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Maya K. van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007

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.¹ 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

¹ 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? Yes No
No additional campsites are proposed.

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.²

² 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.³

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

³ 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.

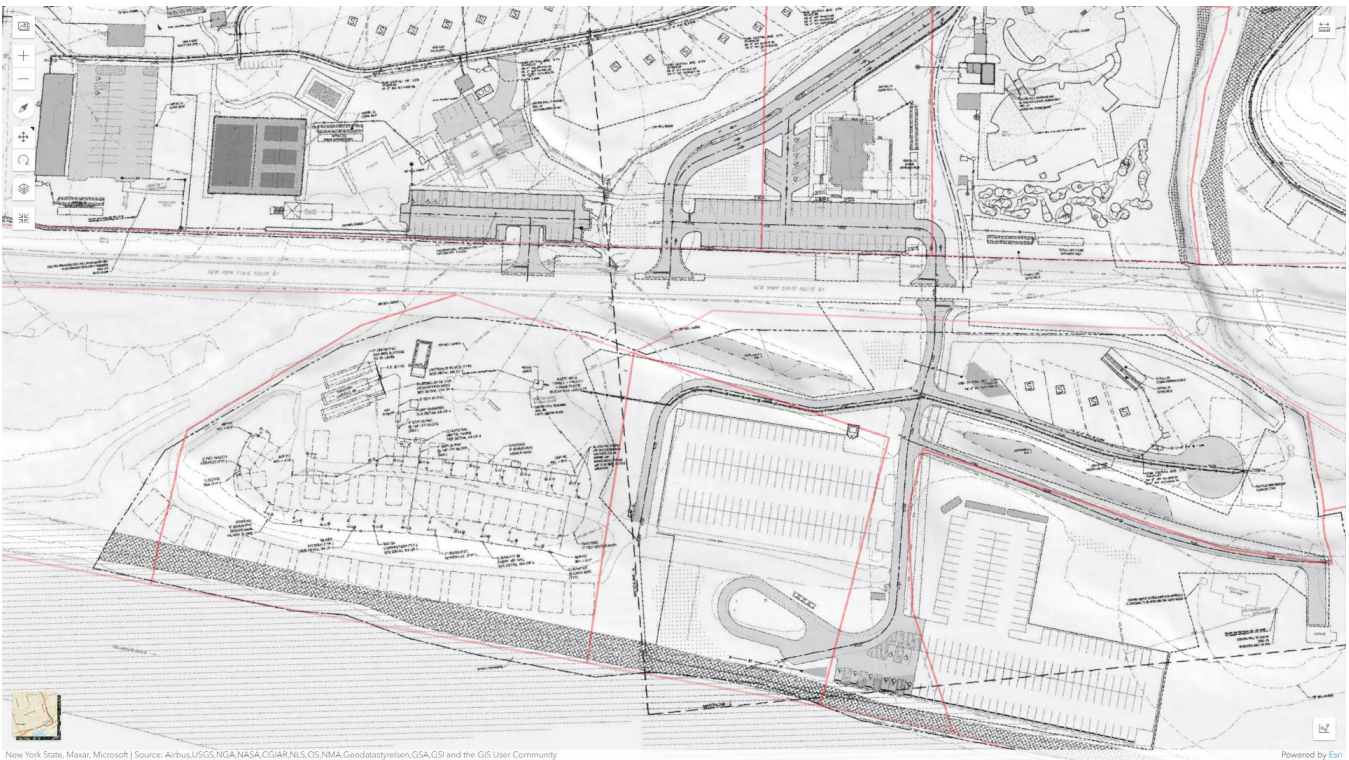
Parking

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: ⁴

⁴ [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.



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.



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).⁵ 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.

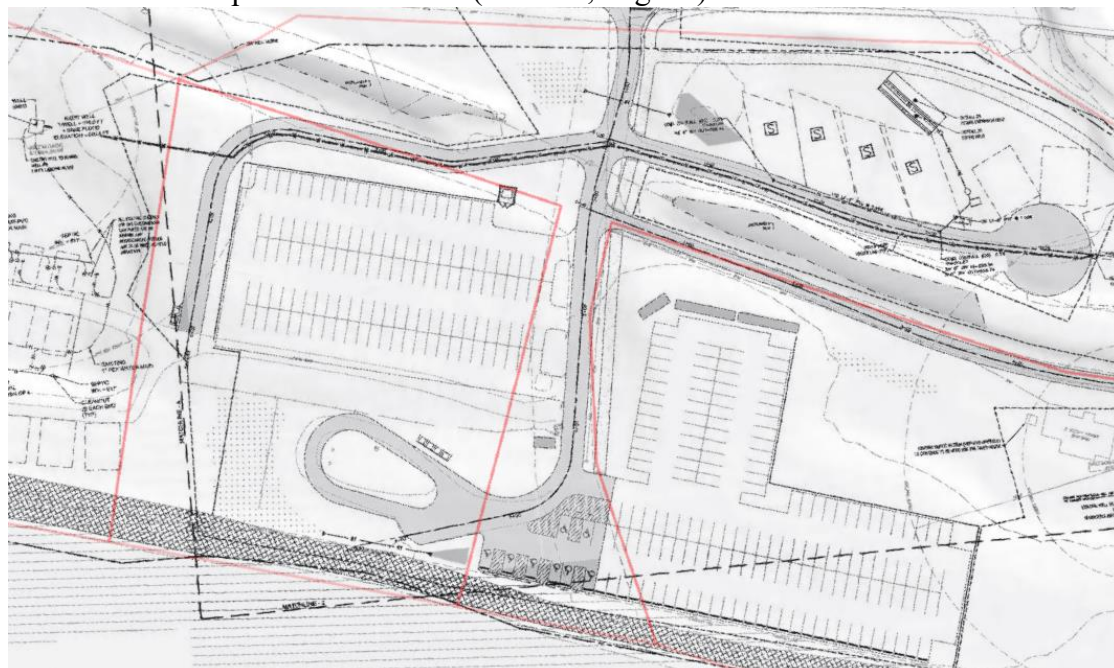
Second, the SWPPP makes clear that one of the reasons this project must be classified as a redevelopment is that redevelopment is held to a different standard than new development for the purposes of stormwater management. If this were new development, the SWPPP states that “100-percent of the post-development 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

⁵ 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.

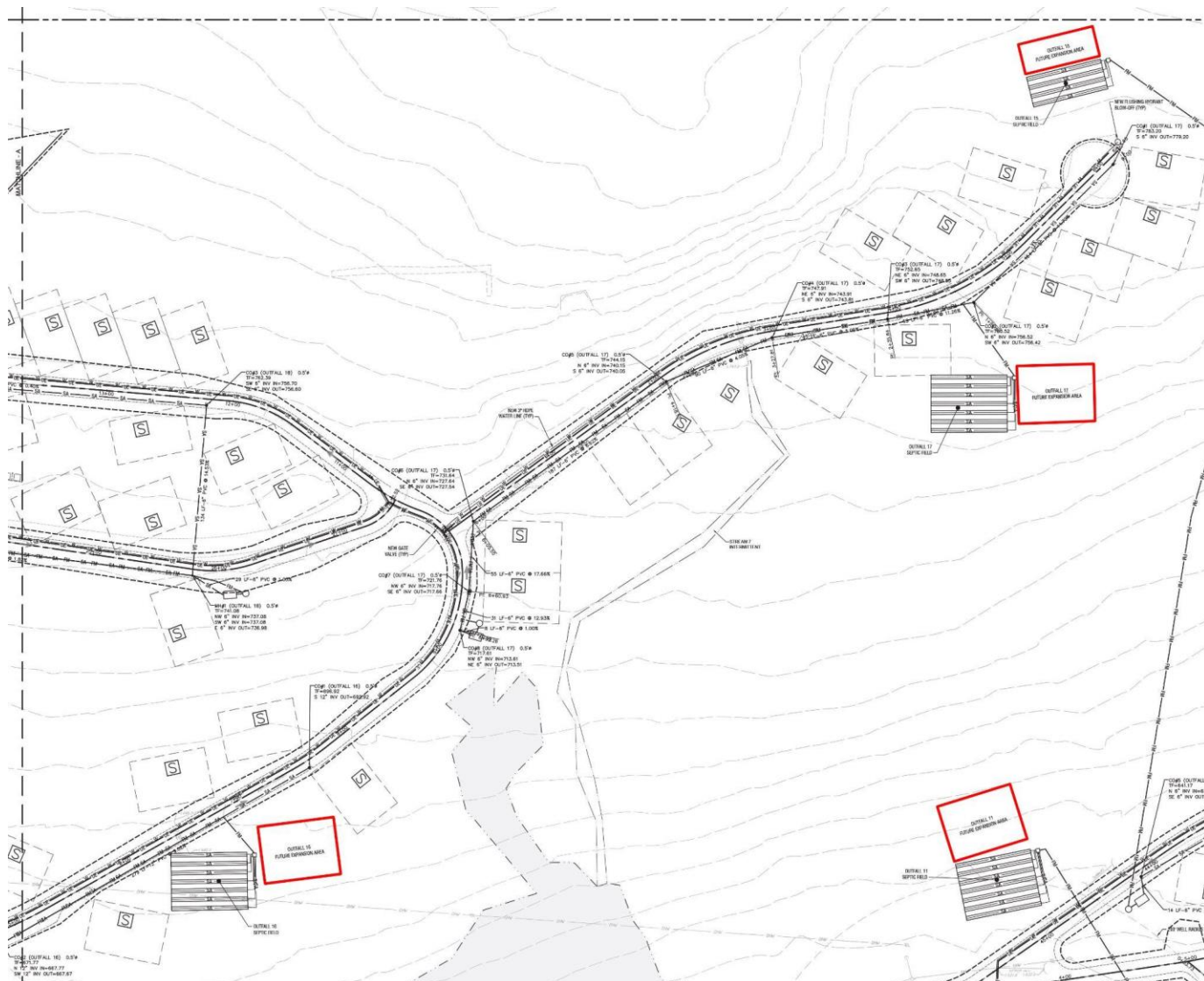
Finally, it is always best to leave substantial natural buffers around streams and waterways, as riparian habitats are not only beneficial for wildlife but provide

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