



Kenneth D. Ellsworth, P.E.  
*Managing Member*

Paul L. Bedford, AIA  
*Architect*

Rodney L. Carey, L.S.  
*Land Surveyor*

Kordian W. Wichtowski, R.A.  
*Architect*

## SEQRA Process Summary Camp FIMFO Catskills

February 22, 2023

1. March 14, 2022 Applicant submitted a Full EAF, Part I with a report.
2. March 23, 2022 Planning Board declared intent to be Lead Agency.
3. April 21, 2022 Planning Board sent out notice to be Lead Agency to potential involved Agencies.
4. May 21, 2022 Planning Board declared Lead Agency receiving no objections from Notice and action declared to be Type I.
5. July 10, 2022 Planning Board received a revised Full EAF, Part I with a report.
6. September 27, 2022 Public Hearing.
7. October 11, 2022 Planning Board received revised Full EAF, Part I with a report.
8. October 26, 2022 Public Hearing.
9. November 30, 2022 Public Hearing. Planning Board closed Public Hearing.
10. January 26, 2023 Planning Board received a revised Full EAF, Part I with a report.
11. February 2, 2023 Planning Board received a revised Full EAF, Part I with a report.

## SEQRA Process Remaining

1. The Planning Board will complete the Part 2 questions using the information provided by the applicant in the Full EAF, Part I and report. The responses to the Part 2 questions are No, Small Impact and Moderate To Large as to the anticipated size of the impact.
2. The Planning Board must complete Part 3 for every question in Part 2 where the impact has been identified as potentially Moderate or Large or where there is a need to explain why a particular element of the action will not, or may, result in a significant adverse environmental impact.
3. Based on the analysis in Part 3, the Planning Board will decide:
  - a. The project will result in no significant adverse impacts on the environment and issue a negative declaration.
  - b. Determine that the project could have a significant adverse environmental impact and impose conditions that avoid the impact or substantially mitigate the impact.
  - c. Declare the project may result in one or more significant adverse impacts on the environment and declare a positive declaration and proceed with the Environmental Impact Statement process.

**Main Office**  
58 Exchange Street  
Binghamton, New York 13901  
Phone: 607.722.1100  
Fax: 607.722.2515

**Branch Office**  
165 South Main Street, Suite 6  
Cortland, New York 13045  
Phone: 607.753.8015

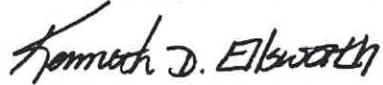
**Branch Office**  
30 North Street, 2<sup>nd</sup> Floor  
Monticello, New York 12701

E-mail: [info@keyscomp.com](mailto:info@keyscomp.com)  
[www.keyscomp.com](http://www.keyscomp.com)

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

Keystone Associates  
Architects, Engineers and Surveyors, LLC



Kenneth D. Ellsworth, P.E.  
Managing Member

KDE:ke

P:\Projects\2022\2408\2408\_02322\2408\_02322\_1-Camp Fimfo\Correspondence\Engineer Docs\23\_0221\23\_0222 SEQRA  
Process Summary.docx



United States Department of the Interior  
NATIONAL PARK SERVICE  
UPPER DELAWARE SCENIC AND RECREATIONAL RIVER  
274 River Road  
Beach Lake, Pennsylvania 18405



IN REPLY REFER TO:  
10.B (UPDE-4870)

February 17, 2023

Chairman Aaron Robinson  
Upper Delaware Council  
211 Bridge Street  
Narrowsburg, NY 12764

Re: Camp FIMFO Substantial Conformance Recommendation

Dear Chairman Robinson,

We are responding to the recommendation from the Upper Delaware Council (UDC) dated September 2, 2022 for a finding of substantial conformance to the Upper Delaware River Management Plan (RMP) for the special use permit application from Camp FIMFO in the Town of Highland, NY. As noted in our November 9, 2022 reply, NPS requested more information to properly evaluate the application.

We have reviewed the responses and updated submittals sent to the Town of Highland on January 11, 2023 and the advance materials submitted for the February 22, 2023 Highland Planning Board Meeting. Upon review of this information, NPS continues to have concerns and unanswered questions about the proposal. We request UDC engage with NPS, the Town of Highland, and the applicant to obtain the information noted below. Without this additional information, NPS cannot make a determination of substantial conformance to the RMP.

The submitted plans lack specificity on vegetation disturbance. NPS must see the total limits of disturbance, lot coverage, and areas that will be disturbed. The plan needs to indicate the calculations by either a chart or methodology that shows total scope of disturbance. Previous responses indicate the current lack of specificity is due to awaiting feedback on the site plans from the New York State Department of Health (DOH). NPS requests the detailed plans following the inclusion of DOH amendments.

Hydrologic and hydraulic (H&H) modeling for this section of the river and floodplain is required to inform an NPS decision. The most recent response indicates a decision was made that 298 cubic yards of net fill did not require modeling to understand base flood elevations changes resulting from the proposed development. In consultation with regional and national NPS hydrologists, although this amount of net fill may not significantly change base flood elevations, we need additional information about the extensive amount of earth moving involved in the proposed cut (11,342 cubic yards) and fill (11,641 cubic yards) areas within the 1%-annual chance floodplain.



H&H modeling is a prudent analysis that will inform all stages of the project and erosion and sedimentation (E&S) control plans within this flood prone area. Given the proximity to the river, the modeling will help ensure E&S control measures adequately prevent potentially significant impacts to the river resources during the project and into the future.

In addition, based on the plans submitted January 11, 2023, the cut and fill boundary appears to be within 100 feet of the mean high-water mark of the river. This boundary needs to be verified, and if applicable NPS needs assurances the project meets the town's requirements to prevent erosion.

The RMP and Land and Water Use Guidelines require NPS to consider landscape character and land use patterns, specifically considering impacts to recreational resources. The recreational experience and visual landscape of primary concern to NPS is the view from the river and its banks. The provided simulation, from a vehicle on Route 97 looking away from the river, does not allow NPS to determine if the proposed changes will detract or degrade the unique characteristics of the Upper Delaware River in this recreational segment. We request 360-degree renderings or visualizations of the proposed development, particularly from the center of river, the riverbanks, and Route 97 towards the river.

Lastly, NPS requests a high-water event evacuation plan to adequately protect natural resources. Although the proposed use of camping is consistent with historical use, park model RVs and associated utilities reflect a substantial change in the type of infrastructure on the site. Previous responses state Camp FIMFO operators will remove all infrastructure in advance of high water.

During a 2006 flood event, more than 20 trailers from a campground within the 100-year floodplain in Hankins, NY washed downriver. Despite a high-water warning, the campground operator was unable to disconnect and remove all infrastructure in advance of the flood. Much of that debris remains in the river today. To ensure the protection of health, safety, and welfare of the residents and visitors and the protection and preservation of the natural resources of the river, NPS requests a plan detailing how the applicant will disconnect utilities and remove the 146 park model RVs, as well as the materials for 64 on-site tents, upon receipt of a warning and prior to a high-water event.

Without this additional information, NPS cannot make a final determination on concurrence with the UDC recommendation of substantial conformance. Once the requested information has been received, NPS will continue our review of the application.

If you have questions, please contact me at [Lindsey\\_Kurnath@nps.gov](mailto:Lindsey_Kurnath@nps.gov) or 570-729-8251 x2225.



Lindsey Kurnath  
Superintendent  
Upper Delaware Scenic & Recreational River

## Planning Board and Zoning

---

**From:** Kerry Engelhardt <kerry@upperdelawarecouncil.org>  
**Sent:** Thursday, February 23, 2023 5:25 PM  
**To:** Planning Board and Zoning  
**Cc:** bjgettel1@gmail.com; don\_hamilton@nps.gov; Lindsey Kurnath (Lindsey\_Kurnath@nps.gov) (Lindsey\_Kurnath@nps.gov)  
**Subject:** RE: Short Term Rentals

Monica,

Thank you very much for sending these along! My apologies for the delay in getting back to you, I was on vacation and am catching up on everything this week.

Of the five (5) STR applications you sent, three are not within the river corridor and so are not of concern at all to the UDC.

Application 4-2023, Dustin Tomes, is located in the corridor. The property's frontage is on Barryville-Yulan Road, and it does not border the river (or Route 97,) and is over 300' from the Delaware River. Therefore, I have determined that it does not require a formal UDC or NPS project review.

Application 5-2023, Ron Rabinovich, is also located in the corridor. It is located on the northeast side of Route 97 (that is, the state highway lies between the existing home and the river), and the home appears to be more than 100' from the Delaware River. Therefore, I have determined it does not require a formal UDC or NPS project review.

Both of these applications involve existing single-family dwellings, and no new construction or improvements are proposed for either of these applications.

**Kerry Engelhardt, P.E.**  
**Resources & Land Use Specialist**



Upper Delaware Council  
LAND • WATER • PEOPLE

Upper Delaware Council  
211 Bridge Street P.O. Box 192  
Narrowsburg, NY 12764

(845) 252-3022  
[kerry@upperdelawarecouncil.org](mailto:kerry@upperdelawarecouncil.org)  
[www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org)



---

**From:** Planning Board and Zoning <planningboardzba@townofhighlandny.com>  
**Sent:** Friday, February 10, 2023 3:28 PM  
**To:** Kerry Engelhardt <kerry@upperdelawarecouncil.org>  
**Cc:** bjgettel1@gmail.com  
**Subject:** Short Term Rentals

Good Afternoon,

As per our meeting in regards to short term rental application I am attaching what we have on the agenda to date.  
Thanks

*Monica McGill*

Town of Highland Planning Board & ZBA Secretary

845-428-1897

[planningboardzba@townofhighlandny.com](mailto:planningboardzba@townofhighlandny.com)



## Planning Board and Zoning

---

**From:** Richard Malenky <richardmalenky@gmail.com>  
**Sent:** Wednesday, February 8, 2023 6:07 PM  
**To:** Planning Board and Zoning  
**Subject:** My FIMFO letter

Dear Planning Board. I composed this letter on September 29 after a public hearing concerning FIMFO. I sent it but it never appeared as received on your website. I must have missed the correct address. So I am resending it. Thanks for your attention.

TO: Town of Highland Planning Board  
Town Hall  
4 Proctor Rd.  
Eldred, NY 12732

Highland I want to add my voice to the many who have objected to the installation of the FIMFO camp in Highland. I was at the public meeting of the Highland Town Planning Board last night and I was impressed with the number of people that showed up and that the comments made were overwhelmingly opposed to this project with, I believe, only one speaker in favor. All those who spoke were given enthusiastic applause. Clearly, there is significant, thoughtful, fact-based objection to the project and much less support. The meeting strongly suggested that the people of Barryville and the surrounding towns do not want this project to go ahead.

I was also impressed with the wide range of objections. There are clearly serious problems with the use of septic systems and the volume of water required. The impact could be costly, even devastating. As many pointed out, more vetting is needed as well as an independent environmental assessment.

There are also quality-of-life problems with the inevitable noise and congestion. There were reasonable objections to the drastic changes likely to occur to the essential character of Barryville. It could easily become a tacky tourist attraction and no longer be a place to come to enjoy a peaceful time in a place dominated by the natural world.

Importantly, it became clear that the company behind the idea is not being forthcoming about their plans (e.g., saying nothing about later phases of the project. Nor are they being honest about the potential impacts. In one of their documents, they state that disruption to the habitat of endangered species will only take place during construction. Who are they kidding? Removal of forest to build a mountain coaster or a major water feature will not be a temporary disruption. Its effects will be long lasting. It seems Northgate is being disingenuous and far from truthful. As many pointed out last night, we are not stupid or naive. We need to take a long, hard look at both the nature of this project and the corporation trying to foist it on our community.

Richard Malenky  
201 Hallock Rd.  
Barryville, NY 12719

# SUSSMAN & ASSOCIATES

~Attorneys at Law~

MICHAEL H. SUSSMAN  
JONATHAN R. GOLDMAN

1 Railroad Ave. - Suite 3  
P.O. Box 1005  
Goshen, New York 10924

MONICA PONCE-AGREDANO  
LEGAL ASSISTANT


(845) 294-3991

Fax: (845) 294-1623

[sussman1@sussman.law](mailto:sussman1@sussman.law)

January 20, 2023

To: Town of Highland Planning Board  
[planningboardzba@townofhighlandny.com](mailto:planningboardzba@townofhighlandny.com)  
and PLANNING BOARD CHAIR Norm Sutherland  
[ngs\\_construction@yahoo.com](mailto:ngs_construction@yahoo.com)

From: Michael H. Sussman, Esq. 

Re: FIMFO

I represent the Delaware Riverkeeper Network and scores of other, loosely organized residents of the Town of Highland and neighboring towns who remain deeply concerned about the proposed re-development of a campground on Route 97, the so-called FIMFO project.

I fully understand that your Board has spent substantial time on this project, but we have two current concerns which have not been adequately addressed: [1] to my understanding, this project **may have significant impacts** on water supply, traffic, aesthetic views, habitat, the health of the Delaware River and the character and nature of the surrounding community.

Any one of these potential impacts is sufficient to trigger the requirement that the sponsor complete a Draft Environment Impact Statement [DEIS] following a public scoping session. Of course, once the Planning Board approves as "complete" the resulting DEIS, it must conduct a public hearing. Thereafter, the applicant/author of the DEIS must prepare a Final Environmental Impact Statement which responds to each comments and addresses, among other things, the accuracy of its analysis of impacts and the adequacy of proposed mitigation measures.



In this instance, as lead agency, your Board did not require a DEIS/FEIS and the project's proponents have taken the position that the proposal does not satisfy the relatively low standards used in our state to trigger this level of project review. I believe that, by now, your Board has heard enough informed comments to alter this conclusion and to concur with the community that this project certainly meets the threshold for preparation of a DEIS/FEIS – it certainly may result in a myriad of contextually significant environmental impacts and, as such, must be the subject of a scoping session and the preparation of a DEIS/FEIS and the requisite public review.

Second, even before this review process commences, the proponent should present a final site plan which then would be the subject of the referenced scoping session. To date, your board has received an initial site plan and amendments which leave the community understandably confused about what is now even before your Board.

While I recognize that the Chair and Board closed the public hearing, I believe these suggestions have legal merit, and that the full Board should publicly discuss whether what has been adduced at the multiple days of public comment justify, indeed require, the steps outline above.

Thank you for your consideration.

cc: Michael Davidoff, Esq.

Dear Planning Committee,

I attended the last meeting in January where the artists impression video was shown, which grossly misrepresents the proposal.

The video simulation only showed the right side, with no cars included. The riverside view was also missing, which also has a substantial car parking area designated. The very specific curve in the road at that point on the 97 is quite beautiful, which makes it even more heartbreaking.

#### Over density of vehicles

To take the scenic drive along the 97 from Hawks Nest, insanely beautiful, coming very close to the river at multiple points to then arrive in the middle of a large carpark of 300+ cars seems pretty ill conceived and inconsiderate to both visitors, local people and all visitors passing through to the broader area. The scenic drive is mostly uninterrupted with very light developments continuing up to Callicoon and beyond, its a marvelous stretch, a beautiful journey and to have a significant concentration of cars (metal, plastic, bright colors) in the middle is particularly destructive, careless and disregards the natural environment..

#### Shiny reflective multi brightly colored

I spoke to a gentleman from Kittatinny after the meeting. He told me care has been taken to mute all the colors of the buildings etc and keep the material palette earthy, wooden and natural, which is great, but 300+ shiny reflective multi brightly colored vehicles concentrated in one area from both road and river views will undermine that immediately.

He told me the river side carpark is grass and will stay grass. (Surely without paving with so many cars it will turn to mud) He also told me that on the right hand side parking there would not be so many cars as people entering will then take their cars directly to their plots. If that is the case then does there need to be so many allocated spaces on the right hand side of the road?

He also told me that on the river side the parking is low impact.

And currently it could be argued, within the current useage, the existing parking is underused and is low impact, but the whole purpose of the proposal is to increase visitor numbers and the drawings/renderings should reflect the maximum parking capacity that is being requested.

The renderings should show full usage with all parking spaces occupied on both sides of the road.

Attached is an artistic plan image including vehicles (which are not mute and earthy in tone)

Can the planning committee stipulate a less dense and more aesthetically considered vehicle policy in keeping with the extraordinary river location?

#### The planting of mature trees

The other inaccuracy is the proposed landscaping, which, and I don't know a lot about trees, but the renderings shows a very mature set of new trees shielding everything. (Pretty sure they will be expensive to put in at that maturity). Landscaping is notorious for being the first thing that gets cut when budgets are stretched, it's the thing that in the end doesn't get done or is implemented well below what is promised.

Can the planning committee make it a requirement to provide a detailed schedule of all the planting, types of trees, bushes etc or include the percentage of budget allocated to the landscaping, with a stipulation that it has to be complete to get signed off?



What safeguards can the committee put in place to make sure the extensive landscaping is actually provided and not an artistic gesture?

### Short Term Rental License

Also at the same meeting was a very rigorous set of requirements and demands from the committee, long and detailed, for a new Short Term Rental License, (aimed at Airbnb usage with a yearly \$500 fee.) Do these FIMFO short term rentals fall under this new licensing scheme?

If they do not, can the committee make the equally rigorous stipulations for all the same long and detailed issues? rubbish, noise, etc, on this development?

### Eagle navigation and habitat

I am also concerned about the eagles flight path up Beaver Brook. — Its a navigation system following the valley and as a resident living on the brook, I see them flying very low, close to the water, up and down regularly. I am worried the density of 'housing' units right on the brook edges would interfere with the eagle habitat. The gentleman told me that the density would be less than existing, (currently its 6 persons per tent and this density would be reduced to 2 in a wooden hut). However, this is density of people and not material, a small tent is very different to a large wooden hut — a tent will be gone for 40 weeks of the year and during the winter when the eagles are most active and breeding, whereas a wooden structure would be permanent, for all the weeks of the year, occupied or unoccupied. He described little A frames, but I haven't seen any images of these structures, What are the heights of these A frames? They are very densely packed on the plan and very close to the water?

Can the committee stipulate that an independent environmental impact study be done to make sure every effort is anticipated to protect what already exists here?

Can the committee share the full and up-dated detailed proposal to the public in the next meeting? Will the community have another chance to raise their concerns when all the revisions are done?

Personally I think this development does not fit with this very specific and special site. The carelessness of the car parking proposal alone reveals the lack of detailed thought.

The planning committee has a responsibility to set the most stringent of targets and standards for this kind of exceptional location — a designated area of extraordinary natural beauty, with a unique magnificent river. It is not just any regular site. Such an exceptional place requires an exceptional proposal. This one falls way below — it is not exceptional.

Thank you for listening to my concerns.

Fiona Raby.

A local Highland Town resident who regularly passes the site.

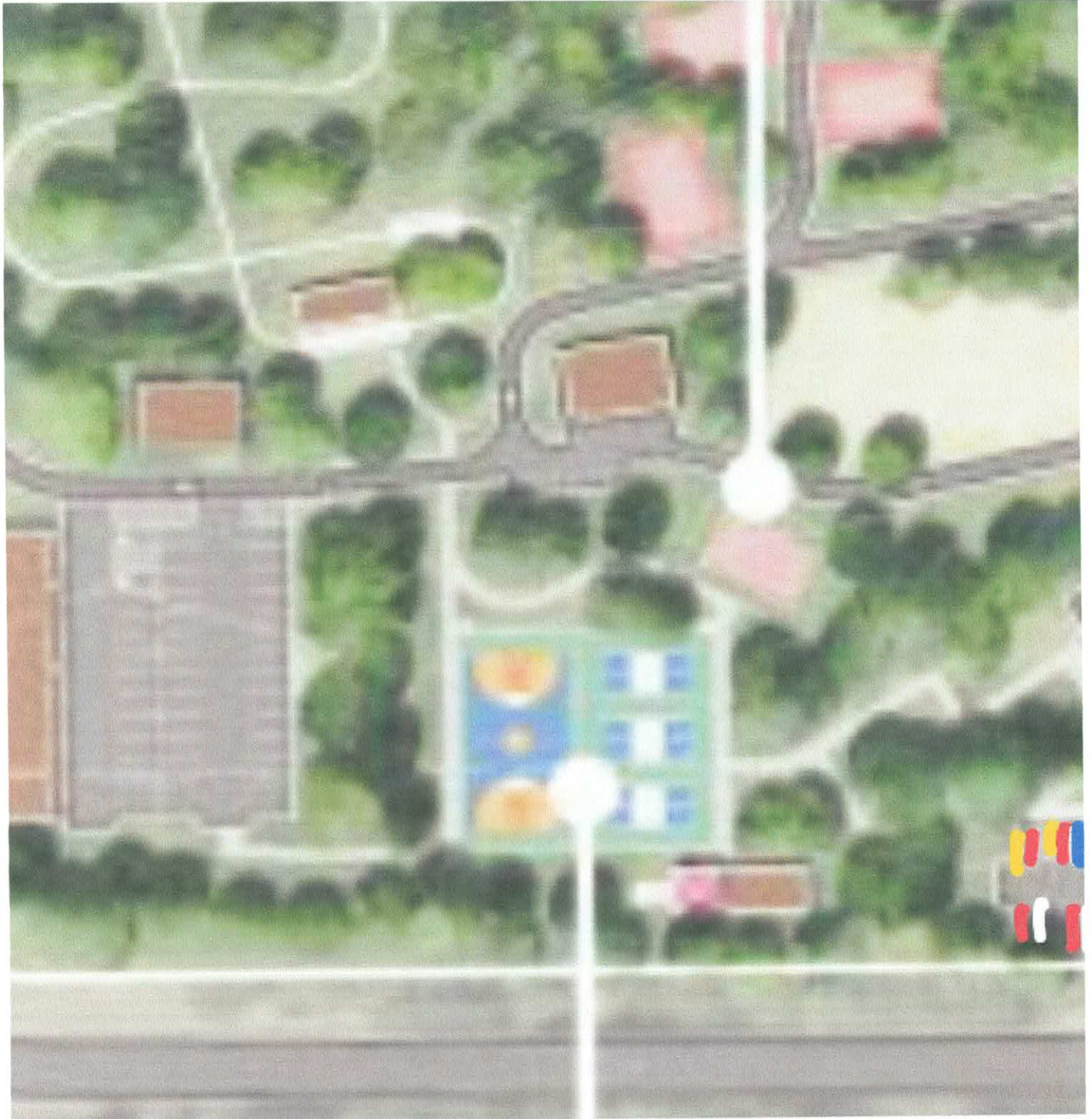
(11 Feb 2023.)



## Planning Board and Zoning

---

**From:** Fiona Raby <fiona.raby13@gmail.com>  
**Sent:** Saturday, February 11, 2023 8:46 PM  
**To:** Planning Board and Zoning  
**Cc:** Fiona Raby  
**Subject:** FIMFO Proposal - Car parking density & Eagle navigation /habitat



## Planning Board and Zoning

---

**From:** C C <colcy18@yahoo.com>  
**Sent:** Wednesday, February 22, 2023 1:57 PM  
**To:** Planning Board and Zoning  
**Subject:** FIMFO

Dear Highland Planning Board,

I am a resident of Barryville, NY and I would like to take the opportunity to let you know how problematic camp FIMFO's development would be to this most treasured area. It's been amazing to see the area grow and thrive. Business evolution is a part of every towns evolution and it helps bring funds as well as appreciation of and to the area. Unfortunately, camp FIMFO's development does neither for the town. After a town hall as well as speaking to my fellow neighbors I have found very few people who support this development. Why then, has the Planning Board refused to respond to these demands from the community? It does not line up with the interest of the people so who is benefitting from this?

It's a shame to move forward without the support of the people of this town.

Please consider the voices of the people of this town and say No to camp FIMFO development.

Thank You,  
Colin Cunliffe.  
Barryville, NY.



## Planning Board and Zoning

---

**From:** Patricia Lee Stotter <plstotter@gmail.com>  
**Sent:** Tuesday, February 21, 2023 5:35 PM  
**To:** Planning Board and Zoning  
**Cc:** Scanlan, Brian  
**Subject:** FIMFO/Northgate

The Planning Board continues to steamroll past reasonable demands for due diligence, including a demand for an independent environmental impact study — the most obvious and most needed step to protecting our river and town from the "largest development in the Upper Delaware Valley."

The overdevelopment of the River Corridor is inconsistent with the Town of Highland's own comprehensive plan. FIMFO/Northgate has not pledged to install any green technology, nor have they made any real statement on how they will protect the river or why they would be good for the community. Their answers have been vague, and their video presentations manipulative.

We live on the other side of the river, in Pa, but the fallout of overdevelopment flows in every direction. So, my husband and I voice our opinion, our wish to keep this beautiful part of the world as healthy as possible.

Thank You.

Brian Scanlan and Patricia Lee Stotter