TOMPKINS COUNTY

PROTECTING OUR SCENIC RESOURCES

Tools to safeguard important scenic resources

A Companion to the *Tompkins County Scenic Resources Inventory*

DECEMBER 2010

Purpose and Acknowledgements

This report, *Tompkins County: Protecting Our Scenic Resources*, was prepared by the Tompkins County Planning Department as a companion document to the *Tompkins County Scenic Resources Inventory*, completed in 2007. Its primary purpose is to provide information to municipal officials and boards as they work to protect and preserve important scenic resources.

The information in this report is based heavily on work done by **Scenic Hudson,** which works to protect and restore the Hudson River and its landscape "as an irreplaceable national treasure and a vital resource for residents and visitors."

The Planning Department also thanks the Tompkins County Legislature and the Tompkins County Planning Advisory Board for their support of the preparation of this document.

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(December 2010)

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Tompkins County
Protecting Our Scenic Resources

Part 1: Developing with Sensitivity to Scenic Resources

Local officials are often confronted with the question of visual impacts of new development they are asked to approve. Preserving and protecting the scenic resources of communities is important for both a healthy environment and vibrant economy, and requires awareness and action on the part of citizens and municipal decision makers. Aesthetic issues are real and evoke strong reactions from people. They deeply affect the way we feel about a place - whether or not business will want to locate or people will want to live there. They have economic implications. Many communities are dependent upon tourist dollars for a large measure of their income. Tompkins County's rich visual environment is a valuable asset that creates a sense of identity and well-being for residents of the area.

The degree to which development projects may affect the area's aesthetics will depend upon their visual compatibility with their surroundings. **Visual compatibility** refers to the degree of congruity or "fit" between the visual elements of a project and the setting in which it is located. Thus, if a residential structure is to be located on a largely undeveloped wooded bluff along Cayuga Lake, its visibility will be minimized if it is sited and designed so as to blend in with the natural features of the setting. In this example, that could mean siting the building back from the bluff, keeping its height below three stories so as not to break the tree line, and using natural materials such as wood and stone so the building blends in with its surroundings.

Landscapes vary as well in terms of how much they may be impacted by new development. **Scenic absorption** refers to how readily a landscape can accommodate development without significant visual impact. For example, the construction of a new building within a city will be more easily absorbed and have less impact on views than construction of the same building within a pristine wetland.

Design and siting factors can be used to improve the visual compatibility of development projects with the dominant architecture and visual characteristics of their surroundings.

While some small-scale development projects, such as single family homes and individual commercial establishments, like a restaurant, may not have a substantial impact on the visual quality of a landscape, their compatibility with their surroundings can be considered individually and in terms of their cumulative effect.

Large development projects can have a significant visual impact. Developments such as townhouses, high-rise buildings, shopping malls, and office parks can, by their very size, affect the scenic quality of the landscape. In these situations, the design and siting considerations can help to offset some of these impacts.

Among the considerations local boards can incorporate into development decisions are several relating to: (1) siting of the structure: (2) scale of the development in relationship to the surrounding uses: (3) landscaping to provide screening of undesirable views: and (4) building materials and colors which can help minimize the visibility of new development and thereby their impact on scenic features.

Siting Considerations

The placement of a structure on a piece of property is very significant in terms of its visibility from various viewpoints in the community. Orienting a structure so that its longest dimension is not in full sight of important public views can minimize that structure's visibility. Locating structures set back from or at an angle with the water's edge or a road can help to minimize their visibility.

If multiple structures are to be located on a site, buildings may be able to be grouped in areas where they will not block views. Where blockage of views is unavoidable, placing buildings around an open space plaza or green commons area can provide at least partial views and avoid a wall effect.

Variable setbacks also can prevent the visual impression of a wall. Instead of requiring that all development be set back a uniform distance, a community might require that single family houses be set back only 35 feet, townhouses 60 feet, and commercial and industrial uses 100 feet. Avoiding large rectangular configurations can also help prevent existing views from being blocked.

In some situations, such as industrial uses that require access to the water, portions of those developments may need to locate within an important community landscape. However, non-essential portions of those developments should be kept out of view as much as possible. This includes accessory buildings, storage sheds, garages and parking areas, power and air conditioning equipment, and the like that do not need to be located near scenic features.

Siting structures in areas of shallow slope allows landforms and vegetation to be placed in front of the structures, providing a natural screen that lessens visual magnitude. Siting structures at the base of a slope only makes those buildings a natural focal point. Similarly, placing development on a ridgeline interrupts the natural tree line and viewshed, either through the removal of existing vegetation or because the height of the structure creates an unnatural or broken skyline. Locating structures at mid-slope can reduce their obtrusiveness since the upper part of the slope can serve as a backdrop to the buildings, thus minimizing their visibility.

Similarly, structures located in areas with highly diverse landform and vegetation normally will not become the primary focal point in the landscape. For example, a site with uneven topography and trees of various species will be better able to visually absorb development than a site which is visually uniform in terms of vegetation and topography.

Scale Considerations

The size of a development, in terms of its height as well as its bulk, is a major factor that can affect scenic quality. Taller and larger buildings are more appropriate in urban environments than in rural, village, or hamlet settings. Except in the downtown areas of Tompkins County, buildings of five or more stories tend to be out of scale with their surroundings and dominate views since they break the tree line.

In areas where development is to be integrated with existing vegetation, keeping structures below the tree line can help minimize their visibility.

Massing buildings in a row, except in a downtown setting, can create an out of scale density that would not otherwise occur if buildings were somewhat dispersed.

Landscaping

Landscaping with plants and earthform modifications can provide a natural screen from undesirable views and enhance the compatibility of structures with the surrounding landscape. Landscaping can also be used effectively to break up the horizontal lines of long buildings as well as the vertical lines of tall buildings.

Keeping existing trees and other shrubbery on a site is highly desirable in terms of screening a development from view. To retain the natural characteristics of a property, care during site preparation and construction is essential. Unnecessary tree removal should be avoided and landform alterations should be minimized wherever possible.

Existing vegetation left on a site can have the positive effect of limiting the visibility of development while still providing views for residents of these developments. Where vegetation is too thick, views of scenic features can be opened up through selective cutting rather than wholesale removal of existing vegetation.

Where existing vegetation is of too poor a quality to warrant its retention or where little vegetation exists on the site, plantings can be put in after construction along portions of the property where visibility of the project might affect scenic quality. Generally, species native to the area will transplant best although exotic species may be attractive because they provide noticeable texture and color contrasts to native vegetation. The use of exotic species should be minimized and the use of invasive species should be avoided entirely.

If total screening is impractical or undesirable, partial screening can lessen the full visual impact of development by breaking up the horizontal lines of long structures and/or reducing the apparent height of tall buildings.

Similarly, construction of natural looking landforms, such as earth berms, can be an effective and relatively low cost way of screening views of less attractive portions of a development, especially industrial activities.

Colors and Building Materials

Light, warm and bright colors for buildings tend to stand out while dark, cool and dull colors tend to be absorbed. Thus, light colors set against dark backgrounds, such as white buildings against vegetation, attract the eye and tend to become visual focal points. The use of light/bright building colors should be minimized.

Dark or earth tone colors generally help to minimize a structure's visibility. For new residential structures that are to be located in an undeveloped wooded area, earth tone colors, such as dark greens and brown, and natural building materials, such as stained wood and stone, minimize a structure's intrusiveness since the colors are in low contrast to surrounding vegetation and the materials complement the surroundings.

Colors that harmonize with one another and with adjacent surroundings help to minimize the visibility of new construction. As buildings get larger, darker, light-absorbing colors help cut down on a building's visibility.

In sum, the choice of building materials and colors, as well as sensitivity to the scale, architecture and landforms of the surrounding area can make the difference in the perceived intrusion of the new development on its surroundings. Sensitive design and compatible materials can integrate new construction seamlessly into the fabric of the surrounding landscape.

The design and siting considerations described here can be used to enhance a community's appearance and to minimize the impact of new construction on the area's important visual resources. Contextually sensitive design and siting can help to define the image of the community; can emphasize its cultural and architectural heritage; and can focus attention on its relationship with the natural environment.

Part 2: Influencing Design and Siting

The previous section identified some design and siting considerations that can improve the visual compatibility of development with its surroundings. This section describes various methods that are available to local governments for incorporating design and siting considerations into new development.

Community Plans

A community's **comprehensive plan** provides an excellent opportunity to identify important scenic resources and lay out guidelines for their protection. Comprehensive plans are authorized by state enabling legislation. The legislation also spells out the procedural steps to adopt the plan.

Communities can also develop **scenic resource preservation plans** that describe the issues related to visual resources, identify specific goals, incorporate inventories of important resources, and recommend ways to protect the community's most important scenic resources.

Municipalities can also develop **small area plans**, which are detailed plans for unique or special geographic areas. With more attention to details than found in a typical comprehensive plan, small area plans consider desired development patterns on a parcel-by parcel basis. The small area plan can include specific design standards and guidelines to direct the future growth and development of the area. It can consider appropriate uses, development patterns, and street patterns that apply to the area and describe the type of development – its style and physical characteristics – that should be preserved or achieved.

Municipal Review Boards

Authority exists for local governments to establish architectural review boards, visual environment committees and conservation advisory committees. All of these can provide technical assistance to governing and planning boards on the impact of development on scenic resources and ways to mitigate these impacts.

Architectural review boards are composed of community residents, many of whom are architects or have other professional expertise in the design fields. These boards serve in an advisory or enforcement capacity to local government, depending on the local ordinance. Architectural review boards can be especially helpful in assessing the compatibility of a proposed development with its surroundings.

Similar to architectural review boards, **visual environment committees** can serve an advisory role to local government. Composed of residents who either have training or an interest in design and visual matters, these committees serve a useful role for local governments who may not themselves have expertise in these areas. Such committees can survey a community and identify features that add to or detract from its visual quality, review development proposals for their impact on the town's significant visual features, and organize efforts to preserve and restore distinctive architectural features.

A third type of advisory group that can provide useful information for local governments is the **conservation advisory committee**. A conservation advisory committee can provide advice on environmental and scenic elements to be protected as part of the development process.

Local Regulatory Programs

There are a number of ways in which municipalities in New York State can establish regulations to protect scenic resources. The most commonly used are zoning ordinances, subdivision regulations, and historic preservation laws. In addition, New York State has granted to local governments the power to adopt local laws relating to "the protection and enhancement of its physical and visual environment." [Chapter 843 Municipal Home Rule, Article 2, Section 10]

One of the most commonly and widely used tools for protecting visual quality at the local level comes through **municipal zoning authority**, While provisions such as setbacks, lot size requirements and height restrictions normally are included in zoning and subdivision regulations to protect "the public health, safety and welfare," courts have made it clear that this objective includes the maintenance of aesthetic qualities. Scenic beauty can be an essential component of a community's economic health and quality of life, and its preservation as an aspect of local land use regulation is desirable and proper.

Several aspects of zoning ordinances may be particularly useful to communities interested in preserving scenic values while accommodating new development. Among the most useful provisions are: clustering, setback requirements, and height limitations. At the outset, it is important for communities to review the type and intensity of land uses allowed to insure they are consistent with scenic quality objectives. It does little good, for example, to have a setback requirement if the basic use – such as heavy industrial – permitted in a particular area is incompatible with a nearby scenic area.

Clearly, tall buildings that protrude above the tree line or tower over surrounding structures have a profound visual impact. Municipalities can most easily control these impacts by establishing **height limitations** as part of their zoning regulations. Height restrictions should be developed in the context of land contours and existing structures. To take maximum advantage of the natural screening afforded by trees, forty to fifty feet should be the maximum height of buildings.

Setback requirements are typically required as a matter of course for front, side, and rear yards. Properly patterned, these yard areas can preserve public views of important scenic resources while allowing for development in the area. Providing 'peeks' of the surrounding landscapes may even enhance some scenic resources. Communities can set shoreline or bluff setback requirements to insure that buildings are not sited right at the edge of the water or bluff where they are most visible.

In dealing with single-family residences, **large lot zoning** is mistakenly seen as a way to preserve the rural and open character of areas, especially along shorelines and scenic road corridors. However, large lot zoning can encourage sprawl that has its own aesthetic impacts. Where a large number of residences are anticipated, communities may be better served by **clustering** homes. Under this provision, homes are grouped closer together than normally would be allowed under existing zoning with the benefit that large portions of a property can be left as open space. This can be especially helpful in protecting areas visible from the lake, a major roadway or other public use areas. Residential structures, parking areas and other ancillary structures can be grouped so as to insure privacy for residents as well as providing visual buffers near public views.

An **overlay district** is an additional zoning requirement that is placed "on top" of a geographic area, but does not change the underlying zoning. Overlay districts can be used to impose special development restrictions in addition to standard zoning requirements. A **scenic resources overlay district** can be used to regulate site design, grading, ridgeline development, waterfront development, vegetation, building design, etc.

As part of **site plan reviews**, many of the siting and design considerations described in the previous section can be implemented. These include considerations of siting, scale, landscaping and building materials and colors. Under site plan review, municipalities have the opportunity to work with developers to encourage the incorporation of these considerations into the developer's proposal.

Subdivision reviews also offer opportunities for the municipality to work with the developer to preserve both specific viewsheds as well as characteristic views. Similar to site plan reviews, municipal planning boards can use many of the siting and design consideration describe in the previous section to minimize impacts on specific viewsheds.

Characteristic views are emblematic of the scenic views and overall character of the community. Municipalities can define characteristic views and, within their subdivision regulations, define the mitigating measures they expect developers to use to protect such views.

Tompkins County has defined ten categories of scenic resources (not all of which will apply to any given municipality):

- Settlements
- Farms and fields
- Cascades
- Cayuga Lake
- Distant hillsides
- Ponds and wetlands
- Rural roads
- Streams
- Trails
- Heritage qualities

The Tompkins County Scenic Resources Inventory provides more detailed descriptions of these characteristic views as well as examples from the community.

Local **historic preservation ordinances** can protect important structures in districts within a community. Many communities already have recognized the benefits of protecting their historic stock and have enacted strong preservation ordinances. An historic preservation ordinance, for example, can designate historic districts and landmarks, establish the criteria for such designation, and create a Historical Architectural Review Board to approve new construction, external modifications to existing structures, and proposed demolitions in a historic district.

Other historic preservation ordinances are broader, including among their objectives restoration of houses, barns and related structures in the district to their original architecture, restoration of formal and informal landscaping to its historic origins, restoration of distinctive architectural features in the community, maintenance of streams, woodlands and steep slopes in their natural state, and minimization of the impact of construction on fields, meadows and woodlands.

State Authorities

The **State Environmental Quality Review Act** (SEQRA) requires that all governmental actions and all private developments that require governmental approval or involve public funding must be reviewed for their impact on the environment. Where these impacts may be significant, an environmental impact statement (EIS) must be prepared to assist decision makers in understanding the nature and extent of impacts and possible mitigation measures or alternatives that would lessen these impacts. Under SEQRA, environment is broadly defined to include visual and aesthetic considerations so that municipalities are required to thoroughly review projects that may adversely affect scenic features.

The SEQRA review process provides municipalities with an excellent vehicle for examining the possible impact of new development on important scenic features of a community and, through the review contained in the environmental impact statement, to look at alternative design and other mitigation measures that can lessen the impact of that development. Under the law, the cost of preparing the environmental impact statement may be charged to the developer/applicant, irrespective of whether the developer or the local government prepares the EIS.

The *SEQRA Handbook*, published by the Department of Environmental Conservation's Division of Regulatory Affairs, contains a very useful Visual Assessment Form that local decision makers can use to help identify the nature and extent of visual impacts. A visibility analysis can help show where the greatest impacts will occur and a visual simulation can help in visualizing possible negative impacts from various viewpoints.

In addition to affording a thorough review of a proposal's environmental impacts, SEQRA also contains a provision that allows local governments to designate **critical environmental areas**. Designation calls attention to the area and could require the preparation of an EIS if proposed actions would adversely affect the visual quality of that area.

Under the **State Historic Preservation Act of 1980** and the **Federal Act of 1966**, if federal or state money is to be involved in a project that could affect historic resources, that project must be reviewed by the Historic Preservation Office of the State Office of Parks, Recreation and Historic Preservation in order to assess the nature of the impacts on historic structures and possible mitigation measures to reduce those impacts.

The New York State Legislature created the **New York State Scenic Byways Program** in 1992. A scenic byway is a road corridor that is of regionally outstanding scenic, natural, recreational, cultural, historic or archaeological significance. These corridors offer an alternative travel route to our major highways and daily travel patterns, while telling a story about New York State's heritage, recreational activities or beauty. In addition, a scenic byway corridor is managed to protect this outstanding character and to encourage economic development through tourism and recreation.

There are two Scenic Byways in Tompkins County. The **Forest Home Drive Scenic Road** is a 1.6-mile section of Forest Home Drive in the Town of Ithaca that has been a designated scenic road since 1993. The **Cayuga Lake Scenic Byway** encircles Cayuga Lake, extending through Tompkins County as well as Cayuga and Seneca Counties. The 87-mile route (of which 26.5 miles are in Tompkins County) was designated a scenic byway in 2001.

The State's Scenic Byways program encourages both economic development and resource conservation, recognizing that each of these aspects of a byway must be fostered to ensure the success of the other. The Landscape Architecture Bureau of the New York State Department of Transportation administers the Program with guidance from the Scenic Byways Advisory Board. That Board includes a number of state agencies as well as members of the motoring public, tourism associations and organizations interested in preserving scenic quality.

The **New York State Wild, Scenic, and Recreational River System Act** protects unique water bodies in New York State, in particular those rivers that possess outstanding scenic, ecological, recreational, historic, and scientific values. Its purpose is to preserve and protect designated water bodies (including rivers, streams, creeks, runs, kills, rills, branches, or lakes) and their immediate environs for present and future generations. State policy is to preserve designated rivers in a free flowing condition, protecting them from improvident development and use. Depending on the class of river (Wild, Scenic, or Recreational), regulations allow different uses by right, by permit, or prohibit them altogether.

Quoting from the Act, **scenic rivers** are those "rivers, or sections of rivers, that are free of diversions or impoundments except for log dams, with limited road access and with river areas largely primitive and largely undeveloped or which are partially or predominantly used for agriculture, forest management and other dispersed human activities which do not substantially interfere with public use and enjoyment of the rivers and their shores."

In 1990, the State of New York designated a stretch of **Fall Creek** a Recreational River at the request of the City of Ithaca. Running from the west face of the footbridge between Thurston Avenue and Beebe Lake to its confluence with Cayuga Lake, it is the only body of water designated under this law in Tompkins County. NYSDEC delegated administration of the Fall Creek Recreational River to the City of Ithaca Planning Department. The designation of Fall Creek as a Recreational River mandates that management must preserve and restore its natural, scenic, and recreational qualities.

Easements

Municipalities can assure scenic protection and historic preservation by encouraging private owners to restrict the use and development of their property. This can be accomplished through what is commonly referred to as **conservation easements**, which are specifically authorized under Section 247 of the General Municipal Law. Easements are a voluntary form of land restriction between a private owner and either a governmental entity or a non-profit land trust. Landowners can sell or donate easements.

Under a **scenic easement**, an owner would restrict the amount or type of development that could occur. A **historic preservation easement** might restrict alterations to the façade or exterior of a building or to the grounds of a property. The municipality then would have both the opportunity and the obligation to make sure the terms of the easement are enforced.

Easements are cost effective because they keep land in private ownership. The owner retains the right to use the property consistent with the terms of the easement and continues to pay property taxes. Municipalities often can acquire easements at a fraction of the full purchase price, and often at no cost if the easement is donated. Both the private owner and the public benefit from this arrangement.

As this brief discussion illustrates, municipalities have many options, under existing law, to preserve and enhance their community's scenic and historic values. Payoffs to communities are far ranging. Preserving the qualities that make a community attractive will be a draw for residents and business, in addition to maintaining and improving property values and the local tax base. In the long run, everyone will benefit – community residents, local governments, and the public at large.

Part 3: Tompkins County Resources

In the autumn of 2005, the Tompkins County Planning Department commissioned *peter j. smith & company* to document and evaluate the County's scenic resources as well as develop a method for evaluating scenic resources that can be replicated. In addition, a Geographical Information System (GIS) database of inventoried scenic resources was developed for the County's continued use and refinement. This study defined, inventoried and evaluated the views and brought the discussion of visual resources into the public forum.

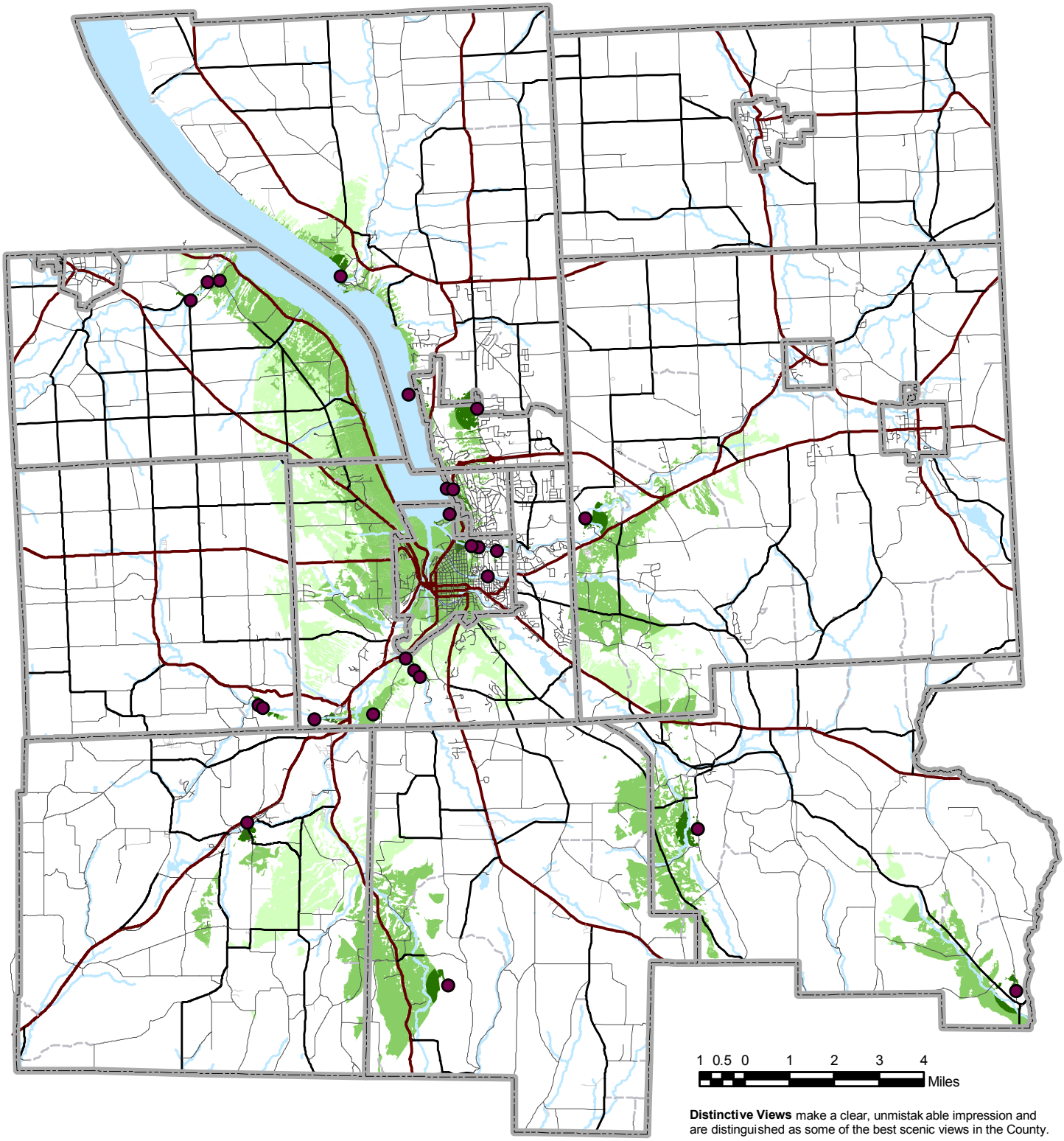
The study was conducted in four parts:

- Inventory: Documented publicly accessible scenic resources in Tompkins County.
- Scenic Resources Characterization: Utilized public input to determine what characterizes a scenic resource.
- Evaluation: Extracted the highest quality scenic resources in the County from all inventoried scenic resources based on the public input that characterized scenic resources and input from a Project Steering Committee.
- Prioritization: Used public input and input from a Project Steering Committee to select the top scenic resources and designate them as distinctive and noteworthy views of Tompkins County.

The study, completed in January 2007, documented 593 scenic resources in Tompkins County. It generated a digital database of information pertaining to these views. It identified 25 Distinctive Views, 30 Noteworthy Views, and 10 categories of Characteristic Views. It also developed a methodology enabling municipalities of the County to perform more detailed scenic resource inventories relating to their unique locales.

Subsequent to the completion of the study, the Planning Department has produced maps showing the viewshed of each of the identified distinctive and noteworthy views. The following maps show the location of these viewsheds in the County. Individual maps for the City of Ithaca and each town are available by request.

Tompkins County
Scenic Resources Inventory:
Distinctive Viewsheds



Distinctive Views make a clear, unmistak able impression and are distinguished as some of the best scenic views in the County.

NOTE: This map shows the approximate location of areas that are visible from at least one Distinctive Viewpoint. This map should be used only to identify the potential that an area is included in a Distinctive Viewshed. Final determinations should be field-verified.

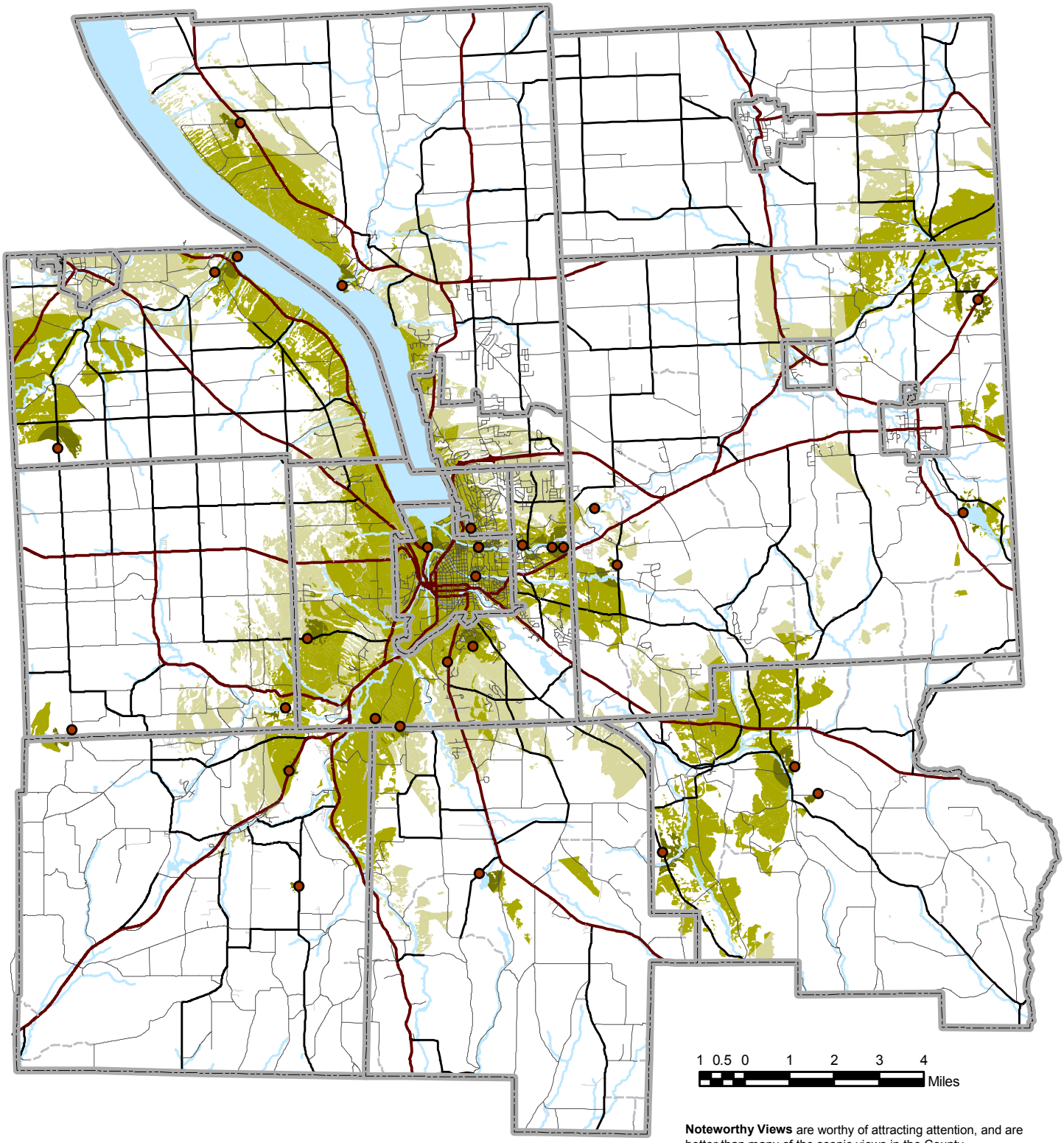
The selection of scenic views is described in the Tompkins County Scenic Resources Inventory (January 2007), available online. The final selection of Distinctive and Noteworthy Viewpoints was based on a public polling process.

Legend

- Scenic Viewpoints: Distinctive
- Distinctive Viewsheds 0-0.5 mile
- Distinctive Viewsheds 0.5-3 mile
- Distinctive Viewsheds 3-5 mile

Tompkins County Planning Department
December 2007

Tompkins County
Scenic Resources Inventory:
Noteworthy Viewsheds



Noteworthy Views are worthy of attracting attention, and are better than many of the scenic views in the County.

The selection of scenic views is described in the Tompkins County Scenic Resources Inventory (January 2007), available online. The final selection of Distinctive and Noteworthy Viewpoints was based on a public polling process.

NOTE: This map shows the approximate location of areas that are visible from at least one Noteworthy Viewpoint. This map should be used only to identify the potential that an area is included in a Noteworthy Viewshed. Final determinations should be field-verified

Legend

- Scenic Viewpoints: Noteworthy
- Noteworthy Scenic Viewsheds 0-0.5 mile
- Noteworthy Scenic Viewsheds 0.5-3 mile
- Noteworthy Scenic Viewsheds 3-5 mile

Tompkins County Planning Department
December 2007