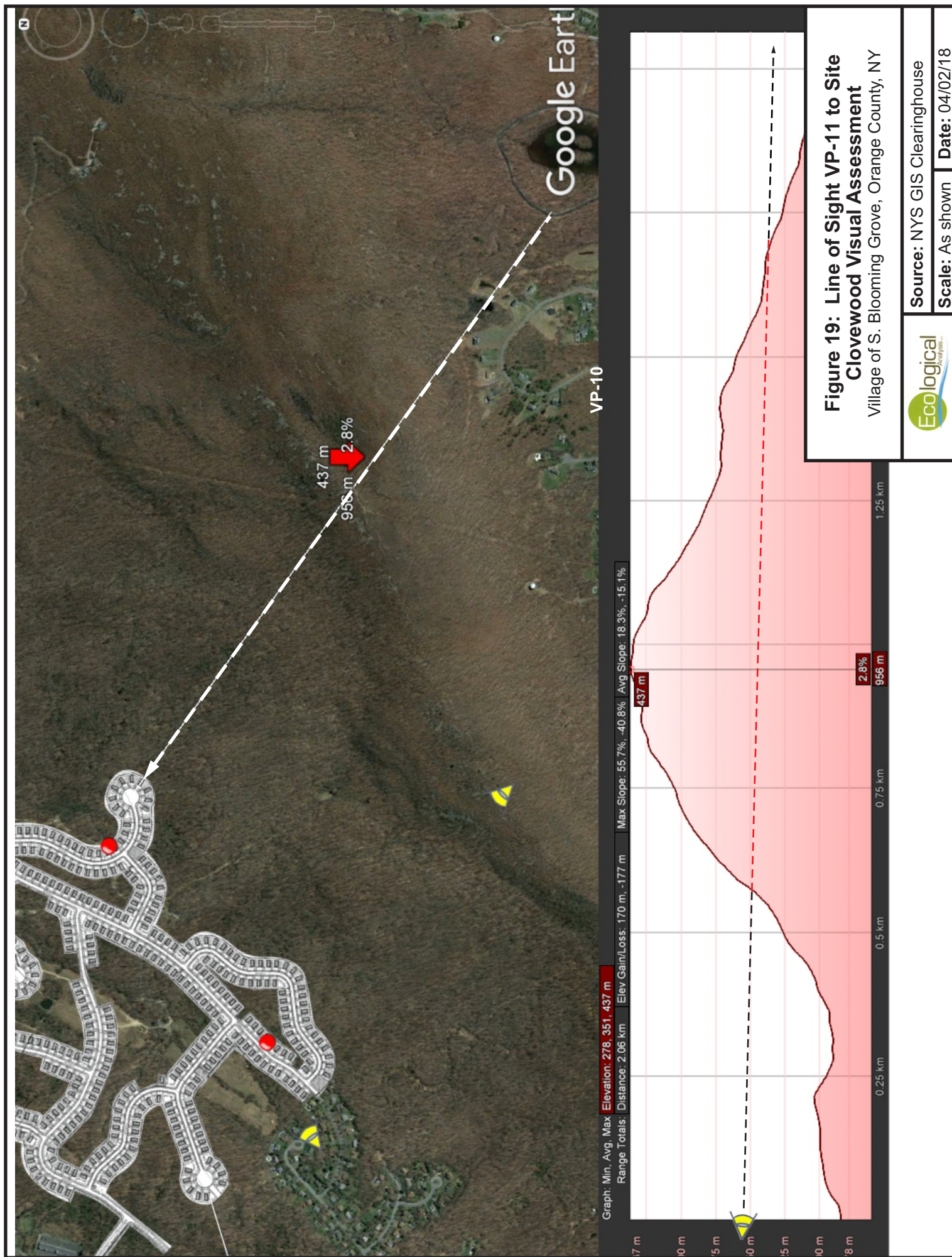
633 Rt. 211 East,
Middletown, NY, 10941
845-485-0123
www.4ecological.com

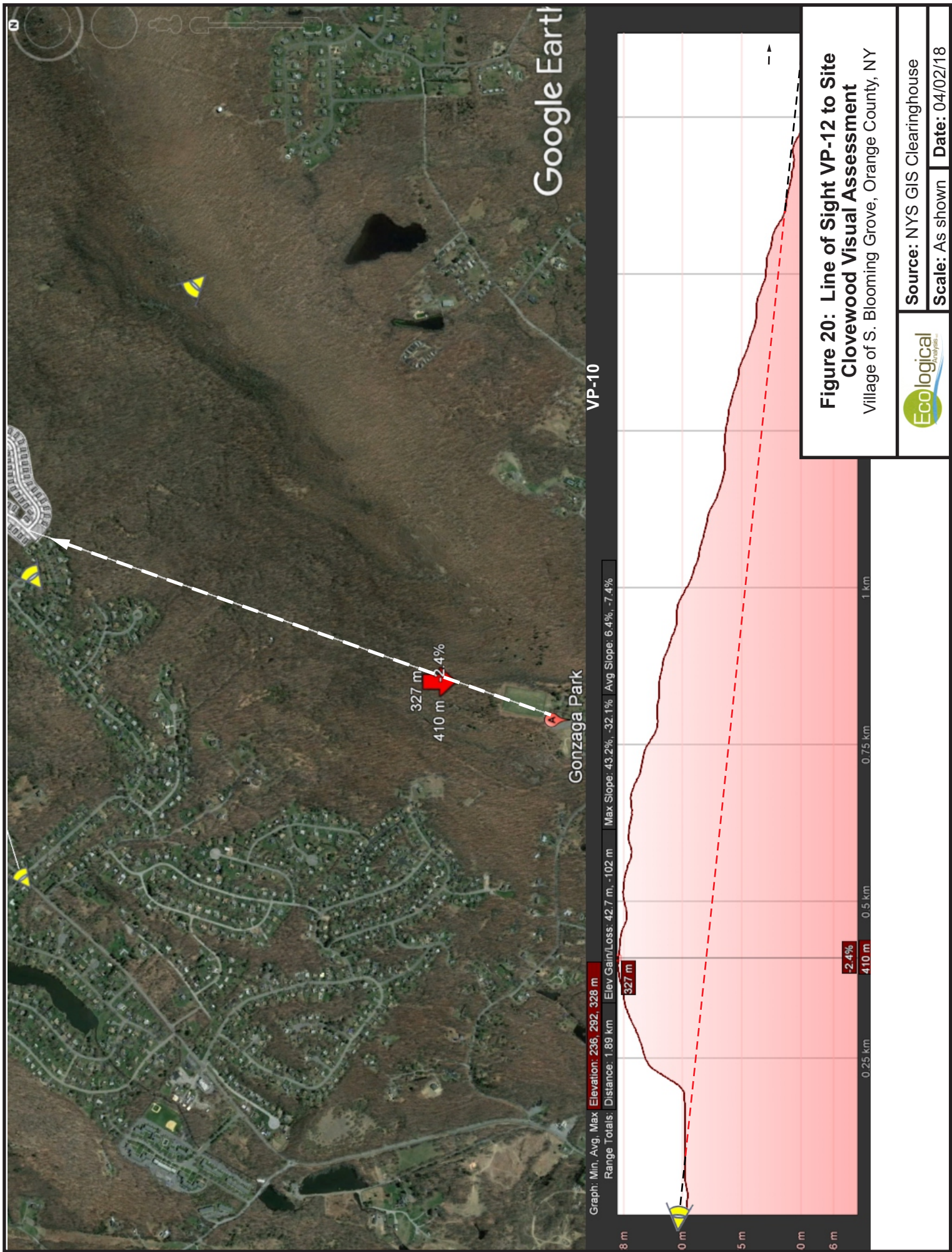
Source: AJ Ross Creative Media

Scale:

Date: 02/02/2017









Graph: Min, Avg, Max Elevation: 171, 253, 405 m
 Range Totals: Distance: 11.5 km | Elev Gain/Loss: 481 m, -602 m | Max Slope: 35.7%, -44.6% | Avg Slope: 8.2%, -9.2%

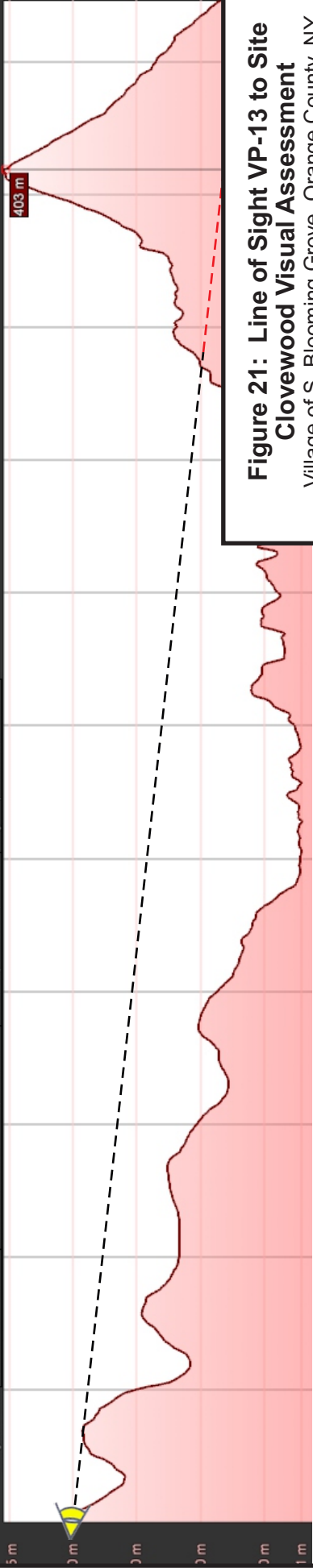


Figure 21: Line of Sight VP-13 to Site
Cloewood Visual Assessment
 Village of S. Blooming Grove, Orange County, NY

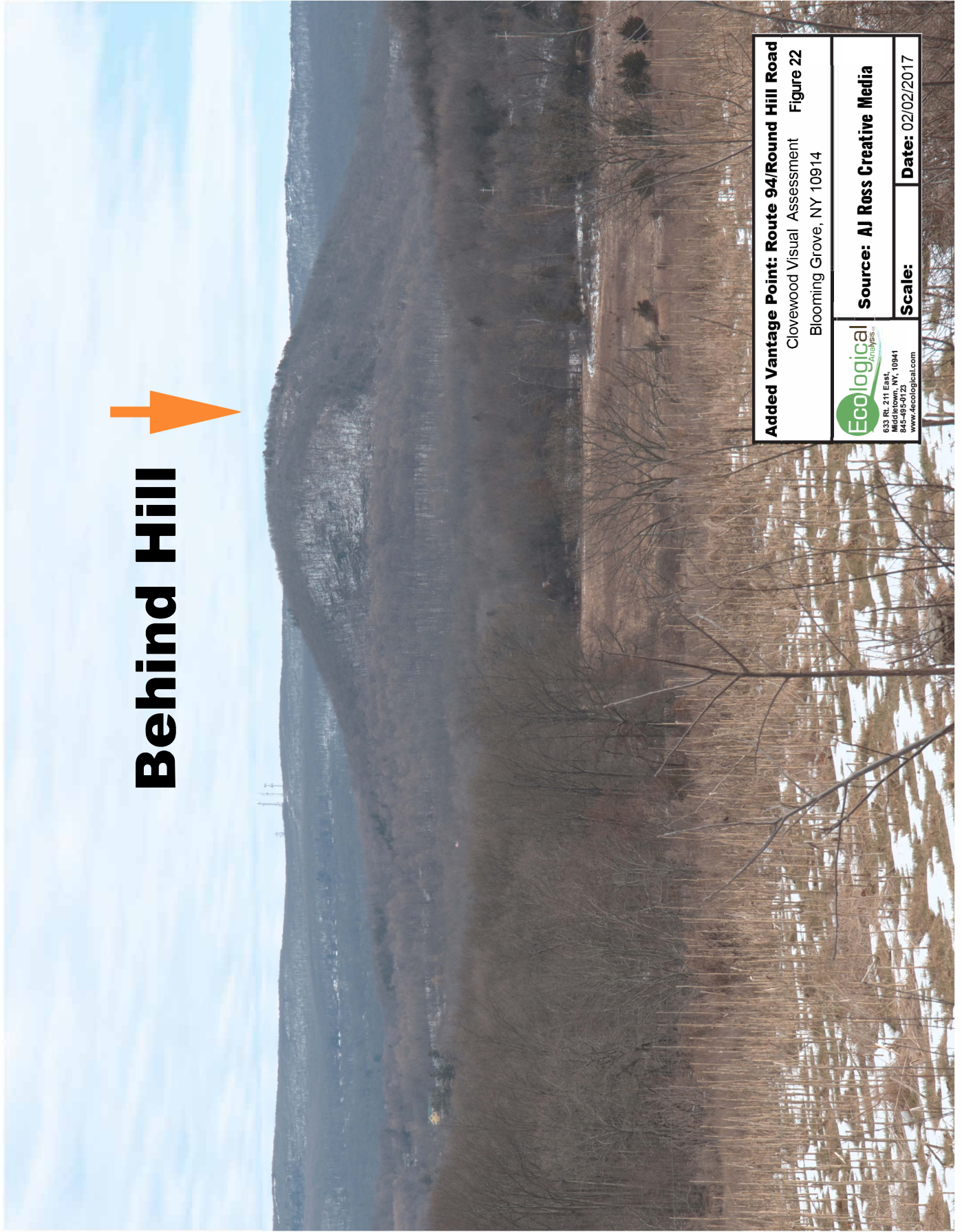


Source: NYS GIS Clearinghouse

Scale: As shown

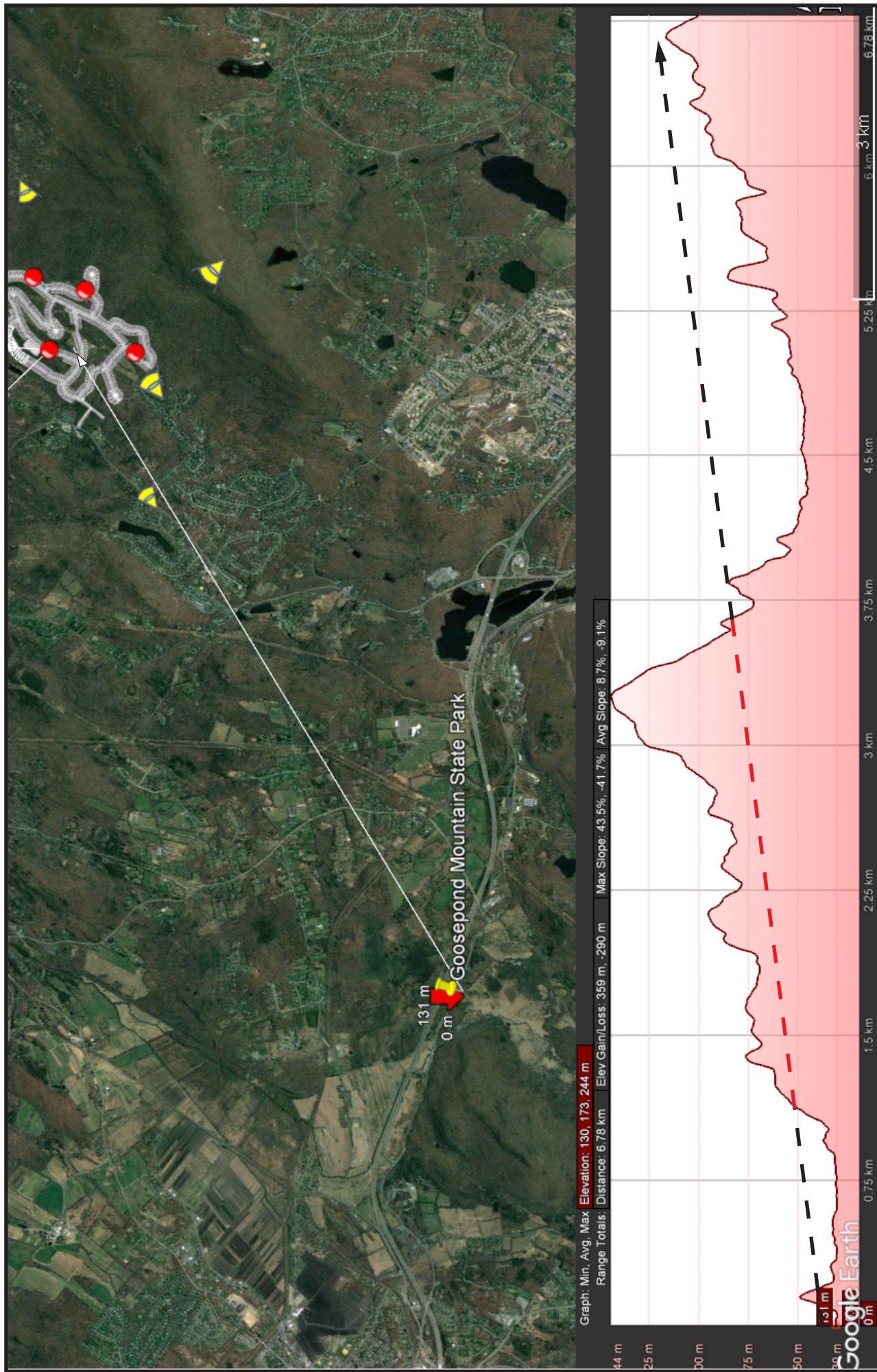
Date: 04/02/18

Behind Hill



Added Vantage Point: Route 94/Round Hill Road
Cloverwood Visual Assessment Figure 22
Blooming Grove, NY 10914

 633 Rt. 211 East Middletown, NY 10941 845-495-0123 www.4ecological.com	Source: AJ Ross Creative Media	
	Scale:	Date: 02/02/2017



**Figure 23: Line of Sight Profile from
 Goosepond State Park Trail
 Clovewood Visual Assessment**
 Village of S. Blooming Grove, Orange County, NY

Data Source: Google Earth, 2018
Scale: As shown **Date:** 4/01/18

Ecological
 Associates

D. Daytime/Nighttime Lighting

Exterior lighting has the potential to impact immediate existing neighborhoods through light pollution particularly during the nighttime hours.

However, based upon the lighting plan prepared for the Project Site, Clovewood's proposed exterior lighting would minimize the amount of light trespass of the Project Site through shielding and play event of fixtures.

As such, the lighting of the Proposed Clovewood Project is not expected to create a visual impact on existing neighborhoods or any of the VP locations evaluated.

E. Scenic Vantage Points

As noted, there are several parks within the vicinity of the Project Site and greater Village area. The proposed development would be minimally visible from the Schunnemuck Mountain State Park as stated above in the "Potential Views" subsection (see VP-1 and VP-8 discussions).

It is not expected that the post construction development would be visible from Bear Mountain State Park, Goosepond Mountain State Park, Earl Reservoir Park, Gonzaga County Park or the Appalachian Trail because of the surrounding area topography and distance from the Project Site. See the Line of Sight Figures for the visual analyses from these scenic vantage points in Figures 20, 21, 22 and 23.

Furthermore, the mere visibility of the proposed Clovewood Project from any vantage point does not imply a detrimental effect on the perceived beauty or scenic value of the place; nor will the proposed Clovewood Project, by its visibility, necessarily cause the diminishment of public enjoyment and/or appreciation of the appearance of the Village's visual resources, nor impair the character or quality of the place.

The proposed Clovewood Project would have some limited visibility to some degree from five of the public locations evaluated in this visual assessment.

The analyses conducted indicate the proposed Clovewood Project would not present a significant adverse visual impact on existing residential and commercial areas nor the various scenic vantage points within the vicinity of the Project Site. This is because the proposed Clovewood Project, would be consistent with the current, local streetscape surrounding the Project Site and greater Village area the undeveloped areas if developed under the current Village Zoning Code.

F. Mitigation Measures

As noted above, the proposed Clovewood Project is not expected to pose any significant adverse visual impact to areas surrounding the Project Site or the greater Village area, the Proposed Clovewood Project being consistent with the existing pattern of development and trends within not only the Village of South Blooming Grove, but also the surrounding region.

Moreover, the Clovewood Project would raze the existing approximately 50 former Lake Anne

structures, which are in a state of disrepair, constitute an aesthetic eyesore, and are inconsistent with the surrounding character of the area.

The following are measures already incorporated into the proposed Clovewood Project that can be reasonably expected to further lessen any potential visual impacts from the proposed Clovewood Project on existing public locations within the Village and surrounding area:

- The subdivision layout was designed to place the development area in the lower elevations of the Project Site; therefore, the Project's structures would be constructed between 500 ft. AMSL and 900 ft. AMSL (over 400 ft. lower than the elevation height of the Project Site);
- The subdivision constitutes a conservation design that would preserve approximately the majority of the 708-acre parcel as open space;
- Road design consists of curvilinear primary roads running parallel to the contour to the greatest extent possible;
- HVAC Equipment is proposed to be located on the side or rear of the dwelling units, out of sight from the public road network;
- Existing E/T/C lines are present at the Project Site and would left functioning as they are currently;
- The Project would raze the approximately 50 structures associated with the former Lake Anne County Club that currently constitute and eyesore; and
- Landscaping plans are proposed for all dwellings with the typical dwelling unit landscaping plan (north exposure and south exposure) incorporating street trees (i.e. red oak, pin oak, red maple, sugar maple and green spire linden). A landscaped, boulevard-type, entrance is also proposed.

Exhibit 1
NYS-DEC Program Policy entitled
“Assessing and Mitigating Visual Impacts”

THE DEC POLICY SYSTEM



New York State
Department of Environmental Conservation

PROGRAM POLICY

Department ID:
DEP-00-2

Program ID:
n/a

Title: Assessing and Mitigating Visual Impacts

Issuing Authority: Article 8, 49

Name: Jeffrey Sama

Title: Director

Signature: /s/ Date: 7/31/00

Issuance Date: 7/31/00

Originating Unit: Division of Environmental Permits

Office/Division: Environmental Permits

Unit:

Phone: (518) 402-9167

Latest Review Date (Office Use):

Abstract: Facilities regulated by the Department of Environmental Conservation located in visual proximity to sensitive land uses can produce significant visual impacts. This policy and guidance defines what visual and aesthetic impacts are, describes when a visual assessment is necessary and how to review a visual impact assessment, differentiates State and local concerns, and defines avoidance, mitigation and offset measures that eliminate, reduce, or compensate for negative visual effects. A glossary of terms is provided for reference.

I. Purpose

This memorandum provides direction to Department staff for evaluating visual and aesthetic impacts generated from proposed facilities. This guidance defines State regulatory concerns and separates them from local concerns. There is nothing in this program policy that eliminates or reduces the responsibility of an applicant to local agencies to address local visual or aesthetic concerns. In addition, this program policy does not relieve applicants from requirements of other State agencies, such as Department of State Coastal Zone Program or Department of Public Service. This guidance will also define important technical concepts and provide a mechanism for complying with the balancing provisions of the State Environmental Quality Review Act (SEQR) with respect to environmental aesthetics.

II. Background

An ever expanding body of research has demonstrated that environmental aesthetic values are shared among the general population. This research finds that such values are not idiosyncratic, random, or arbitrary. For example, millions of people visit Niagara Falls for our shared appreciation of its beauty.

Many places have been recognized for their beauty and designated through Federal or State democratic political processes, reinforcing the notion that environmental aesthetic values are shared. Recognition of aesthetic resources also occurs at local levels through zoning, planning or other public means. That these special places are formally recognized is a matter of public record. This guidance contains a

generic listing of all aesthetic resources of statewide significance and serves as the template from which aesthetic issues of State concern can be distinguished from local issues. Generally, it is staff's responsibility to identify and mitigate impacts to Federal and State designated aesthetic resources. With respect to local resources, Department staff should defer to local decision makers, who are likely to be more familiar with and best suited to address them.

III. Policy

In the review of an application for a permit, Department staff must evaluate the potential for adverse visual and aesthetic impacts on receptors outside of the facility or property. When a facility is potentially within the viewshed of a designated aesthetic resource, the Department will require a visual assessment, and in the case where significant impacts are identified, require the applicant to employ reasonable and necessary measures to either eliminate, mitigate or compensate for adverse aesthetic effects.

IV. Responsibility

The environmental analyst, acting as project manager, for review of a new application must assure that visual and aesthetic impacts are properly evaluated by the applicant. For new permits or significantly modified permits, staff must determine the potential significance of the action pursuant to SEQR.

In the review of an application for a permit, staff must evaluate the potential for adverse aesthetic impacts to sensitive places. Sensitive places of statewide concern are listed in this guidance (see V. Procedure). From the State's perspective there may be a significant impact if one or more of the listed places lies within the viewshed of a proposed project. From a local perspective there may be a significant impact if a local resource lies within the project's viewshed. This simple concept may help staff and decision makers distinguish local concerns from State concerns, and public concerns from individual expressions of concern.

With respect to aesthetics, an individual citizen's expression of concern is usually based on the belief that a property or particular "neighborhood" lies within the viewshed of a proposed project. This is different from the concerns of the public at large which has a stake in aesthetic resources recognized as having designated value under the public domain.

Significant impacts are identified and confirmed by staff during the review of an application. SEQR obligates the Department to mitigate such impacts to the maximum extent practicable [6NYCRR Part 617.11(d)(5)]. Local involved agencies must do the same with respect to local resources and likewise comply with Article 8 of the ECL and 6NYCCR Part 617. Impacts to aesthetic resources of statewide concern may require more substantial mitigation strategies to achieve project approval. Mitigation costs and practicality of the mitigative measures must be weighed in the balancing required by the State Environmental Quality Review Act.

Local resources are frequently designated through local zoning and planning processes. Accordingly, local jurisdictions may require additional and somewhat different information than the Department. The legislature has recently recognized and addressed this jurisdictional difference. In 1999, the Legislature, revised Article X of the Public Service Law to eliminate a DEC requirement to testify on behalf of local

jurisdictions concerning the impacts of power plant siting. In doing so, they explicitly eliminated the requirement that DEC staff testify with regard to local jurisdictional needs.

V. Procedure

Staff must assure that the full scope of visual and aesthetic concerns are addressed. This includes impacts from all project components and their operation on all inventoried resources. In addition, an equitable level of expectations between the potential significance of the impact, the degree of sophistication of the analysis required of applicant and appropriate level of mitigation strategies must be established. The goal of visual assessment is to reveal impacts and effective mitigation strategies. Small scale, low budget projects should not be burdened with the costs of sophisticated visual analyses. In these instances, it is generally more effective to reserve applicant investments for mitigation rather than complex visual assessments. Simple line-of-sight profiles may suffice for revealing impacts and potential mitigation strategies (see appendix A for an illustration of their use).

Staff must take certain basic steps to assure that visual concerns have been fully addressed in each application. Those steps are:

- A. Verify the applicant's inventory of aesthetic resources.
- B. Verify the applicant's visual assessment, using either graphic viewshed and line-of-sight profile analysis as illustrated in Appendix A, or more sophisticated visual simulations and digital viewshed analysis, as needed.
- C. Determine or verify the applicant's assessment of the potential significance of the impact.
- D. Confirm that applicant's mitigation strategies are reasonable and are likely to be effective, or assure mitigation by requiring the applicant to submit a design that includes the required mitigation, or, impose permit conditions consistent with those mitigation requirements.

A discussion of each follows:

A. Inventory of Aesthetic Resources.

It is important to note that all significant scenic and aesthetic resources may not have yet been designated in New York State. However, for the purposes of this policy all aesthetic resources of statewide significance may be derived from one or more of the following categories:

- 1) A property on or eligible for inclusion in the National or State Register of Historic Places [16 U.S.C. § 470a et seq., Parks, Recreation and Historic Preservation Law Section 14.07]; e.g. Trinity Church in Manhattan, Schuyler Mansion in Albany;
- 2) State Parks [Parks, Recreation and Historic Preservation Law Section 3.09]; e.g. Grafton Lakes State Park, Rensselaer County;
- 3) Urban Cultural Parks [Parks, Recreation and Historic Preservation Law Section 35.15];

- 4) The State Forest Preserve [NYS Constitution Article XIV]; Adirondack and Catskill Parks;
- 5) National Wildlife Refuges [16 U.S.C. 668dd], State Game Refuges and State Wildlife Management Areas [ECL 11-2105]; e.g. Montezuma National Wildlife refuge; Perch River Wildlife Management Area, Jefferson County;
- 6) National Natural Landmarks [36 CFR Part 62]; e.g. Iona Island Marsh, Hudson River, Rockland County;
- 7) The National Park System, Recreation Areas, Seashores, Forests [16 U.S.C. 1c]; e.g. Gateway National Recreation Area, Staten Island; Finger Lakes National Forest, Schuyler County;
- 8) Rivers designated as National or State Wild, Scenic or Recreational [16 U.S.C. Chapter 28, ECL 15-2701 et seq.]; e.g. Cedar River (Wild), Ampersand Brook (Scenic); West Branch of the Ausable River (Recreational);
- 9) A site, area, lake, reservoir or highway designated or eligible for designation as scenic [ECL Article 49 or DOT equivalent and APA. Designated State Highway Roadside; e.g. Storm King Highway (Article 49 Scenic Road), Rockland county;
- 10) Scenic Areas of Statewide Significance [of Article 42 of Executive Law]¹; e.g. Catskill-Olana SASS;
- 11) A State or federally designated trail, or one proposed for designation [16 U.S.C. Chapter 27 or equivalent]; e.g. Appalachian Trail;
- 12) Adirondack Park Scenic Vistas; [Adirondack Park Land Use and Development Map]
- 13) State Nature and Historic Preserve Areas; [Section 4 of Article XIV of the State Constitution];
- 14) Palisades Park; [Palisades Interstate Park Commission]; e.g. Harriman State Park;
- 15) Bond Act Properties purchased under Exceptional Scenic Beauty or Open Space category; e.g. Star Hill, Oneida County.

Note: The Hudson River has recently been designated an “American Heritage River” by a Presidential Order under [PL 91-190]. The details and criteria of the program as they may relate to this policy are currently under review.

B. Visual Assessments.

¹ State Coastal Policies number 24 and 25 derived in part from Section 912 of Article 42 of the Executive Law define the criteria that, when properly employed, assure project consistency with coastal zone management objectives. Such policies are consistent with the review mechanisms contained in this DEC policy. Also for reference is the July 1993 DOS SASS publication for Columbia-Greene, Catskill-Olana, Estates District, Ulster North, Esopus-Lloyd, and the Hudson Highlands.

In all visual assessments, significant resources must be identified along with any potential adverse effects on those resources from the proposed project. If, in staff's judgement, a place designated in any of the above categories may lie in the viewshed of the proposed project then a visual assessment should be required to confirm or refute this potential. At a minimum a line-of-sight-profile, or, depending upon the scope and potential significance of the activity, a digital viewshed may be used to determine if a significant property is within the potential viewshed of the proposed project (see the Appendix A attached for guidance on how to construct and use a line-of-sight profile). Staff must then review the applicant's visual assessment for adequacy, accuracy and thoroughness. The control points (see glossary for definition) must be established by staff and should include a worst case scenario. Worst case here means establishing the control points that reveal any project visibility at an aesthetically significant place. Most of the time, though not always, high points reveal worst case. For example, the tallest facility component (e.g. combustion exhaust stack), may be the control point at the project end of the profile, while a high point of ground upon which the observer stands within a State Park may be the control point at the resource end of the profile.

With respect to determining the radius of the impact area to be analyzed, there has been a general guideline for large actions that it is usually "safe" to use 5 miles. The 5 mile distance probably owes its origins to the U.S. Forest Service "distance zones" set forth in their landscape management journal written in 1973² (5 miles is still largely considered "background," i.e. distances at which most activities are not a point of interest to the casual observer). However, for very large activities, such as power plants (particularly those that generate wet cooling tower plumes), and large landscape alterations, greater distances have been shown to be important in some landscape settings, and must be considered. In those instances, applicants must document to the satisfaction of staff that impacts beyond five miles to listed resources have been considered. They must also provide a clear demonstration that impact to any resource of statewide concern is insignificant. Such demonstrations may be convincing if resource inventories beyond 5 miles are coupled with line-of-sight profiles (see Appendix A for a complete discussion of these graphic tools) or other accepted visual criteria, such as computer simulations, analogous comparative studies or worst case presentations.

C. Significance.

Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. Proposed large facilities by themselves should not be a trigger for a declaration of significance. Instead, a project by virtue of its siting in visual proximity to an inventoried resource may lead staff to conclude that there may be a significant impact. For example, a cooling tower plume may drift between viewers standing on an overlook at a State Park thereby blocking the view of the panorama. Staff must verify the potential significance of the impact using the qualities of the resource and the juxtaposition (using viewshed and or line-of-sight profiles) of the proposal as the guide for the determination.

D. Mitigation.

² U.S. Forest Service, Agricultural Handbook Number 434, Feb. 1973

Mitigation may reduce or eliminate the visibility of the project or alter the project's effect on the scenic or aesthetic resource in some way. It is usually easier to deal with the visibility of the project than its composition to achieve mitigation. Altering the composition of a project lies within the realm of professional designers. When given the opportunity, however, staff should encourage applicants to design aesthetically compatible projects that incorporate environmentally friendly design principles and components, as may be employed from the mitigation menu below.

Mitigation strategies can be categorized into three general groups as outlined below.

- 1) Professional Design and Siting.
 - a) Screening
 - b) Relocation
 - c) Camouflage/Disguise
 - d) Low Profile
 - e) Downsizing
 - f) Alternate Technologies
 - g) Non-specular materials
 - f) Lighting
- 2) Maintenance
 - a) Decommissioning
- 3) Offsets

A discussion of each follows:

1. Professional Design and Siting. A properly sited and designed project is the best way to mitigate potential impacts. Under optimum circumstances a project can be sited in a location which precludes the possibility of having an aesthetic resource within its viewshed. Also, through sensitive design treatment, elements of particular concern may be sited or dimensioned in a way that reduces or eliminates impacts on significant resources. Sometimes circumstances prevent the realization of optimal siting and sometimes engineering, economic or other constraints preclude optimum dimensioning or other appropriate design treatments. Under those circumstances, other mitigation strategies should be considered.

Staff should assure effective mitigation is thoroughly explored by requiring project sponsors to consider the following tools to mitigate impacts:

a. Screening. Screens are objects that conceal other objects from view. They may be constructed of soil, rocks, bricks, or almost anything opaque. Vegetation can, despite its visual porosity, function as a screen when a sufficient mass is employed. Screens may be natural, e.g. vegetation, or artificial, e.g. fences and walls. Screens may appear natural e.g. wood, stone, or may appear artificial, e.g. plastic, metal. In natural settings it is generally better to employ natural materials, while in urban places designers may employ a broader range of materials.

Screens constructed from soil are called berms. Berms may appear natural e.g. blend with nearby topography, or appear artificial e.g. geometrical or symmetrical shape. Each

may be employed depending upon the overall design intent. Berms may be vegetated or not vegetated depending upon their particular function, e.g. spill containment and/or screening.

Properly sized and placed screens may completely conceal an object, while improperly sized and placed screens may fail to conceal. Screens may block desirable views when improperly placed (see Appendix A to see how screen placement is important).

Screens are not necessarily buffers and buffers are not necessarily screens. A buffer may attenuate noise, soften a landscape or provide other functions that may or may not include screening.

Screens possess line, form, texture, planes and color, and therefore, have their own aesthetic qualities. At times, they may be more impacting than the object to be concealed. Screens may draw attention to the object to be concealed. Screens may physically connect two similar or dissimilar areas.

b. Relocation. A facility component may be relocated to another place within the site to take advantage of the mitigating effects of topography and vegetation.

c. Camouflage/Disguise. Colors and patterns of color may conceal an object or its identity. Disguise may take many forms, and is limited only by the imagination of the project designers. As an example, communication towers can be disguised as trees, flagpoles, barn silos, church steeples, or any other “in-character” structure depending upon circumstances.

d. Low Profile. Reducing the height of an object reduces its viewshed area.

e. Downsizing. Reducing the number, area or density of objects may reduce impacts.

f. Alternate Technologies. Substituting one technology for another may reduce impacts (e.g. dry cooling tower technology versus wet cooling tower technology).

g. Non-Specular Materials. Using building materials that do not shine may reduce visual impacts.

h. Lighting. With respect to regional issues, such as a tall combustion exhaust stack or radio tower, the Federal Aviation Administration (FAA) requires certain lighting for public transportation safety. These impacts may be considered unavoidable unless lower profiles can be achieved. Applicants should also document that they have consulted with and met all applicable lighting standards under local jurisdiction. Consideration should be given to off-site light migration, glare and “sky glow” light pollution. Lighting requirements, through best engineering practices, should not exceed the functional requirements of the project.

2. Maintenance. How a landscape and structures in the landscape are maintained has aesthetic implications. “Eyesores” result from neglect. This should be part of any mitigation strategy.

a. Decommissioning. Removing an object from the landscape after its useful life is over, reduces the duration of a visual impact (see page 9 for further discussion).

3. Offsets. Correction of an existing aesthetic problem identified within the viewshed of a proposed project may qualify as an offset or compensation for project impacts. A decline in the landscape quality associated with a proposed project can, at least partially, be "offset" by the correction. In some circumstances a net improvement may be realized (see page 9 for further discussion).

An applicant may assert that all economic and effective mitigation strategies have been incorporated into the proposed design and, when properly designed, such self-imposed mitigation should effectively mitigate any negative effects on a listed resource. However, if staff concludes that significant impacts remain then staff must still ensure that impacts are minimized. In this regard, staff should first investigate visibility mitigation strategies. Manipulating design elements to achieve adequate mitigation usually lies within the purview of professional designers.

Staff should not try to judge the quality of a design nor its effect on the aesthetics of the listed resource unless they are qualified to do so. Such qualifications normally include academic or other accepted credentials in architecture or landscape architecture. Nevertheless, it is the burden of the applicant to provide clear and convincing evidence that the proposed design does not diminish the public enjoyment and appreciation of the qualities of the listed aesthetic resource. Staff can and should review the strength or merit of such proof. An applicant's mere assertion that the design is in harmony with or does not diminish the values of the listed resource is insufficient for the purposes of reaching findings. Instead, an applicant must demonstrate through evidence provided by others e.g. recognized architectural review boards, comparative studies that are clearly analogous, or other similar techniques, that the public's enjoyment and appreciation of the qualities of the aesthetic resource are not compromised.

Staff must be assured that consistent with social, economic and other essential considerations, the action is one that avoids or minimizes adverse impacts to the maximum extent practicable. This can be accomplished by asking and responding affirmatively to the following questions.

- 1) Was the full mitigation menu considered?
- 2) Will those mitigation strategies selected be effective?
- 3) Were the costs of mitigation for impacts to other media considered and were those mitigation investments prioritized accordingly?
- 4) Are the estimated costs of all mitigation insignificant (for example, are the costs of visual mitigation taken together with all other mitigation less than 10% of the total project cost?)
- 5) Were the mitigation strategies employed consistent with previous similar applications? If not, was the reasoning for any changes reasonable and justified?
- 6) Was the mitigation cost effective? For example, if fully mature vegetation with an immediate screening effect costs 10 times the amount that less mature vegetation would cost, is it appropriate to require the less costly option if its full screening effect can be realized in just, say, 3 years? (See Appendix A for details concerning this subject).
- 7) Were offsets and decommissioning considered?

It is important to bring the project sponsor into the discussion of mitigation strategies. If more than one mitigation strategy meets all environmental protection needs, the applicant's needs and preferences should be considered.

It is preferred that all mitigation options selected be specified in the applicant's plans for Department review. The plans should sufficiently depict readily understandable and enforceable details. Adherence to such plans should then become a permit condition. During and after facility construction, staff should visit the site and ensure that all mitigation strategies detailed in the plans and specifications have been adequately incorporated into the facility design.

If all mitigation options available from the menu are considered, applied where appropriate, and those applied are cost effective, then one can assert that impacts have been minimized to the maximum extent practicable. However, the residual impact after all such strategies have been employed may still be significant. Offsets should then be considered to help achieve the balancing required of SEQR. Finally, decommissioning options may be considered that reduce the duration of impacts for projects with severe residual impacts. A discussion of each follows:

1. Offsets.

Offsets should be employed in sensitive locations where significant impacts from the proposal are unavoidable, or mitigation of other types would be uneconomic and mitigation to be used is only partially effective. Offsets should be employed when significant improvement can be expected at reasonable cost. An example of an offset might be the removal of an existing abandoned structure that is in disrepair (i.e. an "eyesore") to offset impacts from a proposal within visual proximity to the same sensitive resource.

2. Decommissioning.

Decommissioning may take many forms, and other disciplines in Department program areas may have an interest in decommissioning. However, from the perspective of aesthetics, three are of most significance: 1) the total removal from the site of all facility components and restoration to an acceptable condition, usually with attendant revegetation; 2) partial removal of facility components, such as elimination of visually impacting structures; and 3) conditions designed to maintain an abandoned facility and site in an acceptable condition that precludes "eyesores" or site and structural deterioration. Applicants should provide such plans when deemed necessary.

Glossary

Aesthetic impact: Aesthetic impact occurs when there is a detrimental effect on the perceived beauty of a place or structure. Mere visibility, even startling visibility of a project proposal, should not be a threshold for decision making. Instead a project, by virtue of its visibility, must clearly interfere with or reduce the public's enjoyment and/or appreciation of the appearance of an inventoried resource (e.g. cooling tower plume blocks a view from a State Park overlook).

Aesthetically significant place: A formally designated place visited by recreationists and others for the express purpose of enjoying its beauty. For example, millions of people visit Niagara Falls on an annual basis. They come from around the country and even from around the world. By these measurements,

one can make the case that Niagara Falls (a designated State Park) is an aesthetic resource of national significance. Similarly, a resource that is visited by large numbers who come from across the state probably has statewide significance. A place visited primarily by people whose place of origin is local generally is generally of local significance. Unvisited places either have no significance or are "no trespass" places.

Aesthetic Quality: There is a difference between the quality of a resource and its significance level. The quality of the resource has to do with its component parts and their arrangement. The arrangement of the component parts is referred to as composition. The quality of the resource and the significance level are generally, though not always, correlated.

Atmospheric perspective: Even on the clearest of days, the sky is not entirely transparent because of the presence of atmospheric particulate matter. The light scattering effect of these particles causes atmospheric or aerial perspective, the second important form of perspective. In this form of perspective there is a reduction in the intensity of colors and the contrast between light and dark as the distance of objects from the observer increases. Contrast depends upon the position of the sun and the reflectance of the object, among other items. The net effect is that objects appear "washed out" over great distances.

Control Points: The two end points of a line-of-sight. One end is always the elevation of an observer's eyes at a place of interest (e.g. a high point in a State Park) and the other end is always an elevation of a project component of interest (e.g. top of a stack of a combustion facility or the finished grade of a landfill).

Line-of-sight profile: A profile is a graphic depiction of the depressions and elevations one would encounter walking along a straight path between two selected locations. A straight line depicting the path of light received by the eye of an imaginary viewer standing on the path and looking towards a predetermined spot along that path constitutes a line-of-sight. The locations along the path where the viewer stands and looks are the control points of the line-of-sight profile.

Scientific Perspective: Scientific, linear, or size perspective is the reduction in the apparent size of objects as the distance from the observer increases. An object appears smaller and smaller as an observer moves further and further from it. At some distance, depending upon the size and degree of contrast between the object and its surroundings, the object may not be a point of interest for most people. At this hypothetical distance it can be argued that the object has little impact on the composition of the landscape of which it is a tiny part. Eventually, at even greater distances, the human eye is incapable of seeing the object at all.

Viewshed: A map that shows the geographic area from which a proposed action may be seen is a viewshed.

Visual Assessments: Analytical techniques that employ viewsheds, and/or line-of-sight profiles, and descriptions of aesthetic resources, to determine the impact of development upon aesthetic resources; and potential mitigation strategies to avoid, eliminate or reduce impacts on those resources.

Visual impact: Visual impact occurs when the mitigating effects of perspective do not reduce the visibility of an object to insignificant levels. Beauty plays no role in this concept. A visual impact may also be considered in the context of contrast. For instance, all other things being equal, a blue object

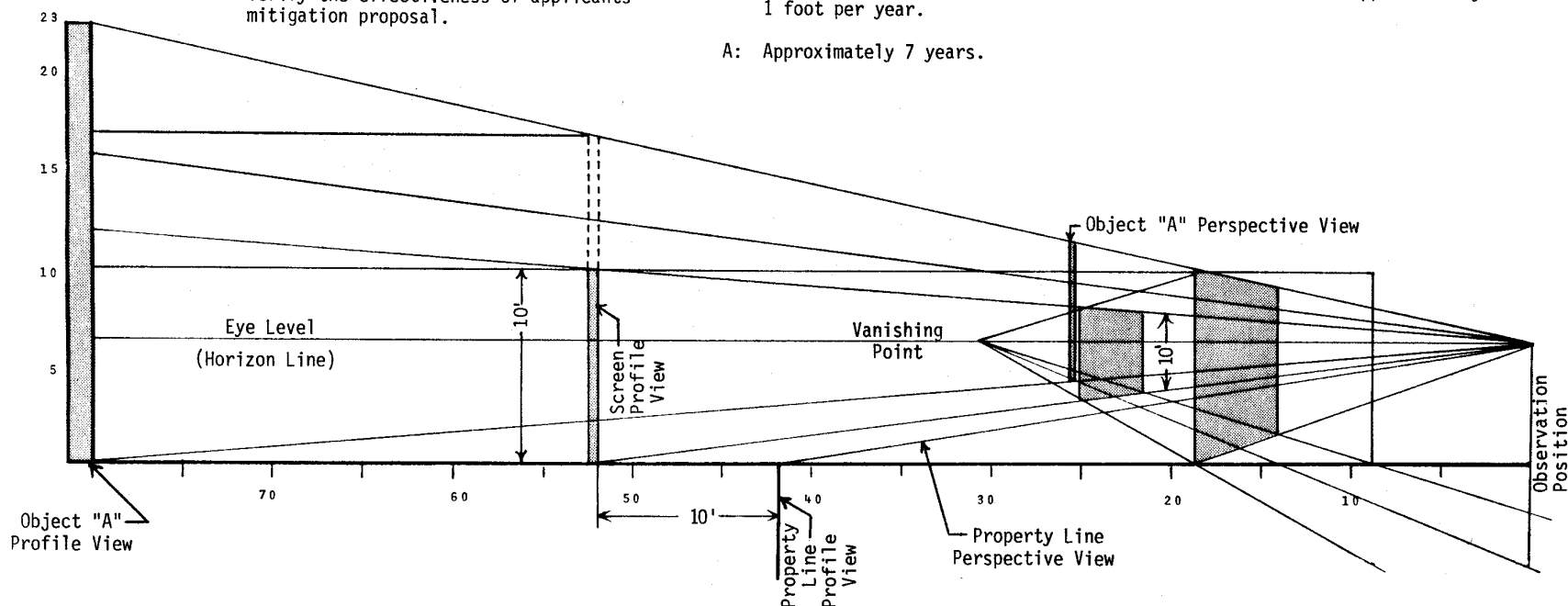
seen against an orange background has greater visual impact than a blue object seen against the same colored blue background. Again, beauty plays no role in this concept.

APPENDIX A

SCREENS

THE RELATIONSHIP BETWEEN SCIENTIFIC PERSPECTIVE AND A LINE OF SIGHT PROFILE.

Scientific or linear perspective is a geometric procedure that projects space onto a plane. This technique provides the analyst with a simplified way to verify the effectiveness of applicants mitigation proposal.



USE THE DIAGRAM BELOW TO ANSWER THESE SAMPLE QUESTIONS

Q: At what height should a screen be constructed to completely conceal a 23 foot object from an observer standing 80 feet from the object?
Constraint: Screen must be located 10 feet inside property line.

A: About 17 feet.

Q: What is the maximum height of an object to be concealed behind a 10 foot screen that is located 80 feet from an observer?
Constraint: The observer is standing about $18\frac{1}{2}$ feet behind the screen.

A: About 23 feet.

Q: In approximately how many years would a vegetative screen 6 feet in height planted on a berm 4 feet in height completely conceal a 23 foot object?
Constraints: Berm must be located 10 feet inside property line; object is 80 feet from observer; expected vegetation growth rate of approximately 1 foot per year.

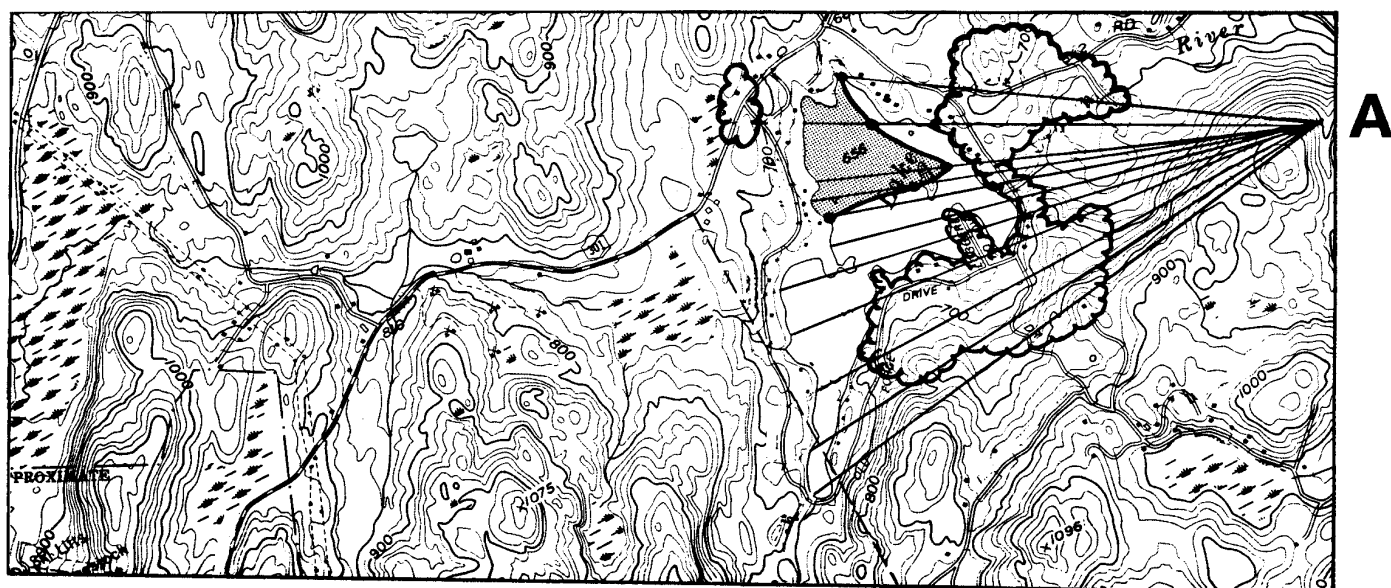
A: Approximately 7 years.

VIEWSHEDS

For illustrative purposes only, a "partial" viewshed has been constructed below. A partial viewshed is distinguished from a full viewshed in that it only shows a selected area from which an object may be seen. A full viewshed shows all such areas.

The shaded area in the northwest corner of the lake is the only area within the lake that a hypothetical object 100 feet in height and situated at A (where the profile radii converge) may be seen.

The defined viewing area has been constructed by connecting each point along each profile where a viewer just begins to see the hypothetical object. To add realism to the viewshed, 40' vegetation has been factored into the lines of sight. The vegetation alters the viewing angle and hence the initial viewpoint indicated by the large black dots at the intersection of the shaded area with each profile radii.



LEGEND



VIEWSHED
(Area within lake from which a hypothetical
100 foot object located at "A" may be seen)



SCALE 1" = 2,000'

PROFILES

To construct a profile, first position the graph paper parallel and contiguous to the horizontal alignment of the desired profile (indicated by line A-B). Proceed by extending vertical lines (indicated by dashed lines) to the correct height according to any selected convenient vertical scale (in this case 1" = 100'). This must be done from each spot where the horizontal alignment crosses a contour line. It is the elevation of the intersected contour that determines the height of each vertical line. Then, simply connect the top of each vertical line to form the profile (indicated by line C-D). The profile C-D depicts the depressions and elevations one would encounter walking a straight path from Point A to B on the plan map. To add realism add vegetation at the proper locations at the proper height (in this case 40').

Sample Questions and Answers

According to the profile:

Q. Can an observer at location "Z" see the east shore of the lake?

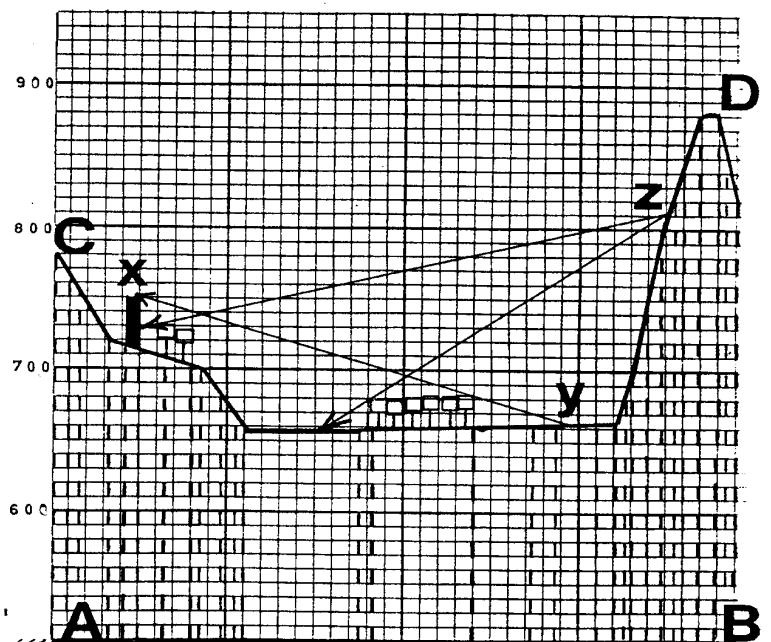
A. No

Q. At what point will the observer no longer be able to see object "X"?

A. At point "Y".

Q. What is the visible portion of object "X" to an observer at location "Z"?

A. About 20 feet.



VERTICAL SCALE 1" = 100'
HORIZONTAL SCALE 1" = 2,000'

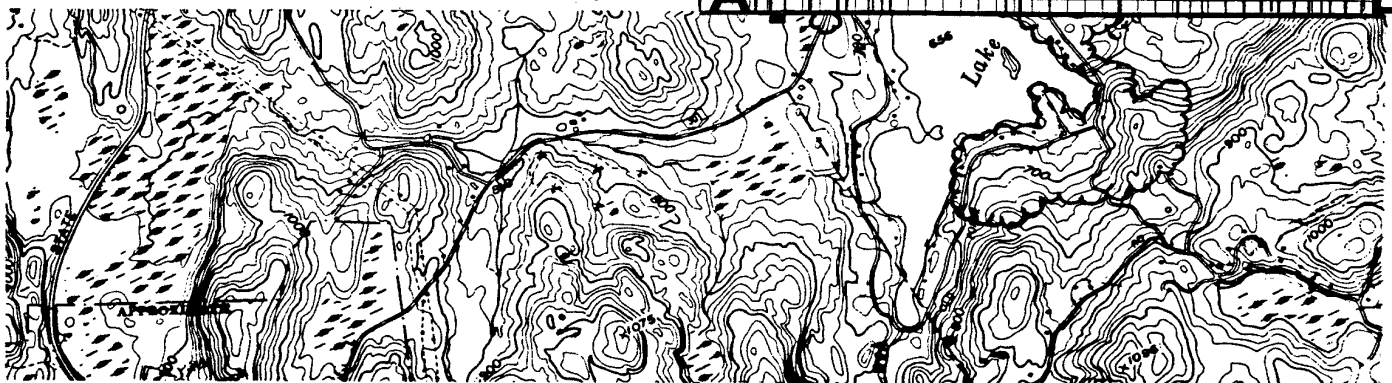


Exhibit 2
NYS OPRHP Letter



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

November 14, 2016

Mr. Simon Gelb
CPC
P. O. Box 2020
Monroe, NY 10949

Re: DEC
Clovewood - 600 Residential Lot Subdivision at NY 208 and Clove Rd (CR 27)
555 Clove Road, Monroe, NY 10950
15PR03943

Dear Mr. Gelb:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

OPRHP has reviewed the revised Phase IB archaeological report submitted for this project – *Phase 1B Archaeological Field Reconnaissance Survey, Clovewood Site, Village of South Blooming Grove, Orange County, New York* (HVCRC, November 2016). Two previously unrecorded archaeological sites have been identified on the property, but outside the current Area of Potential Effects (APE) – the M. H. Howell Farm Complex (07167.000009) and the Round Hill Cemetery/ Howell Family Cemetery (07167.000010).

OPRHP has no concerns regarding standing buildings and structures.

Therefore, based on the information provided, OPRHP recommends that the planned project will have **No Impact** on cultural resources listed or eligible for listing on the State or National Register of Historic Places. This recommendation pertains only to the APE examined during the above-referenced investigation. It is not applicable to any other portion of the project property. Should the project design be changed OPRHP recommends further consultation with this office.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via email only

cc: Charles Vandreli and John Petronella, DEC; Beth Selig, HVCRC

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com

Exhibit 3
Legal Notice

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Notice of Rescheduled Balloon Test Village of South Blooming Grove Clovewood Subdivision.

PLEASE TAKE NOTICE that the balloon test scheduled take place on January 23, 2017 in the Village of South Blooming Grove, New York has been rescheduled to February 6, 2017 due to inclement weather. Project: Clovewood Subdivision. The purpose of the test is to verify the height of buildings proposed within the Clovewood development which is currently under review by the Village of South Blooming Grove. Four balloon locations will be flown. The property fronts on County Route 27 (a/k/a Clove Road) and is identified as Village of South Blooming Grove tax parcels Section 208, Block 1, Lot 2 and Lot 3, commonly referred to as Lake Anne. A map depicting the locations of the balloon test and corresponding vantage points is on file with the Village of South Blooming Grove Village Clerk and can be viewed at Village Hall, 811 Route 208, Monroe NY 10950.

Tear Sheets

1

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