



November 9, 2023

Planning Board  
Town of Highland  
Ms. Monica McGill, Planning Board Secretary  
4 Proctor Rd, Eldred, NY 12732

Submitted electronically to: [planningboardzba@townofhighlandny.com](mailto:planningboardzba@townofhighlandny.com)

**Re: Delaware Riverkeeper Network Comments on Camp FIMFO Draft Scoping Document**

Town of Highland Planning Board,

The Delaware Riverkeeper Network submits the following comment regarding the:

- Draft Camp FIMFO Scoping Comment Process,
- Draft EIS comment process, and
- Draft Scoping Document.

**Regarding the Camp FIMFO Scoping Document Comment Period.**

Thank you for listening to concerned members of the community and voting to begin the process of a complete and thorough Environmental Impact Statement (EIS) process.

The Delaware Riverkeeper Network reiterates our request that the period for scoping be extended until December 21, 2023. The mere 20 days being provided for comments on the proposed scoping document, particularly given the time of year over which it takes place, is not adequate and does not support full and fair opportunity for all impacted and concerned communities to comment.

This is a highly controversial issue that has garnered tremendous interest and engagement from the public. Given the high level of interest, providing only 20 days for the community to fully consider and gather their comments will inhibit many from being able to fully and fairly participate in this important public comment opportunity. In addition, the 20-day period includes days leading up to Thanksgiving when many people will be traveling to spend Thanksgiving week with family, which is very unfair and infringes upon the ability of people to fully engage. The comment period also includes the days leading up to, and including,

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election day – a time when many members of our community are participating in our democracy, including volunteering time to share candidate information and to staff the polls. Given the significant interest and impact of this proposal on the Town of Highland, but also beyond – including neighboring communities in New York and Pennsylvania, Upper Delaware Wild and Scenic visitors and recreationists, as well as having implications for the broader Delaware River watershed region – it is essential that the Town of Highland work to support broad and inclusive engagement.

A robust, inclusive, and fully informed comment process will not only serve the community, but it will best serve the Town of Highland Planning Board and other involved decisionmakers entities. The more complete the public comment information received during this crucial scoping process, the better the information the Town and other regulatory agencies will have in order to inform their decision.

### **Environmental Impact Statement Comment & Hearing Process.**

It is essential that once the Draft Environmental Impact Statement (DEIS) is released for public review and comment, that the opportunity for written and verbal comment is robust, and ensures a full opportunity for all who are interested to review and comment on what we hope will be a detailed and robust document for review and comment.

Therefore, we will take this opportunity to urge a Draft EIS comment period that is no less than 90 days and includes 3 public hearing opportunities, including two in person and one conducted via Zoom.

### **Draft EIS Must Include The Complete and Actual Proposed Project with the Most Updated and Final Plans.**

Before public comment is solicited, the applicant must provide clarity on the proposed plan and all associated elements, size, configurations, etc. Currently there is great confusion over the final plan under consideration given that different agencies have received different versions of the plan. Therefore, before public comment is solicited, Sun NG Kittatiny RV LLC must confirm that the information, data, graphics, engineering plans, narrative descriptions and discussions provided in its site plan, as well as all other associated information, represent the complete plan up for consideration, and must confirm that its DEIS assessment and documents are based upon that complete and final plan.

To prevent segmentation and to address cumulative impacts, the DEIS should include full and complete information on all plans Sun NG Kittatiny RV LLC has for the site and/or the region. Therefore, the Draft EIS must include full information regarding:

- Any and all additional or new development at the current Camp FIMFO site that Sun NG Kittatiny RV LLC is considering, anticipating, planning for, speculating about or that may be reasonably foreseeable.

- Any and all additional or new development in the region, whether or not at or adjacent to the current Camp FIMFO site, that, Sun NG Kittatiny RV LLC is anticipating, considering, speculating about or that may be reasonably foreseeable.

As recognized by the Delaware Riverkeeper Network expert report previously submitted and attached, application materials demonstrate that Sun NG Kittatiny RV LLC “is reserving substantial space for an increase in the proposed septic system. As shown in Sheets C301 through C311, there are nine areas that are reserved for expanded septic systems. ... If there are plans to increase the project’s size, as the notation suggests, the entire project needs to be evaluated now, so that adverse environmental impacts can be disclosed, evaluated and fully understood. Further, full disclosure of the project is essential to determine if the project meets applicable standards for local approval, and to determine whether a mitigation plan can be developed to mitigate adverse impacts to the extent practicable. If there are no plans to increase the size of the project at a later date, then why are there nine areas identified in the plan as a “future expansion area” for the septic system? “

### **Ensure Use of Reasonable Worst-Case Assumptions.**

Environmental analyses conducted under New York State’s Environmental Quality Review Act (SEQRA) are to be driven by the concept of reasonable worst-case assumptions. Reasonable worst-case assumptions may be different from the expectations developed by applicants and are intended to be conservative, which means to err on the side of overstating environmental impacts when there is uncertainty. It is essential that the DEIS fulfill this legal guidance and mandate.

### **Comment on Camp FIMFO Scoping Document.**

It is essential that the Draft EIS be a robust and objective assessment providing data, information, technical analysis, discussion and information regarding the environmental and community impacts of the proposed Camp FIMFO project. The EIS should not be pursued by Sun NG Kittatiny RV LLC or advocates on the Town of Highland Planning Board as a marketing piece designed to “sell” their project to the public.

With this in mind:

- We question the level of focus the Scoping Document seems to suggest will be devoted to assessing the site’s history. To the degree this information is included in the scoping document it must only be presented as factual information relevant to the consideration of the proposed elements of the Camp FIMFO project.
- We also challenge the value of including Sun NG Kittatiny RV LLC’s speculation on the use of the site if Camp FIMFO is not approved. We have already seen how the company uses such speculation to cast aspersions and to paint a false picture of adverse impact when the site has been, or if the site is to be, used by people who are members of the Jewish community, religious communities, are People of Color, or of low-income socio-economic status. The potential future use of the site by others is irrelevant to the

assessment of the harmful impacts Sun NG Kittatiny RV LLC will inflict on our River, environment, and communities if Camp FIMFO is constructed and operated as proposed.

***In addition to what has been provided in the scoping draft document, additional information and issues that need to be addressed in the Draft EIS for Camp FIMFO must include:***

Full information on any and all consultation with Native American communities in the region.

A full discussion of any and all legal limitations that will be placed on the undeveloped portions of the site regarding its future use.

This site has a rich and wonderful history of being accessible to a wide and diverse array of people regardless of race, ethnicity, or income level. The increased costs associated with the changed facilities are (as per comments on the public record) expected to affect and limit those who can be expected to access and utilize the new facilities. There must be a full assessment and discussion of the impacts of this changed use, including access to, and use by, historically marginalized communities with specific consideration of those in lower income brackets, People of Color, and Indigenous people.

There needs to be a full consideration of the impacts to

- the 100-year floodplain,
- the 500-year floodplain,
- the water quality, quantity and ecological quality of Beaver Brook,
- mature forested steep slopes located in buffer areas,
- The function, flood storage capacity, soil health, forest complexity, forest layers, and quantity and quality of native flora and fauna located in buffer areas.

Assessment of the threat and expansion of invasive plant and animal species that could result from onsite work, site disturbance and ongoing operations.

The amount and quality of vegetation that will remain in the floodplain post construction and how the floodplain will be protected and maintained during project operations.

Consideration of the implications of the proposed aquatic swimming and waterslide pool(s) and mini golf facilities, including, but not limited to:

- Proposed management for chemicals and facilities at the swimming pool site and the mini golf site, including release into the environment during day to day operations and/or a catastrophic weather event such as flooding. Such analysis should include consideration of impacts to pollinators, bats, birds, wildlife and flora.
- Disruption caused by lighting to the environment and nearby residential communities and other business operations.
- Harm to existing habitat where these artificial facilities would be located.

We have consulted with a pool expert and identified the following key issues and foreseeable hazards that must be discussed and addressed with regards to the aquatic facilities, including but not limited to:

- The pool will require high voltage power to support the pumps. Power would also be needed for things like lights. It is dangerous to have such power on lands that are subject to flooding. This infrastructure is at risk from being washed into the river in the event of a major flood event. Depending on its location, this may also be a concern for the mini golf operations.
- Fencing will have to surround the pool area for safety purposes. During high water events, this fencing will catch debris and has the potential to be washed away into the river creating additional downstream hazards including to residences, businesses, ecological habitat, aquatic life, and wildlife.
- The potential that during flooding the pool may actually pop out of the ground and be washed downstream.
- The need for significant quantities of chemicals stored on site that may spill in concentrated levels, particularly during catastrophic weather events such as flooding, and or during mismanagement of the facilities.
- The potential for chemical spillage and other foreseeable hazards during routine maintenance.

Application materials for the project say that currently unpermitted septic systems on the site will “more than likely” be decommissioned. There should be firm discussion and details regarding this proposed decommissioning, or the lack thereof.

Proposed parking plans for the site, including, but not limited to:

- Why the suggested parking plan exceeds what is needed to accommodate the proposed Camp FIMFO project as put forth by Sun NG Kittatiny RV LLC in application materials;
- Whether the additional parking will or could accommodate future additional development at or near the site, and/or is it to accommodate the planned or potential future opening of the proposed swimming and mini golf facilities to the public;
- When discussing parking, Camp FIMFO application materials say that on the east side of the site, 302 parking spaces will be provided but then states that only 83 vehicles are anticipated. It also says that it will be increasing parking on the west side at the welcome center by 53 spaces. The DEIS needs to assess why there is a need for parking on the west side of Route 97 if all parking needs are being accommodated by the parking lot on the east side.
- Assessment of why parking on the east side of the project is over three times the asserted anticipated number of vehicles.
- The existing, anticipated or foreseeable connection between the plans for excessive parking and additional anticipated or foreseeable phases of the project.
- Whether the public use of the proposed swimming/waterslide pool(s) and mini-golf facilities are greater than what is being asserted.

Discussion of the length, width, materials and maintenance plans for all existing and new roads and parking areas associated with the project.

Discussion of the ecological impacts of managing parking surfaces, road surfaces and paved surfaces, as well as addressing pollution that will accumulate and be introduced therefrom into the environment during rain events, including but not limited to:

- use of salt or other de-icing methods on the parking and onsite roadways, or paved areas, and the impacts for the environment,
- ecological impacts of the vehicle pollution (e.g. oil, brake pad dust, pollutants from tailpipe emissions) that will build up on road and/or parking surfaces and be washed on and into adjacent natural areas and waterways,
- environmental impacts associated with potential maintenance of road, parking and/or paved surfaces, including, but not limited to, the use of sealcoat, cinders, additional gravel, herbicides.

Discussion of total tree clearing being proposed including, but not limited to:

- at what locations,
- during what times of the year,
- during what days of the week and hours of the day, and
- using what methods.

Discussion of total tree and forest clearing and floodplain clearing for parking lots and other hard structures. A detailed tree inventory/forest inventory outlining and characterizing existing tree, shrub, and plant species, structure, and forest and floodplain soils that would be disturbed.

Full details on how Sun NG Kittatiny RV LLC concluded that there will be reduced occupancy at the site under the new condition.

The new buildings to be constructed on existing building footprints should be analyzed. There needs to be a precise comparison of whether the new building will be built on the exact same footprint of the original building or will present a change in configuration and, if so to what extent and in what locations.

Additional detail on the grass parking facilities and whether there will be any infiltration elements included.

Discussion of the level of impervious cover pre-and post-project development, including, but not limited to:

- The level of imperviousness – roadways, parking areas, building areas, lawns, compacted soil areas – that will be created within the project site,
- specific detail on the impervious cover that will remain, or be constructed, in the floodplain,

- Analysis of stormwater runoff and nonpoint source pollution that will result and the ecological and water quality impacts that will result from each impervious area during construction and during site operations,
- Any pre-and post-calculation of impervious areas should include a discussion of exactly what areas are and are not included in this calculation.

Specific information on runoff curves, runoff coefficients, and soil bulk density should be provided for every landuse anticipated for the site including, but not limited to: lawns, parking areas, grassed parking areas, gravel areas, roadways, forested area, shrub areas, areas covered by herbaceous plants, open fields, tent camp sites, RV camp sites, cabin sites, glamping sites, mini golf course, aquatic area, playground areas. This data is essential in order to assess the calculations and information provided regarding stormwater runoff, infiltration, water quality calculations and more.

Full capacity of the planned sewage treatment plan for the site.

Expert analysis regarding connectivity and/or impacts of proposed sewage treatment, groundwater, surface waters and/or water supply wells.

Any community impact assessment should include, but not be limited to:

- Assessment of the increased need for public services in local communities, as well as additional stress on existing infrastructure, such as roadways, emergency services, fire services, scenic roadway impacts, etc.
- Assessment and discussion of any contribution Sun NG Kittatiny RV LLC. will be paying to the Town of Highland, surrounding municipalities, the state of New York and Sullivan County in the form of taxes.

Additional details on the amusement park elements of the project including:

- The length of the water slides.
- The expected size of the swimming pool and how many swimmers it will accommodate.
- The infrastructure, paving, etc surrounding the pool area. This question is not about parking, it is about pool decking and lawn area.
- The level of artificial lighting proposed for the pool and the mini golf, including the hours of operation of the lighting, and the impacts on surrounding ecological, residential and business communities.
- The level and impact of any excavation and land alteration that will be required to accommodate the pool.
- Ecological impacts of the lighting at all parts of the site, including the increased impacts of car headlights and the increase of artificial light likely around the pool and around the sidewalks and “cabins”

Site specific, independent, and detailed analysis of traffic implications of the project including quantity, timing and nature of pre versus post traffic conditions/expectations. Use of Institute

for Transportation Engineers (ITE) generation rates will not provide the quality of data necessary for a meaningful analysis. Site-specific data, including a traffic study based on current conditions, complimented by more specific data based on comparable uses reflecting the future proposed condition, should be required.

Traffic and parking analyses should recognize that a significant portion of the site is being transformed from a traditional tent camping use to a resort use, and the traffic assessments need to reflect this significant alteration in site use.

Assessment of associated traffic hazards to pedestrians, other drivers, and wildlife (including, but not limited to, road mortality to amphibians during vernal pool migration).

Analysis of the implications of widening of existing roadways on the site that traverse steep slopes and cut through woodland areas.

According to the Upper Delaware Council, one of the proposed septic system locations was not the subject of soil investigations; and as it turns out, according to UDC meeting notes “this location may have the least-well drained soils of all the proposed locations”. Full and careful assessment and details should be provided.

Discussion of the implications of flooding at the site, including an assessment of the ecological ramifications of the new infrastructure, facilities, RVs, glamping facilities, cabins, swimming pool infrastructure, and minigolf infrastructure being swept into the River when it floods should be assessed. This discussion should include plans to prevent this foreseeable hazard, and to respond when it does happen.

Assessment on the impacts to nearby businesses, recreational facilities and landowners; businesses, recreational facilities, National Park Service lands, and landowners downstream; and businesses and landowners across the River in Pennsylvania, including impacts to view sheds, quality of life, recreation, property values etc will be impacted.

Assessment of the ecological implications of the changed use from tent to RVS/Cabins/Glamping including the impacts of air, noise and light pollution from generators and other fossil fuel, and/or electric powered, operations at the site.

Discuss the months of operation for the RV and glamping sites. Given the new infrastructure being built to support them, and that they are more protected facilities for guests from colder and inclement weather, there should be a discussion of the impacts of a longer “season” for their use, which is a very foreseeable change in site use.

Consideration of the impact of the proposed site development on the Barnes Waste Site.

Safety issues associated with increased pedestrian traffic.



Assessment of the visual and aesthetic impacts on recreational river paddlers, fisher people, tubists, and the other vacationers and leaf-peepers seeking to enjoy the natural beauty and quiet that this proposed development is poised to diminish.

Assessment and discussion of implications for eagle behavior, feeding and nesting.

Assessment of impacts to stream insects and fish in the Beaver Brook and the Delaware River, including potential food chain ramifications if aquatic life is stressed or harmed by site development, use of chemicals on site, runoff of deicing materials, increased stormwater runoff, increased water pollution, increased streamside erosion, and degradation of riparian buffers.

Discussion of alternative, non-fossil fuel, energy sources to reduce emissions from the site.

Discussion of exceptions or exemptions from applicable regulatory standards Sun NG Kittatiny RV LLC will be seeking from any government entity at the Town, County, State, Federal, or DRBC level should be included in the assessment.

Discussion of government funding, grant opportunities or tax benefits provided to Sun NG Kittatiny RV LLC for this or other projects in the region.

Details and discussion regarding planned food service facilities at the site, including what is anticipated in the near-term and the long-term regarding food and service to be provided, the cooking and dining facilities to be included, the potential for public access and use in the near term and long term, and the potential need for increased parking related to public use of the food service facilities.

Assessment of stormwater runoff from the site, including alternative options for addressing stormwater runoff from the site, consideration of infiltration options for stormwater management; the quality, quantity, rate, timing and volume of runoff associated with all stormwater management options. The stormwater analysis should address inconsistencies in project application materials provided to date, including those recognized and discussed in the expert report commissioned by Delaware Riverkeeper Network provided previously and attached.

Specific runoff curve numbers used for each area of the proposed project in determining stormwater runoff rate, volume and timing should be provided. Special attention is necessary with the sensitive and challenging features of this natural area, floodplain, steep slopes and existing mature forest and riparian forested corridor.

As identified by DRN's expert, in submitted application materials, the applicant produces water quality volumes for 100% reductions in new impervious areas and water quality volumes for 25% reduction for existing areas that will be redeveloped. It shows that there are 17,770 CF of stormwater that qualify for 25% reduction. However, that means that there are 53,310 CF of stormwater that will not be managed. Where is this water going?

Discussion of pre and post vegetation at the site including native and non-native species and the ecological implications of what exists and what is planned as part of the project proposal.

The Scoping Document proposes to consider the Substantial Conforming findings of the National Park Service but fails to include an assessment of the findings that the project does NOT substantially conform. Discussion of the project's failure to conform must be addressed – and simply rejecting the National Park Service findings in this regard and having Sun NG Kittatiny RV LLC dismiss the National Park Service findings of nonconformance would not be a meaningful or acceptable response.

The amount and quality of vegetation and vegetated buffer area proposed to border all waterways and wetlands on the site and how this vegetation and these buffer areas will be protected and maintained from incursion and degradation during and after project operations.

Evaluate and address the reality that Camp FIMFO changes the nature of the use, transforming it from a rustic campground to a resort with recreational vehicles permanently placed on the site to act as guest rooms, sites for private RVs, and tents that can be provided to guests for “glamping.”

Cumulative impact assessment of this project in combination with other recreational operations, business operations, and development proposals in the region (including, but not limited to, existing RV parks, resorts, private RV parks) on the environment, wildlife, plantlife, aquatic resources, ecotourism, recreation, quality of life, property values.

**There Are Numerous Very Serious Issues The DEIS Must Consider & Address.**

As this letter demonstrates, the project raises numerous very serious issues. We expect the Planning Board to direct the applicant to study these issues and present detailed and factual findings in the DEIS. Once the Board is convinced that the applicant has done so, we would expect, as discussed above, a robust period of community review, organized comment, and accessible public hearings. Of course, the applicant will then need to meaningfully address each public comment provided in its FEIS.

Thank you for your commitment to this statutorily-dictated process.

Respectfully submitted,



Maya K. van Rossum  
the Delaware Riverkeeper

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September 26, 2023

To: Michael Davidoff, Esq.  
From: Michael H. Sussman, Esq. ✓  
re: **FIMFO**

As you know, I represent the Delaware Riverkeeper and write in that capacity.

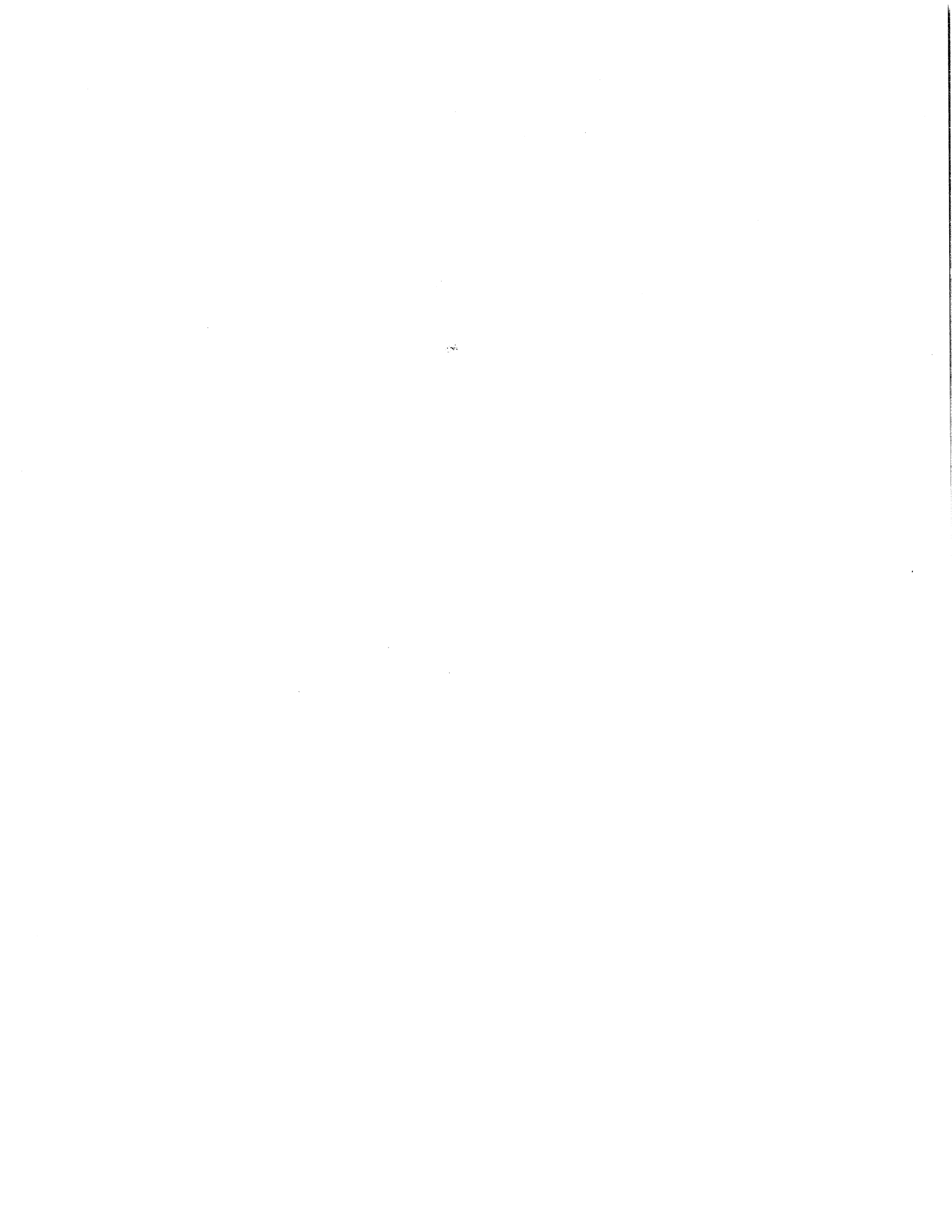
First, in anticipation of the Planning Board meeting this coming Wednesday night, please find an opinion letter from one of our experts, George Janes who explains why a negative declaration is inappropriate for a project of this magnitude.

Second, we very much believe the public should have a chance to make comments on the project. This is imperative because new insight and information has developed since your client closed the public hearing.

Third, we strongly support having this meeting at the Eldred H.S. location to accommodate those who wish to attend most comfortably.

Thanks to you and the members of the Board for your consideration.

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September 26, 2023

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RE: Camp FIMFO Environmental  
Assessment

Dear Ms. van Rossum:

The Delaware Riverkeeper Network asked me to review the Environmental Assessment and related materials for the Camp FIMFO Catskills Project.<sup>1</sup> The purpose of this review is to provide my opinion about whether the information disclosed in the environmental assessment and the conclusions found therein constitute a “hard look” at the potential for adverse environmental impacts for the project.

I am an urban planner with 30 years of experience and a member of the American Institute of Certified Planners for the past 25 years. I serve as president of George M. Janes & Associates, Inc., a planning firm with expertise in zoning, land use planning, simulation and visualization that I founded in 2008. The firm serves public, private and non-profit clients, mostly in New York City and the Hudson River Valley. I work with clients as large as the City of New York and as small as individuals concerned about the impacts of new development. Most often, I work with local governments, community boards and community groups, helping them understand how new plans or regulations will affect their communities and how they can affect those plans and regulations. During my career, I have helped to prepare or have reviewed hundreds of environmental assessments and impact statements prepared under CEQR and SEQRA.

**Project summary**

The applicant intends to substantially alter an existing campground that is located on a 223-acre parcel in the Town of Highland along the Delaware River. The existing campground has 342 camp sites and associated amusements, support buildings and infrastructure. The proposal changes the nature of the use, transforming it from a rustic campground to a resort with recreational vehicles permanently placed on the site to act as guest rooms, sites for private RVs, and tents that can be provided to guests for “glamping.” In addition, there are a number of alterations that increase the intensity of the use of land, including water and sewer infrastructure, new amusements and parking areas. According to the environmental assessment, there will be a substantial increase (43%) in the area

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<sup>1</sup> Environmental Assessment Form Part 1: Camp FIMFO Catskills Project, prepared by LaBella and dated July 2022.

covered by buildings, roads and other impervious surfaces. A total of 14.3 acres of forested area will be removed and will be replaced by 6.9 acres of impervious surfaces and 7.4 acres of landscaped areas.

### **Environmental review in New York State**

Environmental assessments conducted under New York State's Environmental Quality Review Act (SEQRA) are driven by the concept of reasonable worst-case assumptions. Reasonable worst-case assumptions may be different from the expectations developed by applicants and are supposed to be conservative, which means to err on the side of overstating environmental impacts when there is uncertainty. A Lead Agency can't simply accept assertions made by the applicant as a reasonable worst case. Rather, it is the Lead Agency's responsibility to review those assumptions, evaluate them and determine if the project uses reasonable worst-case assumptions when determining the potential for environmental impacts. This is part of the "hard look" that Lead Agencies must take when they make determinations under SEQRA. It is my opinion that the applicant has provided the Lead Agency assumptions that were not a reasonable worst case, likely understating the potential for significant, adverse environmental impacts. Further, in most cases, projects may not be broken up into smaller pieces, or segmented, so that the impact of the pieces avoid thresholds for significant environmental impacts. A Lead Agency needs to ensure that the entire project is being studied for adverse environmental impacts.

### **The impact of the change in use**

The applicant states that since the number of camp sites is not increasing environmental impacts based upon the number of visitors will not significantly change. For instance, in answer to the question: "Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?" The EAF simply ticks the "No" box using exactly five words to justify skipping the rest of the section: "no additional campsites are proposed."

- j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? No additional campsites are proposed.

Yes  No

*Detail from the EAF with the justification provided to skip any traffic analysis*

Section 3.2.5 of the EAF cover report explains trip generation assumptions. It states that the project will create an additional 17 trips a day, all due to one of the amusements (the mountain coaster) being open to the public. Inexplicably, the trip generation rate assumptions ignore the planned doubling of the number of employees, who presumably will have to travel to the site to work. But even the assumption regarding the amusement is not a reasonable worst-case assumption. First, it assumes that only 20% of the trips are made by people who are not already on the campsite and that they will arrive in vehicles with 3.7 people per vehicle. These are not reasonable worst-case assumptions.<sup>2</sup>

<sup>2</sup> There have been reports that the mountain coaster has been removed from the project. I have not seen a new EAF or set of plans that show such a removal.

But the mountain coaster is a small part of the potential increase in traffic. The applicant is renovating the entire property and changing 146 of the sites with “park-model recreational vehicles” that have full bathrooms and utility hookups, 58 of the sites with water and sewer for private drive-in RVs and creating 64 “on-site tent” sites for “glamping.” More than half (204) of the sites will have individual utility hookups. The 146 sites with park-model recreational vehicles are more like cabins in a resort than they are campsites. By protecting guests from adverse weather, it is also likely that utilization of the site will increase. While a few dozen rustic campsites will remain, the applicant is proposing a change in use, the transformation of a rustic campsite to a resort, which will have different impacts than the existing use.

The Institute for Transportation Engineers (ITE) publishes trip generation rates by use. The purpose of the ITE generation rates is to provide transportation planners and engineers expectations on trips generated by specific uses. The details of a specific project matter, of course, but the ITE trip generation rates provide a starting point. The use “Campground / Recreation Vehicle Park” generates 0.98 trips per acre in the evening peak period. About 50 acres of the applicant’s parcel is currently used for campground and related uses, which means that, according to the ITE generation rates, the existing campground would produce about 49 trips during the evening peak period.

It appears that at least a portion of the site is being remodeled into a resort. The 146 park-model RVs and related amenities are more of a resort use, which generates 0.41 trips per room according to the ITE, which means 60 peak period trips. It’s not clear if the remainder of the development should be evaluated as campgrounds or as a resort. If the remainder is classified as a resort, ITE generation rates produce 139 peak period trips or an increase of 184%. If the remainder is classified as a campground, that would be about 91 trips or an increase of 102%. In either case, the EAF form should not simply tick the “No” box that states: “Will the proposed action result in a substantial increase in traffic above present levels?” More than 100% increases are substantial increases.<sup>3</sup>

Of course, ITE generation rates produce generic results. It is always better to have site-specific data. Considering the nature of the change, the applicant could have done a traffic study that demonstrated existing traffic counts so that change from current conditions could be more accurately determined. Further, the applicant could have found comparable uses to the proposed use to demonstrate more accurate trip generation estimates than what is described in the ITE trip generation tables and provided such materials to the Lead Agency demonstrating the potential for traffic impacts. The Lead Agency could have required such a study, which would have been part of the “hard look” that Lead Agencies are required to take. But instead, the EAS dismisses all traffic concerns based upon five words: “No additional campsites are proposed.” In no jurisdiction is that a “hard look” at

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<sup>3</sup> From the ITE Trip Generation Manual, 10th Edition.

the potential for this project to have significant adverse impacts on traffic, given the change of use from a rustic campsite to a resort destination.

***Parking***

All this said, the Lead Agency just needs to examine the applicant's plan to see that a significant increase in vehicular traffic is expected. My office has overlaid the existing aerial and plan provided by the applicant with the proposal and have taken the following snapshots of each showing the exact same area: <sup>4</sup>

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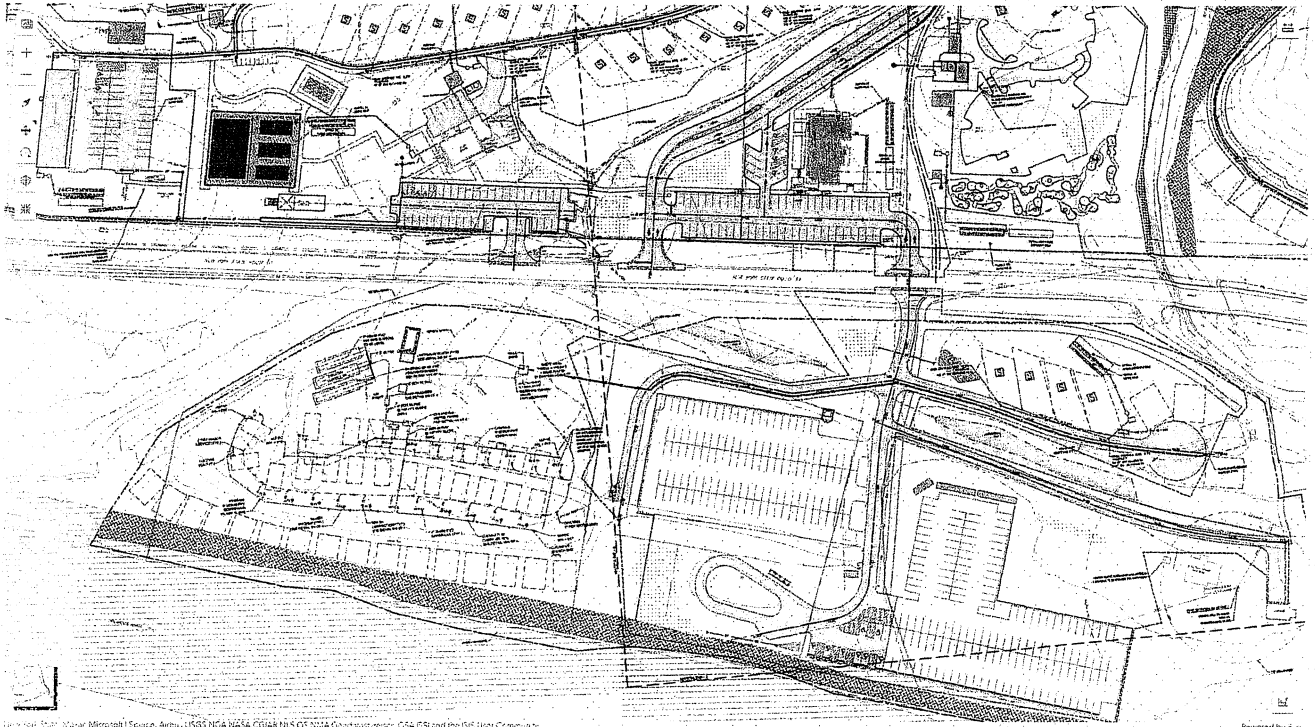
<sup>4</sup> [This link](#) will take the user to an overlay between the aerial, existing conditions plan and proposed conditions plan. The widget on the left allows the user to switch between the layers.





New York State, Maxar, Microsoft | Source: Airbus, USGS, NOAA, NASA, CGIAR, NLS, OS, NOAA, Geoportalelan, GSA, GSI and the GIS User Community. Powered by Esri

*Site aerial photograph. The road is NYS Route 97 and the Delaware River is to the bottom. A small amount of accessory parking is apparent.*



New York State, Maxar, Microsoft | Source: Airbus, USGS, NOAA, NASA, CGIAR, NLS, OS, NOAA, Geoportalelan, GSA, GSI and the GIS User Community. Powered by Esri

*Detail of proposed plan (Sheets C301 through C311). This shows about 36,000 SF of additional parking in this area alone.*

The EAF states that 445 parking spaces are provided with the “East Side Parking” producing 302 spaces which “will exceed the peak season parking demand of 83 vehicles.” And the “West Side Parking” as consisting of “[p]arking upgrades... on the west side of NYS Route 97 as part of the proposed project, providing 108 spaces within the welcome center area,” which is an increase of roughly 53 spaces from existing conditions. This is both a vast amount of parking and a vast increase in parking spaces over current conditions, yet the EAF dismissed any possibility of traffic impacts. How are the vehicles parking in these spaces getting here?

The disconnect between the potential for adverse traffic impacts and the amount of parking provided by the plan makes no sense: they are directly related and connected. This substantial increase in parking suggests the applicant is expecting a substantial increase in traffic, yet still ticks the box “No.” We shouldn’t see such an increase in parking if there weren’t a significant increase in traffic. Considering the evidence provided in the application, the failure to further examine the potential for adverse impacts on traffic demonstrates that the Lead Agency failed at taking a hard look at the potential for adverse environmental impacts, at least as it regards traffic.

### **Stormwater**

There are several issues that require further exploration and examination by the Lead Agency, considering the proximity of development to the Delaware River.

First, and most concerning, is an inconsistency between the EAF and the Stormwater Pollution Prevention Plan (SWPPP).<sup>5</sup> The EAF clearly states: “Stormwater will not be directed to surface waters on or near the project site.” (Section D.2.e.iii.) The SWPPP, on the other hand, states: “Runoff from the project site will discharge to the Delaware River.” (Page 2, repeated in section 2.4 on page 5.) Both statements cannot be true. It is essential that the Lead Agency make any determination regarding the environmental impacts of the project based upon consistent information; these materials do not provide such consistency.

Second, the SWPPP makes clear that one of the reasons this project must be classified as a redevelopment is that redevelopment is held to a different standard than new development for the purposes of stormwater management. If this were new development, the SWPPP states that “100-percent of the post-development water quality volume” must be managed through various stormwater management techniques. As a redevelopment, however, it does not need to meet this standard. The plan explains that “redevelopment activities can achieve the water quality treatment objective if 25% of the water quality volume associated with the disturbed, impervious area is captured.” (Page 8.)

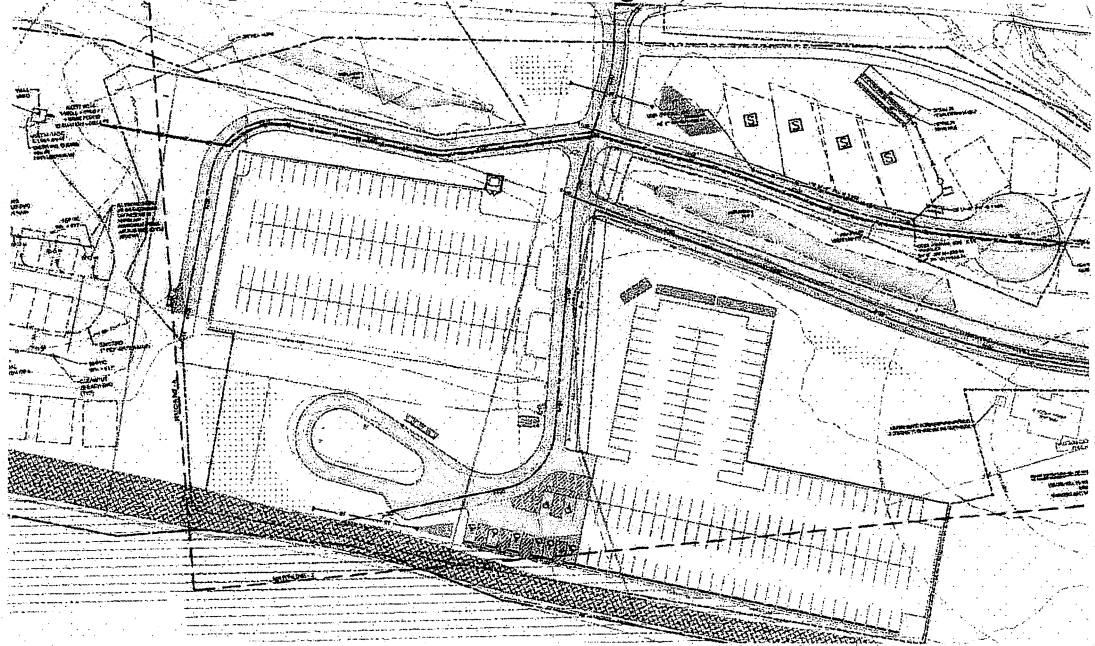
Ultimately, the applicant produces water quality volumes for 100% reductions in new impervious areas and water quality volumes for 25% reduction for existing areas that will be redeveloped. It shows that there are 17,770 CF of stormwater

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<sup>5</sup> Stormwater Pollution Prevention Plan by LaBella, July 2022.

that qualify for 25% reduction. That means, however, that there are 53,310 CF of stormwater that will not be managed. Where is this water going? According to the SWPPP, the Delaware River.

Third, I ask the Lead Agency to take a close look at the parking lots that are proposed adjacent to the Delaware River south of Route 97. The SWPPP explains that these parking lots will not be impervious. Instead, the applicant has proposed that these parking lots, with hundreds of spaces, will be grass lots, to “greatly reduce overall impervious surface.” (Table A, Page 2.)



*These large parking lots are proposed to be grass, not asphalt. They are located right next to the Delaware River, which is at the bottom of the image.*

In almost all cases, for stormwater management, it is better to use pervious surfaces instead of impervious surfaces. In cases like this, however, where the parking is so close to the Delaware River, the Lead Agency has to understand how stormwater is being managed here. If these lots were impervious, the applicant would have to develop stormwater management systems to manage 100% of the stormwater on-site and the Lead Agency would know.

Since these lots are used for vehicular parking, the soil will become compacted, which makes infiltration of stormwater difficult. Compacted soil allows stormwater runoff similar to that of impervious surfaces. Additionally, as the lots get used and the soil gets compacted, the grass will likely turn to mud, which effects the clarity of any stormwater runoff. It is possible to manage stormwater on such sites, but since this is proposed as pervious surfaces, the SWPPP is not clear how this area will be managed.

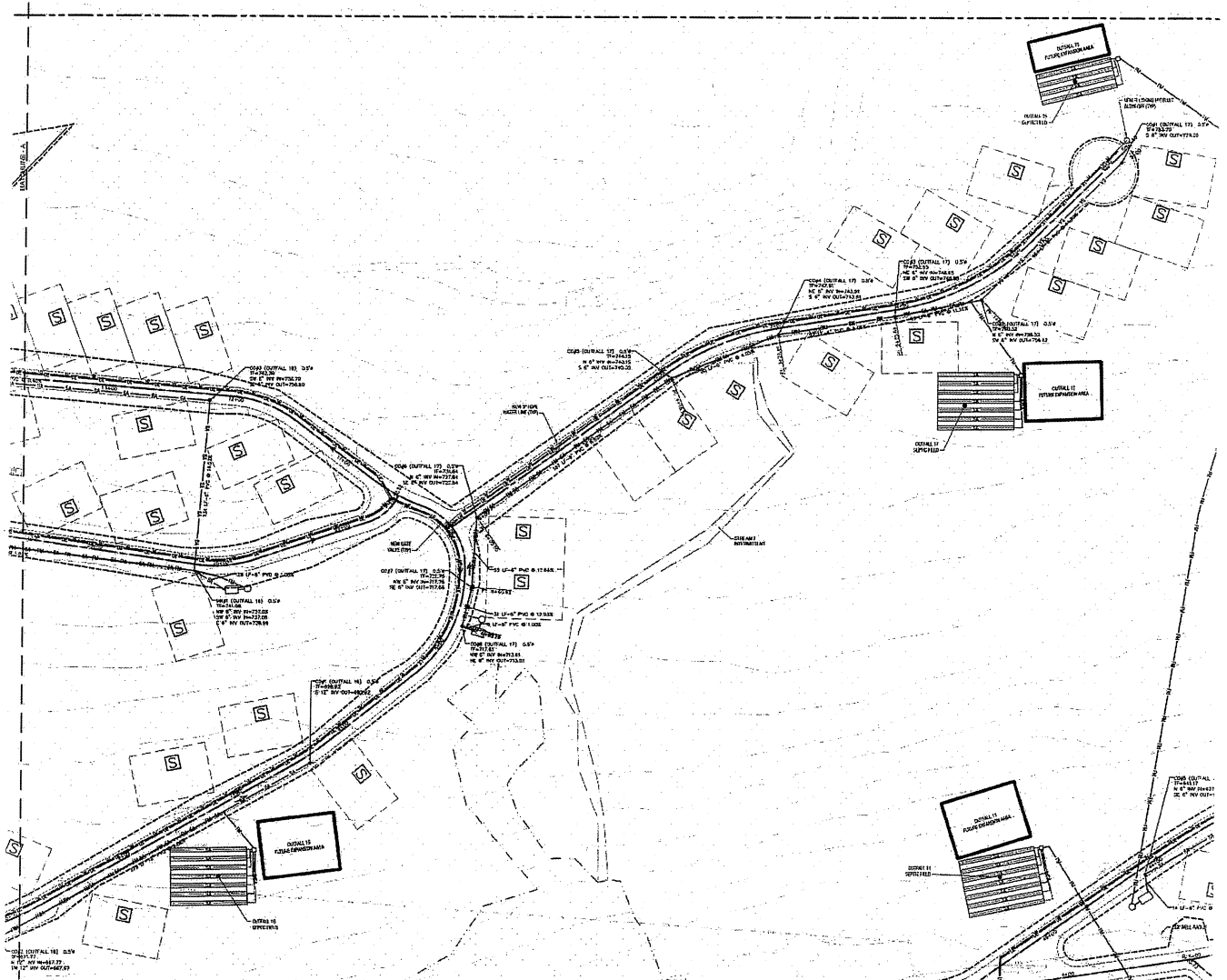
Finally, it is always best to leave substantial natural buffers around streams and waterways, as riparian habitats are not only beneficial for wildlife but provide

natural filtration systems for stormwater runoff. The Lead Agency should understand why a site of over 200 acres requires so much parking in a small parcel abutting the Delaware River.

**Segmentation**

Even if a project is proposed in phases, SEQRA usually does not permit the environmental analysis to be analyzed by phase because this can lead to an understatement of environmental impacts. It is possible that each phase does not meet thresholds for significance, but that together all phases might reach those thresholds. The EAF repeatedly says that there is no expansion of the use. It also claims the project is not being completed in multiple phases and that what is shown in the EAF is the entirety of the project. I am concerned, however, that the Utility Plans clearly show that the applicant is reserving substantial space for an increase in the proposed septic system. As shown in Sheets C301 through C311, there are nine areas that are reserved for expanded septic systems.

The following detail of Sheet C302 shows four of these areas for expansion, outlined by my office in red:



*Detail of Sheets C302 showing four of the fields reserved for future septic expansion. There are nine.*

In most cases, the areas reserved for expanding the septic system are similar in size to the septic system being installed. The EAS states that 29,080 gallons of wastewater will be produced, but is that just using the system as proposed, or with the future expansion? How much would be produced during the future expansion?

But more importantly, this information is suggestive that the applicant has plans to significantly increase the project's size. If there are plans to increase the project's size, as the notation suggests, the entire project needs to be evaluated now, so that adverse environmental impacts can be disclosed, evaluated and fully understood. Further, full disclosure of the project is essential to determine if the project meets applicable standards for local approval, and to determine whether a mitigation plan can be developed to mitigate adverse impacts to the extent practicable. If there are no plans to increase the size of the project at a later date, then why are there nine areas identified in the plan as a "future expansion area" for the septic system? Also, why is there so much parking provided? The "East

Side Parking” exceeds peak season demand by 260%. Applicants typically do not build so much more parking than what is necessary.

Even if the future expansion of the septic fields are not indicators of future expansion of the project, and only for the eventual provision of sewer service to rustic camp sites, the impacts of such a conversion should be evaluated now. Additional septic fields require tree clearing and site disturbance, which would impact other parts of the assessment, like the change in land cover and the stormwater management calculations. Further, if a blended generation rate between resorts and campgrounds are used to estimate traffic generation, this eventual conversion suggests that blending should not be done and that the resort rates should be used.

Only in very limited circumstances is segmentation permitted under SEQRA and none of them cover either example described above. The entire project as conceived by the applicant should be evaluated now so that significant adverse environmental impacts can be disclosed and mitigated.

**It only takes one**

Finally, my review has not been an exhaustive one due to time constraints and the lack of availability of complete plans, but it doesn't need to be to evaluate whether the Lead Agency has taken a “hard look.” It only takes one environmental subject area to show the potential for significant adverse environmental impacts to trigger the requirement for a positive declaration and the requirement to develop a full draft environmental impact statement (DEIS). With a full DEIS, the public and the Lead Agency will be provided complete information on the project proposal and any potential adverse environmental impacts it may have. The process also provides opportunities for the Lead Agency to hear comments on both the scope of that environmental review and the substance of the review. It will also better demonstrate that the Lead Agency took the required hard look, as required by SEQRA.

Thank you for the opportunity to review this project. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



George M. Janes, AICP  
George M. Janes & Associates