

Town of Highland Planning Board  
Meeting Minutes August 23, 2023

Chairman calls the meeting to order at 6:00 PM regarding all Public Hearing Applications, and all new Short Term Rental Applications.

Chairman states the minutes are being recorded

**Applications brought over from 072623 (Needed to complete fire inspections)**

**Application #16-2023 Earl Cokley Short Term Residential Application**

As per the Code Officer BJ Gettel Mr. Cokley has passed his fire inspection, and has his (911) sign on order

Motion to approve Application #16-2023 with quiet hours to kept from 10PM-7AM, and contacting the code office when he has received his 911 sign:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

**Application #22-2023 Gary Gutekunst Short Term Residential Application**

As per the Code Officer BJ Gettel Mr. Gutekunst has passed his fire inspection.

Motion to approve Application #22-2023 with quiet hours to kept from 10PM-7AM.

Motion: Steve Bott                      Second: Jeff Spitz                      All in favor

**Application #23-2023 Rodrigo Marques Short Term Residential Application:**

As per the Code Officer BJ Gettel Mr. Marques has passed his fire inspection.

Motion to approve Application #23-2023 with quiet hours to kept from 10PM-7AM and that Mr. Marques place no trespassing signs and make his tenants aware that they have no lake access as per the Home Owners Assoc.

Motion: JT Vogt                      Second: Steve Bott                      All in favor

**Application #24-2023 Edun Sela Short Term Residential Application**

As per the Code Officer BJ Gettel Mr. Sela has passed his fire inspection.

Motion to approve Application #24-2023 with quiet hours to kept from 10PM-7AM.

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

**Application # 27-2023 Max Karr Short Term Rental Public Hearing**

Motion to open the public hearing on Application #27-2023:

Motion: JT Vogt                      Second: Jeff Spitz                      All in favor

Secretary reads the public notice posted in the local newspapers.

There were (19) letters mailed to the surrounding neighbors and (12) returned.

Correspondence: UDC (Upper Delaware Council) report that Mr. Karr's property does not fall in the river corridor.

Mr. Karr owns a three-bedroom home located at 17 Barker Road Eldred NY.  
Mr. Karr states that the emergency contact is the property manager, and goes over the management plan with the board.

No public Comment

Motion to close the public hearing on application #27-2023:

Motion: Jeff Spitz                      Second: Steve Bott                      All in favor

Motion to make the Town of Highland Planning Board lead agency for SEQR:

Motion: JT Vogt                      Second: Jeff Spitz                      All in favor

SEQR Part (2) read by Michael Davidoff and completed by the board.

Motion for SEQR Part (2) will not result in any significant adverse environmental impacts:

Motion: Steve Bott                      Second: JT Vogt                      All in favor

Motion to approve Application #27-2023:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

As per Code Officer BJ Gettel Mr. Karr has completed and passed his fire inspection.

**Application # 28-2023 Michael Goesele Short Term Rental Public Hearing**

Motion to open the public hearing on Application #28-2023:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

Secretary reads the public notice posted in the local newspapers.

There were (23) letters mailed to the surrounding neighbors and (18) returned.

Correspondence: UDC (Upper Delaware Council) report that Mr. Goesele's property does not fall in the river corridor.

Mr. Goesele goes over the management plan with the board.

No public Comment

Motion to close the public hearing on application #28-2023:

Motion: Laura Burrell                      Second: Jeff Spitz                      All in favor

Motion to make the Town of Highland Planning Board lead agency for SEQR:

Motion: Steve Bott                      Second: JT Vogt                      All in favor

SEQR Part (2) read by Michael Davidoff and completed by the board.

Motion for SEQR Part (2) will not result in any significant adverse environmental impacts:

Motion: Jeff Spitz                      Second: Laura Burrell                      All in favor

Motion to approve Application #28-2023:

Motion: Laura Burrell                      Second: JT Vogt                      All in favor

As per Code Officer BJ Gettel Mr. Goesele has completed and passed his fire inspection

**Application # 29-2023 Travis Steimle Short Term Rental Public Hearing**

Motion to open the public hearing on Application #29-2023:



Motion: Steve Bott            Second: Laura Burrell        All in favor  
Secretary reads the public notice posted in the local newspapers.  
There were (6) letters mailed to the surrounding neighbors and (3) returned.  
Correspondence: UDC (Upper Delaware Council) report that Mr. Steimle's property does not fall in the river corridor.  
Mr. Steimle explains to the board that he is the property manager, and when the home is being rented , he stays in Forestburgh.  
No public Comment  
Motion to close the public hearing on application #29-2023:  
Motion: Jeff Spitz            Second: Steve Bott            All in favor  
Motion to make the Town of Highland Planning Board lead agency for SEQR:  
Motion: Laura Burrell        Second: Steve Bott            All in favor  
SEQR Part (2) read by Michael Davidoff and completed by the board.  
Motion for SEQR Part (2) will not result in any significant adverse environmental impacts:  
Motion: Jeff Spitz            Second: Laura Burrell        All in favor  
Motion to approve Application #29-2023:  
Motion: Steve Bott            Second: JT Vogt                All in favor  
As per Code Officer BJ Gettel Mr. Steimle has completed and passed his fire inspection

**Application # 30-2023 Rebekah Wagley Short Term Rental**

Motion to open the public hearing on Application #30-2023:  
Motion: JT Vogt                Second: Jeff Spitz            All in favor  
Secretary reads the public notice posted in the local newspapers.  
There were (15) letters mailed to the surrounding neighbors and (12) returned.  
Correspondence: UDC (Upper Delaware Council) report that Ms. Wagley's property does not fall in the river corridor.  
Ms. Wagley goes over her management plan with the board. Ms. Wagley also provided the new insurance papers showing the rental coverage as requested by the board.  
No public Comment  
Motion to close the public hearing on application #30-2023:  
Motion: Laura Burrell        Second: JT Vogt                All in favor  
Motion to make the Town of Highland Planning Board lead agency for SEQR:  
Motion: JT Vogt                Second: Steve Bott            All in favor  
SEQR Part (2) read by Michael Davidoff and completed by the board.  
Motion for SEQR Part (2) will not result in any significant adverse environmental impacts:  
Motion: Laura Burrell        Second: Jeff Spitz            All in favor

Motion to approve Application #30-2023:

Motion: Jeff Spitz                      Second: Laura Burrell                      All in favor

As per Code Officer BJ Gettel Ms. Wagley has completed and passed her fire inspection.

**Application #26-2023 Alex Wise Special Use Permit Public Hearing**

Motion to open the public hearing on Application #26-2023:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

Secretary reads the public notice posted in the local newspapers.

There were (18) letters mailed to the surrounding neighbors and (13) returned.

Tammy Hunsberger appeared on behalf of the applicant. Mr. Wise is asking the board to place a pre fab garage on his vacant piece of property located on Lakeview Drive.

Ms. Hunsberger explains that the garage on their other property is too small to house their snow mobiles, mowers, etc. The garage will be the only structure on the property, and they will comply by the town setbacks, and there will be no electric or plumbing to the garage.

Public Comment:

Ryan Path resides at 7 Mohigan Lake Road. Mr. Path has lived at his residence and is opposed to this application stating that the town zoning will not allow an accessory building on a vacant piece of property unless there is a residence also.

Nancy Gilmour resides at 3 Mohigan Lake Road and is adjacent to the property in question. Ms. Gilmour is also opposed and agrees with Mr. Path.

Board Comment:

After looking at the plans and reviewing the setbacks, the board request that Mr. Wise submit a set of new plans by September 15, 2023, so they have a better understanding of the placement of the garage.

Michael Davidoff explains that in April 2021 the zoning to allow the applicant to obtain a special use permit if the board permits. The Planning Board does not trump the HOA ( Home Owners Assoc.) or Deed Rules when it comes to apply for the permit.

Motion to table the public hearing on application #26-2023 for September 27, 2023 at 6PM:

Motion: JT Vogt                      Second: Steve Bott                      All in favor

**Application #9-2023 Courtney Crangi & Shane Pearson Site Plan Approval Cannabis Public Hearing**

Motion to open the public hearing on Application #9-2023:

Motion: Laura Burrell                      Second: Steve Bott                      All in favor

Secretary reads the public notice posted in the local newspapers.

There were (23) letters mailed to the surrounding neighbors and (19) returned.

Correspondence: Michael Frey 46 River Road (No objection to this application)



Public Comment:

Joseph Kristt states that if this is the first application in regards to cannabis, do we want to set a precedent. The applicants do not have a license from the state yet. Christen Motel of Cuddy & Feder Law Firm explains that the applicants cannot obtain the license until the board approves the location of the business.

Again, the application was amended from retail to cultivation, processing, distribute. Therefore, the address of 3465 State Route 97 in Barryville, Tax ID # 27.-9-14 is now okay to have the cannabis micro-business, and falls within the parameters for site plan approval.

Julius Robinson owns property at 3512 State Route 97 in Barryville. He asks the board to read the NYS cannabis laws 123- 11A and should not address this application until the license is clarified by the state. The law is not clear and feels that it needs to be more direct on exactly what they are applying for.

With the laws changing daily Mr. Robinson feels it left to open and not specific. Christen Motel explains that the regulations of 123-11A can engage (1) license solely to cultivate and process.

Ms. Esposito Barryville NY wanted to clarify that the applicant is not asking for a retail business.

Andrew Valenti Airport Rd. Eldred asks what the difference between retail and wholesale are?

Christen Motel explains that the applicant can not sell the product from the premises, but can only distribute off site to a licensed retail facility.

Judith Kahn River Road Barryville has concerns if the lights that will be used will affect the community.

Courtney Crangi assures Ms. Kahn that lighting will not be an issue. The growing area is very small and the building is completely sealed.

Eve Fisher feels the business will be a great asset to the community and supports the application 100%

Sherri Kristt has concerns in regards to safety and security.

Gerard Finn asks that if they are applying for just cultivation and distribution, and the applicant decides down the road to become retail, will they need to come in front of the planning board for another site plan review? The board states yes.

Motion to close the public hearing on application #9-2023:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

The board will make no decision on the above application until they receive a response from the UDC and the County 239M.

They will also keep the Town consultant firm LaBerge updated on the progress.

Reschedule Application #9-2023 to be placed on the September 27, 2023 agenda.

Chairman opens the regular meeting at 7PM

Pledge to the Flag

Chairman states the minutes are being recorded

Secretary takes attendance.

Attendance:	Norm Sutherland	Present
	JT Vogt (co-chairman)	Present
	Jeffrey Spitz	Present
	Steve Bott	Present
	Tim McKenna	Absent
	Laura Burrell (alternate)	Present sits in T. McKenna
Board Secretary	Monica McGill	Present
Town Attorney	Michael Davidoff	Present
Code Enforcement	BJ Gettel	Present

Also, in attendance - Scott Reed (alternate)

Motion to approve the July 26, 2023 meeting minutes:

Motion: Jeff Spitz                      Second: Steve Bott                      All in favor

**Application #31-2023 Michael Tkachuk Short Term Rental**

Mr. Tkachuk owns a home at 143 Highland Lake Road. They purchased the home in 2020 and rents the home occasionally, but also uses for family and friends' gatherings. Mr. Tkachuk goes over his application with the board.

Motion to schedule a public hearing on application #31-2023 to be held September 27, 2023 at 6PM:

Motion: Jeff Spitz                      Second: JT Vogt                      All in favor

**Application #32-2023 Kevin Hesseltine Short Term Rental**

Mr. Hesseltine owns a home at 4 Martin Road. Mr. Hesseltine only rents the 2-bedroom home in the summertime.

Mr. Hesseltine goes over his application with the board.

Motion to schedule a public hearing on application #32-2023 to be held September 27, 2023 at 6PM:

Motion: Steve Bott                      Second: Laura Burrell                      All in favor



**Application #33-2023 Katherine Mango Short Term Rental**

Ms. Mango owns a home at 44 Woods Road. Ms. Mango’s husband Boris was in attendance, and states that the home is a 2-bedroom, 2-bath house.

Ms. Mango goes over her application with the board.

Motion to schedule a public hearing on application #33-2023 to be held September 27, 2023 at 6PM:

Motion: JT Vogt                      Second: Jeff Spitz                      All in favor

**Application #34-2023 Tom Kim & Jane Lee Short Term Rental**

Tom & Jane own a 3-bedroom, 3-bath home at 48 Pine Ayre Dr. Tom and Jane explain to the board that the entire home is a smart home that they can control with their phones. Tom & Jane go over their application with the board. The applicants are waiting on their insurance policy and should have the updated and active policy by the public hearing.

Motion to schedule a public hearing on application #34-2023 to be held September 27, 2023 at 6PM:

Motion: Jeff Spitz                      Second: Laura Burrell                      All in favor

**Application #5-2022 Camp Fimfo - Catskills (Kittatiny) Site Plan Review**

Chairman Norm Sutherland states that the NPS ( National Park Service) was invited to attend the meeting, but received no response.

In attendance tonight is Hayden Carnell from Keystone Assoc. representing the Town.

Mr. Carnell reads Part (3) of SEQR and discusses his recommendations to the board.

The secretary will post the report and comments on the town’s website.

The board will review the addendum, Keystone report , and Part (3) of SEQR.

The applicant will be added to the September 27, 2023 agenda.

**Application #7-2023 211 Mail Road LLC Site Plan Review**

In attendance on behalf of the town:

Scott Buchholz of Fusco Engineering

And on behalf of the applicant:

John Fuller Civil & Structural Engineer

Fusco Engineering was presented at the meeting tonight and the board will need time to review. (Please see attached)

211 Mail Road is currently listed in the town as a Hotel/Motel Restaurant. The hotel is (7) units, the motel is (20) units, a bar/lounge, a gym, and cabins.

The applicant is asking the board to allow a religious venue and construct (4) dormitories (32 bedrooms each), a 10,000 or more square foot multi use building, and a Mikva for ritual bathing.

Also proposed on the property located across the street, the applicants propose a (62) spot parking lot.

Mr. Fuller who is familiar with the property feels the current septic and water are adequate for this proposal. Perk tests have been completed, and Mr. Fuller will investigate whether wetlands exist. Mr. Fuller also states that the DOH (Department of Health) previously approved the existing septic.

Scott Reed asked how many patrons will each dorm room house? , and Mr. Fuller replied (1) patron per room, and that also helped calculate the septic usage.

Other concerns are the 30MPH speed limit, and the increase in traffic.

The board will review the report from Fusco Engineering, as well as giving Mr. Fuller time to review and respond.

Application #7-2023 will be scheduled on the September 27, 2023 agenda.

Motion to close the meeting:

Motion: Jeff Spitz

Second: JT Vogt

All in favor

Meeting adjourned



# FUSCO

ENGINEERING &  
LAND SURVEYING, D.P.C.



233 East Main Street  
Middletown, NY 10940

Phone: (845)344-5863  
Fax: (845)956-5865

*Consulting Engineers*

*Alfred A. Fusco, Jr.*  
*P.E. Principal*

*Alfred A. Fusco, III*  
*General Manager*

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August 21, 2023

Norman Sutherland, Planning Board Chairman  
Town of Highland  
4 Proctor Road  
Eldred, New York 12732

RE: 211 Mail Road  
Preliminary Review  
Town of Highland  
SBL 15-1-70.1 and 70.2  
Our file # HL-004

Dear Chairman Sutherland,

We have reviewed the material submitted to us by John Fuller, P.E., and are providing this review as the Town of Highland Planning Board Consultant.

Project: Applicant – John D. Fuller, P.E. for Yeshiva Ohr Shraga Veretzky  
Address: 211 Mail Road  
SBL: 15-1-70.1 and 70.32  
Zone: Agricultural – Residential – R2  
Request: Special Use Permit – Change of Use

Project: Hotel site with four (4) 5,800 square feet dormitories, one 800 square foot Mikvah, a 10,150 square foot multi-purpose building and additional use as a place of worship.

Material Reviewed:

Site Plan – John Fuller, P.E. 8/14/23 and memo for response  
Application  
EAF and Narrative  
Lalberge Group memorandum  
Memorandum of Law regarding case law for New York Law and (RLUIPA) Federal Religious Land Use and Institutionalized Persons Act of 2000

COMMENTS - SEAF:

1. Resolution intent to be lead agency to be sent out. Applicant included list of involved and interested parties.

COMMENTS – ZONING FOR BOND INFORMATION:

1. Under Chapter 190, Schedule 2, District Schedule of Use Regulations R2 District:
  - a. Hotel/Motel is listed as Special Use Permit and is required.
  - b. Multi-Purpose building is not specifically listed in R2 but is part of Hotel/Motel and part of Special Use Permit (SUP).
  - c. Place of Worship is listed in R2 and require a Special Use Permit from the Planning Board. This would also include the Mikvah, Religious Retreat, and religious education.

2. The above shows that this project can be considered by the Planning Board as a combination of Special Use Permits; mainly due to the Place of Worship designation and the New York State and Federal RLUIPA 2000 legislature. The Planning Board must determine carefully if the Place of Worship and religious education are the basis of the application.

We will, of course, make sure that the design and workmanship meets the requirements of the Town of Highland Code and the NYSBCC New York State Building Construction Codes and NYS Fire Codes.

#### COMMENTS – SITE PLAN REVIEW:

1. Provide percolation and deep soils tests results for the Mikvah Septic system design and in the reserve area that serves the dormitories. The testing that has been provided is seven years old, please provide percolation and deep soil testing within the 100% reserve area.
2. The existing reserve area and the proposed sanitary system will need witnessed soil testing by the NYSDOH.
3. Provide the soil type and soil classification in the areas of the proposed septic disposal systems.
4. The Multi-Purpose building will need to have water and sewer shown and included in calculations for usage for the convenience of whomever will be using the facilities.
5. Provide a diversion swale on the upper side of the proposed sanitary systems.
6. Indicate on the Typical Shallow Trench detail the amount of fill proposed.
7. Provide a note on the proposed septic tank details that an outlet filter is required to be placed on the septic tank outlet for an Eljen System.
8. In the Percolation Test Result box provide all the percolation data that was utilized to achieve the stabilized rate.
9. Please clarify the pump and storage calculations on sheet 4. Confirm that the calculated dose volume is consistent with the manufacturer's specifications (maximum dose volume = number of modules x 4 gallons per module + force main volume).
10. Please clarify if there will be any backwash from the water treatment center.
11. Indicate on the plan the location of the Eljen Vent, location and provide a detail.
12. The force main shall terminate in the distribution box with a tee or 90° elbow facing down.
13. The grading for the proposed septic system indicates almost four feet of fill to be placed on the lower end of the system, for this to be considered a shallow trench system the amount of fill cannot to exceed 25".
14. NYSDOH approval is required for water and sanitary systems.
15. NYSDEC SPEDES permit is required for sanitary systems.
16. Plans provided to the local fire department, awaiting comments.
17. The Highway Superintendent should review the proposed driveway location prior to approval, the driveway will need to be staked.
18. Escrow account required for inspections of public improvements.



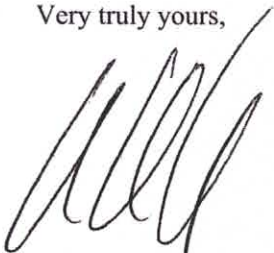
19. Stormwater Pollution Prevention Plan (SWPPP) is required.
20. Is there currently or a plan to use a loudspeaker system?
21. The lighting plan appears not to provide lighting across the entire parking lot and sidewalk areas, please revise.
22. Indicate the speed limit on Mail Road.
23. The proposed inverts of the culvert at the entrance to the new driveway have been excluded from S-11 please provide a larger window of this area.
24. The National Wetland Inventory mapping service usually indicates existing ponds and streams, we would ask that a wetland specialist walk the area of disturbance and provide the board with a letter stating that there are no Army Corp Wetlands located within the area of disturbance.
25. Fix name of Mail Road on sheet S-1.
26. Board comments.

Action:

Pleasure of the Board.

Please advise if you have any questions.

Very truly yours,



Alfred A. Fusco, Jr., P.E.  
Fusco Engineering &  
Land Surveying, D.P.C.

Cc: Town Clerk  
Building Department  
Michael Davidoff  
John Fuller, P.E.  
Alfred A. Fusco, Jr., P.E.  
BJ Gettel

August 16, 2023

Chair Norman Sutherland  
Town of Highland Planning Board 4 Proctor Road  
Eldred, NY 12732

Re: Northgate / Sun Communities  
Camp FIMFO Catskills  
Job # 2220488

Dear Chair Sutherland:

Please find enclosed the Applicant's response to the National Park Service (NPS) Substantial Conformance Review issued on June 26, 2023. For brevity, we have excluded portions of the NPS's conformance review where we do not object to NPS's opinion. In general, the Applicant finds that the NPS review is arbitrary and capricious for the following reasons:

- NPS mischaracterizes the existing campground throughout their analysis, referring to it as a tent campground when in fact the Kittatinny Campground is a Recreational Vehicle (RV) campground and has had Park Model RVs in place since 2018.
- There is a blatant disregard for the fact that the Town's Zoning Code was found to be in conformance with the River Management Plan (RMP).
  - The Town's Zoning Law includes definitions for RVs<sup>1</sup>. The proposed project complies with the Town's definition for RVs.
    - Notwithstanding this, the NPS has asserted their own meaning to RVs and is considering them permanent structures, which does not align with the RMP or Town's Zoning.
  - The Town's Zoning Law includes occupancy limits, density and parking requirements. The proposed project complies with these requirements.
    - Notwithstanding this, the NPS asserts with their review that the Town's supplemental regulations are inadequate despite their being in conformance with the RMP.
- The NPS does not acknowledge the aging infrastructure serving the campground or the current lack of stormwater management.
  - The project would replace grandfathered septic systems, improve grandfathered water systems and implement new stormwater management where currently there is none.

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<sup>1</sup> Town of Highland Zoning Section 190-7, Recreational Vehicle: A vehicular unit, 400 square feet or less at its largest horizontal projection and primarily designed as temporary living quarters for seasonal, recreational camping, or travel use, and which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home. A recreational vehicle shall not be designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use and shall not be inhabited in excess of 180 days per year.





- The NPS did not adequately review project information and claims that information was withheld or missing, which is untrue.
  - Methodology on tree clearing and impervious coverage calculations were provided in detail to the NPS and regulatory agencies. Clearing areas have been shown in the site plan set since Spring/Summer 2022. Figure EX-01, Coverage, was provided on 4/12/2023 to the NPS as well as other regulatory partners. This graphic shows clearly what is considered for impervious coverage. In the Applicant's April 12, 2023 response to NPS questions, a detailed response was provided on both subjects. In addition, the response was discussed in a meeting with NPS.
  - The signs proposed for the project are on Sheet LP104, which was provided to NPS via UDC on 8/19/2022.

NPS consistently obscures the RMP's Substantial Conformance review thresholds where they introduce new definitions and standards and ignore the relevant applicability of the Town's Zoning Law, which conforms with the RMP.

Furthermore, it is disingenuous for NPS to deny the Applicant the ability to improve and modernize an existing campground in line with market trends, when the NPS is considering similar opportunities for their own campgrounds.

The NPS engaged CBRE, a global leader in commercial real estate services and investments, in 2019<sup>2</sup> to "research the camping industry, to analyze the data and findings, and to proffer a campground modernization and rehabilitation strategy to support the Service's Second Century of Campgrounds."<sup>3</sup> On Page 56 (emphasis added),

***Moreover, campers value a wide variety of site types including full-service RV sites. Initiatives such as reinforcing existing roads, redesigning campgrounds allowing for wider roads and pull-throughs, longer pads, and buried electrical cables, water and/or sewer lines should support a variety of RVs while keeping the existing feel and aesthetics of NPS campgrounds.***

*Given the campsite or RV pad rental will be the revenue driver not retail or equipment rental sales, we recommend that park-level professionals evaluate the net benefits of these incremental offerings in their business case analyses.*

*As more, primarily younger campers are introduced to camping, the industry is poised to see some real changes. Glamping combined with Millennial campers seeking new experiences as well as attracting new campers to the industry suggest the current distribution of overnight accommodations to **shift with an increase in "cabin" and "other" and decrease in "tent" in the foreseeable future.***

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<sup>2</sup> Campground Industry Trends Report, CBRE, 2019. [ParkPlanning - CBRE Campground Trends Report \(nps.gov\)](#). Accessed 8/9/2023.

<sup>3</sup> Campground Industry Trends Report, CBRE, 2019. [ParkPlanning - CBRE Campground Trends Report \(nps.gov\)](#). Page 1, accessed 8/9/2023.



In 2020, CHM Government Services published the Campground Trend Analysis<sup>4</sup> for NPS, “to assist in understanding current and developing future expectations for camping services.” The NPS requested CHM Government Services to “develop a report that documents key concepts, factors, and variables for the NPS to consider during strategy development.”<sup>5</sup> Section 5, Campground Industry Overview Conclusion and Recommendations, states “the NPS recognizes that the double-digit growth rates in RV and Park Model shipments and Glamping revenue growth are all indicators of a market preferences for a diverse camping experience. The NPS should consider diversifying its campsite offerings as part of its campground strategy.”<sup>6</sup>

As shown in these two reports, the NPS is well aware that the camping lifestyle has changed and that campers desire a diversity of camping styles, with Park Model RVs included as such. As the NPS has acknowledged, Northgate’s campground has long been an economic generator and employment center for the area. To encourage and promote the prolonged existence of camping at this location, an increased diversity of camping facility types is necessary.

As acknowledged by NPS’s own consultant, CBRE, “initiatives such as reinforcing existing roads, redesigning campgrounds allowing for wider roads and pull-throughs, longer pads, and buried electrical cables, water and/or sewer lines should support a variety of RVs while keeping the existing feel and aesthetics of NPS campgrounds.”

If this is acceptable for NPS, why not for a private campground? In short, NPS’s attitude towards the Camp Fimfo project is at odds with their own strategies for meeting current camping market trends.

The following section discusses the NPS’s substantial conformance analysis (in *italics*). Please consider the Applicant’s response (in **BOLD**).

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<sup>4</sup> National Park Service: Campground Industry Analysis, CHM Government Services, January 10, 2020. [https://www.nps.gov/subjects/policy/upload/CHMGS\\_Campground\\_Trend\\_Analysis.pdf](https://www.nps.gov/subjects/policy/upload/CHMGS_Campground_Trend_Analysis.pdf). Accessed 8/9/2023

<sup>5</sup> National Park Service: Campground Industry Analysis, CHM Government Services, January 10, 2020. [https://www.nps.gov/subjects/policy/upload/CHMGS\\_Campground\\_Trend\\_Analysis.pdf](https://www.nps.gov/subjects/policy/upload/CHMGS_Campground_Trend_Analysis.pdf). Page 1, accessed 8/9/2023

<sup>6</sup> National Park Service: Campground Industry Analysis, CHM Government Services, January 10, 2020. [https://www.nps.gov/subjects/policy/upload/CHMGS\\_Campground\\_Trend\\_Analysis.pdf](https://www.nps.gov/subjects/policy/upload/CHMGS_Campground_Trend_Analysis.pdf). Page 27, accessed 8/9/2023





Principle F - Maintain existing patterns of land use and ownership.

Objective 1a: Limit housing density and intensity of uses with consideration to the existing character of the River corridor by:

- A. Proposed lots are a minimum size of 2 acres (with an exception for logical infill lots within Hamlets); or
- B. Other - explain.

Objective 1b: The following measures, if applicable, have been used to control density:

- A. If a cluster development, the overall density is the same as that which would result from the application of the prevailing minimum lot size for the zoning district.
- B. If applicable, for nonresidential uses, densities are based on an equivalent dwelling unit concept (tied to estimated sewage effluent).
- C. Impacts of certain isolated natural limitations (i.e. the Hawk's Nest Cliffs), if such limitations exist, have been considered in arriving at an appropriate minimum lot size for those remaining areas which are suitable for development.
- D. Other - explain.

Objective 2: Reinforce existing patterns of land use and private ownership by providing for similar allowed uses. Alternative techniques for accomplishing this are the same as those identified above.

*NPS Review Statement:*

*The proposal does not meet the criteria for Principle F, Objectives 1a, 1b, or 2.*

*The guidelines and the RMP do not provide a definition of land use or intensity of use. NPS interprets land use as how humans develop land for various purposes, including agriculture, residential use, and recreation; and land use intensity as the measure of the extent of human development on a given parcel.*

*Under Principle C, Objective 1, the guidelines provide the following measure to limit Intensive Use Recreational Facilities within Scenic Segments. The statement demonstrates the intent of the guidelines to interpret RV campgrounds as a more intensive use in comparison to tent campgrounds.*

*“Zoning districts which limit new recreational uses to low intensity activities (i.e. tent campgrounds vs. recreational vehicle parks)”*

*In comparison to a seasonal tent campground, the proposal significantly develops the site. The applicant will change the land use intensity at nearly every campsite by placing permanent concrete pads and parking spaces, installing permanent structures in the form of park-model RVs, and connecting independent sewer and water lines.*

*Potential impacts from the more intensive use may include negative changes to the character of the river valley and cumulative negative effects to the air and water quality, ecosystem*



function, and wildlife habitat. The proposed changes in the intensity of use of the campground, which do not maintain the existing character of the corridor or reinforce the existing land use pattern of the site, result in a failure of these objectives.

NPS does not concur with UDC's recommendation, instead finding that Principle F, Objective 1 and Objective 2 are not met.

Response: Principle C, Objective 1 described above is not applicable. The project site is not located in the scenic segment of the Upper Delaware River. It is located within the recreation segment. By implying that this objective applies, NPS is distorting the RMP and substantial conformance review.

The campground is not a seasonal tent campground, it is a seasonal RV campground. There are currently 48 RVs, including 13 Park Model RVs on gravel pads. Many campsites are also improved with gravel for parking. Parking is required at each campsite currently by Town zoning, and the campground complies.

By Town zoning and the RMP, concrete pads are permitted and individual pipes for water and sewer are permitted as these are not the same as individual wells and septic systems at each campsite.

According to the Town's Zoning Law, which was found to be in substantial conformance with the RMP, modifications to existing campgrounds are subject to supplementary regulations, including those meant to control density. The campground is subject to individual campsite occupancy maximums, group site occupancy maximums, and a density of eight site per acre. The project complies with this zoning requirement.

The regulations impose occupancy limits and state, "No campsite shall be occupied for more than eight consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite is to be used and occupied (except for occasional guests) for camping and recreational purposes." The project complies with this zoning requirement.

Park Model RVs are not manufactured homes as determined by the Federal Government's Housing and Urban Development agency. Per the Town's Zoning, RVs are required to be "maintained in a semi-transportable condition at all times, with the exception of required stabilization which may include blocks or levelers to stabilize while in its temporary position. Any action toward removal of wheels or to attach the recreational vehicle to the ground for permanent stabilization purpose is prohibited." The project complies with this zoning requirement.

The Town's zoning prohibits, "individual on-site sewage disposal," which means that separate septic system cannot be develop a for each campsite. This is different from having individual hook ups that pipe sewage to a centralized septic system. The project complies with this zoning requirement.

NPS's characterization of the individual hooks ups and 16 septic systems as individualized septic systems per campsite distorts the meaning of the Town's zoning and the RMP.





The campground currently uses portajohns and pre-existing non-conforming septic systems. The proposed new utilities will be a great benefit to the health of the local ecosystem. The addition of piping and Eljen systems, which are designed to the natural contour of the land, are a constructive change that is consistent with the purposes of the RMP and the State's Sanitary Law.

Project Review Criterion 3 – For Projects That Involve Recreational Uses

Objective 2a: Provide for the orderly development, operation and maintenance of campgrounds and recreational vehicle (RV) parks to limit adverse impacts on adjacent landowners and the surrounding environment by:

- A. Gross density is limited to a maximum of 8 sites per acre for recreational vehicle type camping or 10 sites per acre for tent camping; and
- B. A minimum of 10 acres of land is provided for a recreational vehicle campground and a minimum of 5 acres for tent campgrounds unless subjected to site plan review; and
- C. Permanent or long-term occupancy of any campsite is not proposed and no permanent structures or appurtenances are proposed on any individual campsite other than tent platforms and concrete pads; and
- D. No independent onsite sewage disposal or water supply systems are proposed for individual recreational vehicle campsites.
- E. Other – explain.

*NPS Review Statement:*

*The proposal meets Criterion A and B, however this objective requires all criteria be met. The overall area of the entire site is 223 acres. Gross density is calculated across the entire site, not strictly where the RVs and tent sites are located, therefore the overall site density for 335 campsites is 1.5 campsites (RV or tent) per acre.*

*The proposal will operate the park-model RVs no more than 180 days per year, however the park-model RVs will remain in place 365 days per year. The exception will be those seven RVs located in the 100-year floodplain, which could be relocated during a high-water event. NPS understands the RVs are certified for road travel and could be disconnected quickly, however the proposal effectively makes the 146 park-model RVs permanent structures, which does not meet Objective 2aC.*

*In addition, each of the 146 individual park-model RV campsites and 58 individual drive-in RV sites will have independent lines for sewage and water, which does not meet Objective 2aD.*

*NPS does not concur with UDC's recommendation, instead finding that Principle C, Objective 2a is not met.*

**Response:** The Town's Zoning was found to be in substantial conformance with the RMP. The Applicant has not been instructed to seek any variances from the Town's code so there is no question of conformance on this matter.





Park Model RVs on chassis with wheels are not permanent structures and are allowed by the Town's Zoning Law. If the Town's Zoning Law explicitly allows RVs in a semi-transportable condition, and the law is found to conform with the RMP, then the NPS's argument is not valid.

Currently, campsites feature heavily compacted dirt, which does not percolate and allows sheet flow of stormwater. In addition, there are currently parking spaces that are improved with gravel, which is considered impervious for stormwater drainage purposes. The proposed project includes new stormwater management practices for a site where currently there are none. As such, stormwater management will be improved with the project and the addition of concrete slabs at some locations is not an adverse change from an ecological standpoint.

The individual piping connecting the Park Model RVs to well water and the septic systems is not the same as individual septic systems or water supply systems on each campsite. This change is de minimis especially considering that the alternative of continuing a large use of portajohns and aging pre-existing, non-conforming utility systems.

#### SCHEDULE OF USES COMPARISON

*The applicant intends to operate the park-model RVs for no more than 180 days, however they will leave the RVs on-site year round. Thus, NPS concludes the RVs will be permanently or semi-permanently affixed to the sites, although not in use, which changes the use from an RV Campground to an RV Park Intended for Non-Transient Use. The RMP does not further clarify how to interpret RV Parks Intended for Non-Transient Use.*

*The proposal also includes updating existing and adding new amenities, including swimming pools and sports courts. Considering the size and scope of the project, the proposal approaches the definition of a Major Commercial Recreational Development, which is an incompatible use in all river segments. This analysis acknowledges this site has served the community and the tourism economy as a campground with amenities since 1941, predating the establishment of the River Management Plan. Although this proposal will impact the land and water resource values of the corridor, this proposal does not rise to the level of impact of the examples of Major Commercial Recreational Development provided in the RMP (e.g., amusement park, sports arena). Thus, NPS determines RV Parks Intended for Non-Transient Use is the most appropriate definition of this facility and concludes the use falls within the Intensive Use Recreational Facility category, which is appropriate in Recreational Segments with Special Use approval and is a compatible use within Hamlets.*

**Response:** According to the Town's Zoning Law, which was found to be in substantial conformance with the RMP, the RVs currently used on site and proposed in the project, comply with the Town's Zoning Law. The Federal Government has determined that Park Model RVs are not manufactured homes, which means they cannot be regulated as permanent structures. Per the Town's Zoning, RVs are required to be maintained in a semi-transportable condition at all times. The project complies with this zoning requirement.

In the above schedule of uses comparison, the NPS arbitrarily subjects the project to a comparison the RMP defined Major Commercial Recreational Development. There is no need



to question the definition ascribed by the RMP to the project. The project is very clearly defined as, "Recreational Vehicle Parks Intended for Non-transient Use – A site or facility operated in the manner of a campground, where the individual lots, tracts, parcels or other divisions of land are permanently conveyed, leased on a long-term basis or the recreational vehicles are otherwise permitted to remain permanently or semi-permanently affixed to an individual site for extensive periods of time whether used or not."

The NPS has a responsibility to conduct their review with integrity. To refer to a land use definition that does not apply to the project is misleading and does not serve the intent of the RMP. Furthermore, the Town's regulations substantially conform to the Plan. The project does not require a special use permit from the Town and the existing use, proposed to be continued, is permitted by the Town as designated by zoning.

Principle A - Maintain the high water quality found in the Upper Delaware River

Objective 1: Soil erosion and sedimentation from construction on steep slopes is limited by one or more of the following measures:

- A. The project does not involve slopes over 15% in grade; or
- B. The project meets the town or township's conditional use/special use permit criteria for projects involving slopes over 15% in grade; or
- C. A stamped plan has been prepared by a licensed Professional Engineer for projects involving slopes over 15% in grade and submitted as part of the development application; or
- D. For projects on sites containing slopes over 15% in grade, lots are larger than 2 acres; or
- E. All principal structures, with exceptions for agricultural and forestry uses, gardens, and the like, are located on slopes of less than 16% grade; or
- F. No more than 10% of any lot characterized by slopes in excess of 15% in grade is built upon, covered with an impervious surface, regraded or stripped of, at any one time, vegetation, with the exception of agricultural uses, forestry uses, gardens and the like.
- G. Other – explain.

*NPS Review Statement:*

*The proposal meets Criterion C and D. The project will involve work on slopes greater than 15% and the plans for that work are stamped by a professional engineer. The overall lot size is 223 acres, meeting the 2-acre requirement.*

*NPS notes that the applicant cannot remove trees without a permit in the special concern area within the corridor. As defined by the Town of Highland Code 190-52, this area is the "Vicinity of the termination of R1 Zone west of Barryville to the vicinity of Beaver Brook."*

*NPS does not concur with UDC's recommendation that Criterion E is also met, due to the placement of the park-model RVs throughout the site. The following is a discussion of why this criterion is unmet. Disagreeing on this criterion does not result in a failure of the objective due to the flexibility of the RMP to utilize one or more of the measures to meet the objective.*

*The RMP provides the following relevant definitions:*





- *Principal Structure* – The dwelling unit or primary commercial building.
- *Dwelling Unit* – One or more rooms designed, occupied or intended for occupancy as separate living quarters with cooking, sleeping and sanitary facilities provided for the exclusive use of a single-family maintaining a household.

*This analysis considers park-model RVs as dwelling units because they have separate living quarters with cooking, sleeping, and sanitary facilities. This determination is supported by the applicant's submission to the Delaware River Basin Commission (DRBC), wherein the applicant refers to converting 283 campsites to "new types of temporary dwelling structures, which are Recreation Vehicle Industry Association (RVIA) units."*

*Considering most of the campsites will be upgraded with park-model RVs, the RVs appear to be the cornerstone of the applicant's business model. NPS concludes these RVs are a primary commercial building for this proposal, therefore this analysis will treat the park-model RVs as principal structures.*

*NPS disagrees with UDC's finding that Criterion E is met given the presence of the RVs on slopes throughout the property.*

*NPS notes the DRBC submission states the applicant will eliminate only 3 campsites, reducing overall sites from 342 to 339, and update 283 sites with temporary dwelling units. These numbers exceed those on the proposal submitted to UDC and NPS. A future submission would benefit from clarification and clear delineation of what is proposed on each campsite.*

*NPS concurs with UDC's recommendation that Principle A, Objective 1 is met.*

**Response:** Though the NPS concurred with UDC that Objective 1 is met, the Applicant appreciates the opportunity to set the record straight.

The Park Model RVs are for seasonal use and do not constitute a household. The persistent mischaracterization of these camping units as permanent structures is not aligned with definitions in the RMP or the Town's Zoning Law. NPS contrives to strengthen its argument against the Park Model RVs by manipulating definitions of dwelling units and principal structures. The Park Model RVs are not the principal structure. There can only be one primary commercial structure, and this is the Welcome Center, which is not located on a slope of greater than 16%.

The project has been under review by the Town of Highland since March of 2022. During this time, no code enforcement officer nor any other Town representative (e.g., consultant), has applied the Town's supplementary zoning regulation 190-52 to the project. Therefore, this Zoning Section does not apply to the project.

Figure SA presents the 0 - 15% slopes and the 15% and above slopes. As shown, the existing campsites and roadways are developed within areas of 0 - 15% slope. Areas with greater than 15% slope, are generally avoided with the exception of areas proposed for road widening for emergency services. The relocated campsites in the mountainside area are also located on less than 16% slopes.





The NPS claims that the Applicant is changing the project substantially so that reviewers are subjected to a shifting scheme. This is not true. It is not uncommon for projects to be modified over the course of review as detailed design allows for greater certainty. As described above, the first submission to the UDC stated that there would be 335 campsites. It was determined later that this number would be changed to 339 campsites. The difference is 4 campsites, which is de minimis.

The NPS has a responsibility to conduct their review with integrity. To refer to this minor change in a manner that suggests a great discrepancy between numbers is misleading and does not serve the intent of the RMP.

## QUESTIONS TO GUIDE REVIEW OF SIGNIFICANT PROJECTS

### Land Management

#### Questions

1. Will the project detract from or degrade the unique landscape characteristics (aesthetic or functional) of the Upper Delaware River corridor?

*NPS Review: In comparison to a seasonal tent campground, the proposal significantly develops the site. Several park-model RVs are already visible from the river. The proposal indicates the applicant will minimize cutting of vegetation and will replant, including larger trees where possible to provide a landscaped or natural buffer. Nevertheless, the reality of a transient tent camping site shifting to a majority park-model RV site, with permanent structures, will adversely impact the traditional land use and aesthetic of the corridor, especially if this project serves as an example for future projects.*

**Response:** The existing campground is not a seasonal tent campground, it is a seasonal RV campground. As NPS states, there are currently Park Model RVs on the south (water) side of Route 97. These RVs are visible from the River because this area is cleared for River access and at a more similar elevation to that of the River. The campsites being improved with Park Model RVs are in an area with trees that are 40 – 60 feet in height. The structures are only single-story. The tree clearing for the project is generally needed for roadway widening to support emergency services and utility installations. The majority of campsites are already cleared. The Park Model RVs are not permanent structures and will not result in degradation of the unique landscape characteristics of the corridor.

2. Does the project protect, encourage, or promote the continuation of traditional land and water uses that existed at the time the Final River Management Plan was adopted?

*NPS Review: The proposal does not maintain the existing character of the corridor or reinforce the existing land use pattern of the site. The applicant will change the land use intensity at nearly every campsite by placing permanent concrete pads and parking spaces, installing permanent structures in the form of park-model RVs, and connecting independent sewer and water lines.*



*Although the project states it seeks to maintain the existing use of a campground, the camping experience the applicant will provide is more like staying in a cabin than camping in a tent. The result is a fundamentally more intensive use than the primitive tent camping that has occurred on the site for 80 years. In addition, installing permanent infrastructure on the landscape violates objectives put forth in the final RMP.*

**Response:** Yes, the proposed project will protect, encourage, and promote the continuation of traditional land and water uses. Lifestyle trends have changed over the 80 years that the campground has been in place. The prior owner recognized this and was first to introduce Park Model RVs on the river side of Route 97. Today's camper is more interested in glamping and other types of camping, then in traditional tent camping. This is well proven by market trends.

The majority of the project site is zoned for single-family residential use with minimum lot sizes of two acres. If the site were to be developed with single-family homes, each one of these lots would theoretically be cleared for front, back and sides yards, driveways, septic systems and wells. The overall tree clearing would greatly exceed the 14 acres required for the proposed project. Conversely, the proposed project will revitalize a deteriorating campground in line with Town's and County's public policy to support recreational and camping use of the River area.

3. If the project involves a use that was not specifically addressed in the Schedule of Compatible, Conditional, and Incompatible Land Uses or in the Definitions in Section 5, is that use similar to other uses considered Compatible with the river corridor classification (Scenic, Recreational, or Hamlet area) and is that use consistent with the Principles and Objectives of the Land and Water Use Guidelines?

*NPS Review: As previously stated in Part 1, the proposed use creates an RV Park Intended for Non-Transient Use, which was not included on the original schedule of compatible uses. This analysis treats that use as an Intensive Use Recreational Facility, although the size and scope of the proposal approaches the definition of a Major Commercial Recreational Development. An Intensive Use Recreational Facility is compatible in hamlets and appropriate as a special use in Recreational segments. Major Commercial Recreational Facilities are incompatible throughout all segments.*

*As the park-model RVs are considered dwelling units, this use could be defined as a motel based on the RMP definitions. If the motel use category applies, the project would be non-conforming within Recreational Segments where only small hotel/ motels (not exceeding 12 units) are compatible. All other hotels/motels are incompatible in Recreational segments. All hotels/motels are compatible uses in Hamlets.*

**Response:** The RMP defines the project as an Intensive Use Recreation Facility. Therefore, referring to the proposed project as a hotel/motel is extremely misleading and contradicts the rational review process put in place by the RMP.





4. Will the project have an adverse impact on the visual character and traditional land use pattern of the affected segment of the river corridor, whether Scenic, Recreational, or Hamlet?

*NPS Review: Based on the answers noted above, yes the project is likely to have adverse impacts on both the visual character and traditional land use patterns of the corridor. Potential impacts from the more intensive use may include negative changes to the visual character of the river valley and set a precedent for changing land use patterns across the entire corridor.*

**Response:** The single-story Park Model RVs will be located on campsites previously cleared. There is a significant change in elevation from the River to upland areas. Tree canopies range between 40 – 60 FT with deciduous and evergreen trees. The visual simulation provided to NPS and regulatory agencies shows that beyond Route 97, views will be significantly buffered by changing topography and natural vegetation. The majority of tree clearing is for road widening, which is primarily being undertaken to enhance emergency services access to the campground.

#### Water Resources

#### Questions

4. Does the project produce discharge that may increase the river or tributary's pollution or sediment load?

*NPS Review: The proposal will not result in direct discharge into the river or its tributaries, however the additional wastewater systems will discharge into the groundwater. The addition of these sixteen new septic systems, with a five-fold increase from 6,300 to 29,080 gallons of wastewater per day, could result in ecosystem pollution that impact the river or tributaries in the future.*

**Response:** The NPS does not acknowledge in their comparison the aging infrastructure and use of portajohns. The NPS has provided no rationale of how the 16 septic systems could harm the ecosystem.

Under today's standards, if the campground were built with tent sites only, it would require a wastewater design to account for at least 18,810 GPD and that does not count the check in facilities and other amenities. Therefore, the 'five-fold' increase is misleading and the comment is not rational. Furthermore, the septic design uses Eljen Geotextile Sand Filter Systems. The Eljen system provides a higher level of treatment than traditional leach lines or absorption beds further protecting natural resources. In addition, the area needed for Eljen systems is smaller reducing the number of trees that will need to be removed.

If the site were developed with typical residential development, septic design would likely use typical leach line septic systems, which do not provide the same standard of treatment.

The systems designed for this project are designed and permitted under the purview of NYSDEC and NYSDOH. In fact, these septic systems will receive far greater scrutiny than those that could be developed for single-family homes, should the campground be





redeveloped as a single family development. At campgrounds, the NYSDOH makes annual visits to ensure systems are working as designed. Finally, the campground is in operation only part of the year, which greatly diminishes the overall amount of wastewater.

8. What will be the cumulative impact of this project on water resources in the river corridor?

*NPS Review:* Unknown. The additional septic systems and large increase in wastewater discharge could have a cumulative negative impact on the ecosystem.

**Response:** The improved and modernized septic system replacing an aged system and heavy use of portajohns is more protective of the environment. The Eljen septic system provides a higher level of treatment than traditional leach lines or absorption beds further protecting natural resources. The NPS ignores the project's implementation of stormwater management practices where currently there are none, which will improve water quality.

#### Cultural Resources

#### Questions

4. Is there a management action which can be taken to upgrade the protection, rehabilitation or interpretation of this site that is within the scope of this proposal?

*NPS Review:* The Tribal Historic Preservation Offices (THPOs) with ancestral ties to this area were not consulted as part of this submission. Protection of the site would be upgraded through consultation with the THPOs to understand the history and importance of the land.

**Response:** The New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) was consulted on the project. Per Directive HP-POL-005, NYSOPRHP will support coordination with THPOs via various methods to conform with Section 106 and 14.09 reviews, under which the project was reviewed. As such, if NYSOPRHP directed the Applicant to consult with the Tribes, consultation would have been undertaken. No such directive was made by NYSOPRHP. The Applicant surmises this decision by NYSOPRHP was sound and based on rational guidance.

5. What will be the cumulative impact of this project on cultural resources in the river corridor?

*NPS Review:* Per the NYSHPO, a No Effects finding was issued for this proposal, however as previously pointed out the THPOs were not consulted. Also the archaeological analysis conducted throughout the site met the bare minimum requirements and was not all-inclusive. The cumulative impacts will, at best, have not effect, though more information would be helpful to increase confidence in that conclusion.

**Response:** The NPS has not described how they determined that the archaeological analysis was not all-inclusive. NYSOPRHP had specified no criticisms of the analysis and is responsible for ensuring no significant adverse impacts in line with the various State permits and approvals that are required for the project. Comments related to THPO involvement are noted above.



## Fish and Wildlife Resources

### Questions

3. Will the project restrict uses of available land for camping, hiking or photography?

*NPS Review: The type of camping at this location will change. With tent or personal RV camping, the landscape returns to its existing condition upon the campers' departure. The permanent installation of park-model RVs will fundamentally change the landscape and reduce the ability of more "traditional" or primitive tent campers to experience the area.*

*The permanence of infrastructure will also impact the scenic qualities of the area, which may impact scenery and photography opportunities.*

**Response: The Park Model RVs are not permanent structures as defined by the RMP or the Town's Zoning Law. As such, there is no permanent restriction of available land.**

## Threatened and Endangered Species

### Questions

1. Will the proposed project affect the habitat of any state or federal threatened or endangered species or species rare in the river corridor?

*NPS Review: The proposal will clear 14.6 acres of forested habitat for the northern long-eared bat, and be in close proximity to known bald eagle habitat. Construction will impact the habitat for both the bat and bald eagle communities in the area.*

**Response: The NPS offers no substantive basis for their claim and did not review project information provided to them. In fact, the NYSDEC reviewed the project relative to potential impacts to the Northern Long-eared Bat and Bald Eagle species and stated in a May 2, 2023 email, "Based on the information provided, no impacts to bald eagles would be likely from the project, and an incidental take permit is not needed." Tree removal will occur during the inactive season for the bat, from October 1 to March 31, so that no significant adverse impact to bats will occur.**

## Unique Land Resources

### Questions

3. What will be the cumulative impact of this project on unique land resources in the river corridor?

*NPS Review: The proposal does not maintain the existing character of the corridor or reinforce the existing land use pattern of the site. Although the project states it seeks to maintain the existing use of a campground, the camping experience the applicant will provide is more like staying in a cabin than camping in a tent. The result is a fundamentally more intensive use than the traditional primitive tent camping that has occurred on the site for 80 years. In addition,*





*installing permanent infrastructure on the landscape violates objectives put forth in the final RMP.*

**Response:** The NPS is confusing the existing condition of the campground again. The campground is an RV campground, not a tent-only campground. The RMP allows Intensive Use Recreational Facilities in this location which are permitted to remain on an individual site for extensive periods of time whether used or not. The project will not significantly alter landforms or landscape features around and on the River.

## Recreation Resources

### Questions

2. Will the proposed development create additional recreational conflicts in the river corridor?

*NPS Review: The RMP shares the intent of the Water Use Program (pg 91) is "...to provide facilities which meet basic needs and which are, for the most part, informal, relatively small, and in keeping with the natural, scenic, and rural character of the area. It is not the intent to provide large, highly developed recreational support facilities."*

*The proposal does not maintain or conserve the essential character of the corridor, as it violates the intent of temporary or transient use by permanently installing RVs and utility infrastructure on the landscape. The park-model RVs may offer a new subcategory of camping experience, however that new use is incompatible with maintaining the "natural, scenic, and rural character" of the corridor given the size, scale, and intensity of the proposed renovation.*

**Response:** The NPS response to this question is insubstantial. The project will not introduce additional campsites and there is no change to in-river operations. In fact, the project will improve river access for campers by providing dedicated parking area, including accessible parking on the River side greatly reducing pedestrian crossings of Route 97. Furthermore, the implementation of stormwater practices will improve river water quality. Finally, the Applicant has demonstrated their understanding of and ability to respond to major flooding events and overall river safety issues in their flood evacuation plan.

4. Are appropriate actions being taken under the proposed development to minimize or repair riverbank erosion problems or will the project create additional riverbank erosion problems?

*NPS Review: Increased recreational users would create more erosion, however the current plan does not include projections of nor mitigations for increased foot/livery traffic.*

**Response:** The project implements stormwater management practices where currently there are none. This is the first stop prevention technique for minimizing erosion and controlling sediment runoff. There have been no complaints of erosion along the riverbank at the project site. It is disingenuous to assert there are riverfront erosion problems with no data to support this claim and to ignore the stormwater management practices engineered for the site per the NYS Stormwater Management Design Manual.



6. What will be the cumulative impact of this project on recreational resources in the river corridor?

*NPS Review: The cumulative impact of this proposal is negative on the traditional character of the corridor. The proposal does not keep with the intent of the RMP as this facility will be large, formal, and providing above and beyond camping needs through permanent cabin-like dwelling units with individual sanitation facilities as overnight accommodations.*

*NPS acknowledges the park-model RVs may offer a new subcategory of camping experience, however that new use is incompatible with maintaining the natural, scenic, and rural character of the corridor given the size, scale, and intensity of the proposed renovation.*

**Response: The Park Model RVs are not permanent structures and they are not new at this campground, they already exist. There are no additional campsites proposed. The water amenity area is for campers only. There is no change to the river operations. The campground is a seasonal operation.**

The cumulative impact of this project is that an aged campground will be modernized and brought to 21<sup>st</sup> century status, which will enable the community to continue to be known for camping and river rafting as it has been for decades.

Respectfully submitted,

LaBella Associates

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