



BROWN | WEINRAUB

December 13, 2022

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

*RE: Northgate / Sun Communities
Camp FIMO Catskills
Job # 2220488*

Dear Chair Sutherland:

Brown & Weinraub, PLLC provides the following supplemental information to respond to the comments raised by the Planning Board and members of the local community at the Public Comment Sessions held on September 28 and October 26, 2022 as well as written letters received by the Town through September 28, 2022.

Comments were reviewed and are summarized below with responses provided. Similar comments have been grouped together and are summarized by topic.

Plans for Future Development

Comment 1: · It's come up a question to regarding the phases so it has been in our codes that if you do have additional phases that the expectation is that you will present those phases to us at this particular time. So, talk about very specifically what your phases are and if you're not planning on having phases.

Response: There are no plans for future phases of the project or plans to expand the project to adjacent properties. References to "phases" have to do with construction phasing only. Construction phasing is necessary to ensure that each step in the development process happens in the proper order to ensure efficiency, reduce the total duration of the project and prevent waste.

Comment 2: · FIMFO says that estimated water usage will be 25,000 gallons per day (gpd), and yet the project is designed for 40,000 gpd. Is FIMFO anticipating additional future expansions for which it is planning and preparing? If so, what are they? It is important that any approvals given today are based on an understanding of the full plans FIMFO has for the site. Absent full information, no government entity or agency should be granting approvals for this project.

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Response: *What is before the Planning Board as the project is the project. There are no further development plans. Additionally, the statement is inaccurate and there seems to be some confusion regarding estimated water usage and projected wastewater flows. All water used will not become wastewater and will not be discharged to a wastewater treatment system.*

The Wastewater Flow Confirmation letter, which has been submitted to and accepted by NYSDOH, states that the estimated wastewater flow from the total site will be a peak of 29,080 gallons per day. The computation for this flow rate is provided in the attached table(1). In general, it is based on a total (both existing and proposed) of 230 camp sites with sewer and water hook-ups. Per NYSDOH and NYSDEC, the water and wastewater for sites with full sewer and water hook-ups should be computed at 100 gpd/campsite. For the total of 230 sites, this accounts for 23,000 gpd.

The remaining wastewater flows of 6,080 will be generated by the laundry room, food and beverage area, bathrooms in the Adventure Center, backwash from the pool filtering system and existing bathhouses.

It should be noted that the site already has six on-site septic systems with a total design capacity of 6,300 gpd. These systems are included in the total 29,080 gpd.

The water consumption was preliminarily estimated not to exceed 40,000 gpd, to be conservative and ensure that the water supply and treatment systems were appropriately sized. Examples of potential water use that will not generate wastewater that will be directed to the WWTS include water used to "top off" the aquatic center amenities (water is lost through splashing, evaporation, etc), water discharged from water spigots onto the ground, water used for landscaping or exterior cleaning activities, etc. The actual water usage will likely be closer to a maximum of 30,000-32,000 gpd, on peak, full occupancy conditions.

Comment 3: · What legal limitations will FIMFO be placing on the undeveloped portions of the site to give assurance to the community that what is proposed and approved today is the full expected development planned for the site?

Response: *The Applicant will adhere to what is being presented to the Planning Board as the project.*

Comment 4: · Why is FIMFO proposing significantly more parking than it says it needs? Is this to accommodate future development? Or additional traffic should FIMFO decide to open up the swimming and mini golf facilities to the public?

Response: *The Applicant provided additional parking for non-camping overflow parking such as tubing and rafting. As a mitigation, however, the Applicant will reduce the number of parking spots to be compliant with the Town Code and Town Planning board requirements.*

342 to 339, with 283 existing sites to be converted and upgraded and 56 of the existing sites to remain in their current configuration. Once completed, the proposed model allocation of the camp is expected to be as follows, which may change based on customer preference:

**PROPOSED CAMP SITE TYPE
UNITS**

PROPOSED CAMP SITE TYPE	# UNITS
STANDARD PARK MODEL	61
MEDIUM PARK MODEL	36
SMALL PARK MODEL	49
ROTATED SMALL PARK MODEL	2
TREE TOP CABIN	9
AIRSTREAM	4
BIVI CABIN	46
STANDARD SAFARI TENT	6
FAMILY SAFARI TENT	3
TENT/POPOP CAMPER	0
TENT	9
PREMIUM BACK-IN RV	35
STANDARD BACK-IN RV	23
TOTAL PROPOSED	283
EXISTING CAMP SITES TO REMAIN	56
TOTAL CAMP SITES	339

Once completed, these sites will have a maximum total occupancy of 2346 campers, representing an 18% reduction from the camp's current maximum total occupancy.

Importantly, the revised maximum total occupancy is based on the total possible occupancy for each unit. It is the Applicant's experience, however, based on operating similar camps in other locations, that Park Model RVs are rarely filled to their maximum capacity. Instead, the typical Standard Park Model RV, which has a maximum capacity of 10, generally only actually accommodates 4-6 campers. Thus, while the proposed 61 Standard Park Model RVs can technically accommodate 610 campers, it is expected that even when fully booked, these units will only actually house between 244 and 366 campers.

Accordingly, the Applicant reasonably expects that in addition to reducing the maximum total occupancy of the camp by 18%, that the reduction in actual total occupancy, even at peak season, will be even greater than 18%.

Comment 4: · · You talk about the different amenities, for example the pool, the mini-golf course. If you're going to offer the amenities it should be offered to people who are living here. So, whether that's access to the pool, golf course, etc. to really think about that.

Response: The Applicant will limit admission to the Camp to registered campers only. In order to take advantage of the Camp's amenities, any person entering the Camp must be a registered

Mountain Coaster

Comment 1: · Will you agree never to build the mountain coaster?

Response: The Applicant has withdrawn construction of the Mountain Coaster from the project and has no plans to build the Mountain Coaster in the future. In addition, the Applicant is making improvements to existing campsites which will include areas previously designated for the Mountain Coaster.

Effect of Water Use on Neighboring Wells

Comment 1: · I think we all have a concern about the water in areas where we had a drought this summer. We had very little rain and we're all concerned about that, of where the water will come from. I want something very clearly to say that there will be positively no impact to anybody else's well and that I would actually encourage you, if there is impact to wells, that it is known it comes from yours, that you are going to pay for that. Why should somebody, private homeowner, have to pay out of pocket to dig 300 ft deeper when it's not their problem to do so.

Response: A hydrologist has been hired by the Applicant to provide a report on the wells and impacts to neighboring wells. This report will be delivered to the Planning Board in early December.

Occupancy Rates, Hours of Operation, Public Access to Amenities, Safety and Security

Comment 1: · Layout very clearly the hours of operation. Specifically, how it looks in season, I know you did talk about the months of operations April to October open, October to April closed, but during the April to October months, what your hours of operation will be for each part of it.

Comment 2: · What are the months of operation for the RV and glamping sites? Given the new infrastructure being built to support them, they seem to be designed for year-round use.

Response: Camp Fimfo expects to begin its season during the first week of April and to close on or about October 31st. Depending on the variability of weather and winterization efforts for park models and bathhouses the property plans to have an 8-month season. The enforced quiet hours at the camp are 10:00 p.m. - 8:00 a.m. daily.

Current recreation activities are 9 AM to 6 PM which includes river operations, zip line, and paintball. The Welcome Center will operate 7 AM to 11 PM peak weekends and 8 AM to 8 PM weekdays.

Comment 3: · What is the camp going to look like and the number of overnight guests.

Response: In its current iteration, Camp Kittatinny features 342 campsites, the majority of these sites are tent sites or vacant RV sites with RV hookups. Camp Kittatinny's current maximum total occupancy is 2838. Camp FIMO proposes to reduce the overall number of campsites from

camper assigned to a specific campsite. When the Camp is not operating at maximum occupancy and there are available campsites, the Camp plans to make day camp passes available. Each day camper reserves a campsite and day camp passes for any specific campsite will not exceed the occupancy for the specific campsite assigned.

Comment 5: · So, when we talk about safety, let me preface this with saying, I have asked a couple different times for a very specific breakdown of staffing pattern, I have not seen that yet, but very specific that includes security. One person at ten at night until 8 in the morning is not enough. So, a security personnel that are going to be managing the correct size of the people that are going to be there throughout the heavy season so certainly what that's going to look like from Friday to Sunday and also what that's going to look like then on the slower side Monday to Thursday.

Response: The Applicant is an experienced camp operator with almost 30 other camps of varying sizes under its management. The Applicant will ensure that sufficient staff is available to meet all of its needs including security, as it does at each of its facilities. In broad strokes, the Applicant plans to retain our current 18 year-round full and part-time staff members, rehire our existing 52 seasonal full-time equivalent staff members and create an additional 30 seasonal full-time equivalent positions.

The staff preemptively monitors the safety and security of the camp guests through mobile/foot patrol and a stationary post. The Applicant contracts with Cintas to continually monitor first aid and safety equipment ensuring proper supplies are in stock and equipment is in working order. The campground is backed by the Northgate home office team to prepare all incident reports that may be required for the safety and security of the guests. The Northgate home office team conducts monthly safety meetings and annual inspections to ensure compliance with corporate protocols. The leadership team at Northgate will ensure constant communication with local fire and rescue to ensure safe operations in case of incidents, evacuations or other emergency services. As development and permitting continues to evolve, the Applicant will construct a security plan that encompasses the number of staff, posts through the property including a check-in building, safety touch points for nightly inspection, and timing of rounds via foot or by vehicle. The security staff will be employed as employees of the Applicant.

Comment 6: · In talking to volunteer ambulance squad, the one thing that would really prohibit them, or have difficulty with them reporting to an actual incident that happened is that they need to have an EMT that is on route for the ambulance to actually respond. So, from your busy hours Friday to Sunday and then your off hours so they have the coverage so that when there is a drowning, a crisis, an emergency etc. that you have the required staff that is there to respond quicker and to allow the emergency department to roll. Now that goes back to the staffing pattern, so then breaking down all of the staff.

Response: The Applicant has developed a resource website which documents various safety protocols for the Camp. These safety protocols are currently being utilized at the Camp and will be provided at Camp FIMO. Select leadership staff are trained to provide immediate response

to emergency situations, including, but not limited to, confined space environment awareness, hazardous material incidents, fall from heights, and other workplace safety and risk initiatives. Select staff is also trained and prepared to assist guests and employees in need of medical attention, while awaiting the arrival of emergency medical personnel. They are trained to perform basic life support within the scope of their training such as cardiopulmonary resuscitation (CPR), administering AED procedures and preparing an incident scene for proper authorities. The Applicant will also provide an ATV or a UTV with the capability to carry a stretcher.

Comment 7: · Also just address the odors that are going to happen. You are going to be adding more food, services to which you have, people are going to continue to cook on campsites.

Odors on site will be controlled by appropriate waste management. The Camp's refuse management will be processed through an onsite trash compactor contracted through Waste Management. The current smell of campfires and barbeques will continue with Camp Fimfo Catskills. Additionally, although the original plans called for a food and beverage building, that plan has been changed and the building will now be repurposed for arts & crafts. The Applicant is not adding campsites so the odors generated should be no more than what currently exists.

Comment 8: · Please provide your maintenance and upkeep schedule of buildings and property.

Response: Camp Fimfo is committed to providing a clean and safe environment for all campers and the community. There will be staff assigned to both cleaning all buildings, Park Model RVs, and maintain the grounds in a workmanlike manor. Additionally, Camp Fimfo will continue to lead the annual clean-up of the Delaware River in the Town.

Traffic, Bridges & Pedestrian Safety/Signage

Comment 1: · So, to talk about the traffic impact, I think it has to go to the traffic impact from Port Jervis to Barryville and from Bethel to Barryville and the impact it is going to have on that single lane road. Probably all of us have been on that road when it is rush hour or a busy time and want to kill ourselves behind somebody who's going to be added to that mix. On a single road coming during the heat of the season from there.

Comment 2: · While Northgate resorts goes to great pains to say the project will not result in a "substantial" increase in traffic, it is clear that the project is intended to increase usage of the facilities by campers and day visitors, so the assertion lacks credibility. There needs to be an independent review of the traffic claims.

Comment 3: · If/when traffic is (inevitably) increased along 97, how will FIMFO ensure pedestrian safety?

Response: The Applicant has provided a traffic study conducted by a professional engineer which substantiates that the upgrades being performed at the campground will not contribute to an increase in of traffic. This was also confirmed by the independent traffic engineer that the Town hired to evaluate concerns about increased traffic. After evaluation, the Town's

independent engineer agreed with the Applicant's conclusion that the improvements will not contribute to an increase in traffic. A copy of the independent traffic study is available from the Town. The Applicant proposed reconfiguration of the campground will limit the number of pedestrians crossing Rt 97. Also new pedestrian crossings near the camp entrance will be created and all required signage, as required by the New York State Department of Transportation, will be added to ensure maximum pedestrian safety.

Comment 4: · Please provide the inspections of any bridges.

Response: An inspection of the vehicular and pedestrian bridges on site was performed by E.D. PONS Associates, P.C., Structural Engineers, on September 23, 2022. Copies of the inspection reports are attached hereto. In sum and substance, the vehicular bridge is structurally sound but will require upgrades to the existing railings to bring them into compliance with AASHTO standards. The pedestrian bridge will also require upgraded railings and the deck must also be replaced. The recommended upgrades to both bridges will be made as part of the project.

Water Feature:

Comment 1: What is the size of the pool, what is the specific gallons, etc. Of the 35,000 gallons of water, I guess I haven't seen the size of the pool, I don't know if that 35,000 gallons is actually part of the pool number and how you're going to plan to fill whatever gallon size water what that's going to be, especially in the summertime when it's hot and evaporation and some will go down the river.

Comment 2: · Provide additional information about the size of the pool, including the number of gallons, and how the pool will be filled and/or the water level will be maintained in the summer during periods of evaporation.

Response: There are two pools proposed as part of the project. Each are 6200 sq ft in size and are of irregular shape and configuration. Together, both pools will hold a total volume of 170,510 gallons. This water will be trucked in at the start of the season and periodically topped off via well water and/or by additional water truck delivery as necessary.

Comment 3: · ·So ideally, I would ask to find another location for this pool that's not in a flood plain or anything that's really in a flood plain but to come up with and how you plan to manage with the flood plain and I do like the idea of insurance or having the ownership to cover any costs that come up.

Comment 4: · While the application materials do not discuss details regarding critical elements of the swimming pool and foreseeable hazards given its location in proximity to a river that floods, we have consulted with a pool expert and identified other key issues and foreseeable hazards that must be discussed and addressed:

- The pool will require high voltage power to support the pumps. Power would also be needed for things like lights. It is dangerous to have such power on land that could be subject to flooding.

This infrastructure is at risk from being washed into the river in the event of a major flood event.

- Fencing will most certainly have to surround the pool area for safety purposes. This fencing, during times of high water, will catch debris and has the potential to be washed away into the river creating additional downstream hazards depending on where it ends up.
- There is the potential that during flooding the pool may actually pop out of the ground and be washed downstream.
- The pool will require significant quantities of chemicals stored on site that may spill in concentrated levels during flooding
- Even during routine maintenance when the pool is being cared for, there needs to be a plan to prevent chemical spillage and other foreseeable hazards.

Response: The pools are located in the flood plain. In event of a flood, which is a timed advance notice event, all controls are shut down and the pool water will mix with flood water and be dissipated within that substantially larger volume of water. In normal operation mode, our backwash and drain goes into a normal septic system and recharged back into the ground water. All chemical storage and mechanical equipment requiring chemicals are stored above the flood plain. Additionally, all pool chemicals are in sealed water proof containers.

Camp Fimfo will have adequate general commercial liability insurance sufficient for an operation of its size and kind. The Town has no liability for damages that might arise as a result of Camp Fimfo's operations unless the Town or its agents/employees act negligently.

Septic System

Comment 1: · Can you explain why you chose Elgen systems over a wastewater treatment facility. All the centric pumping concerns me, so I'd like to have an operations plan and, in that operations plan, I'd like to see frequency of pump station inspections, frequency of septic tank pump out, preventative maintenance schedule, emergency response if someone is nearby to respond to a septic issue.

Response: During the early stages of this project, the Applicant met with the NYSDOH to discuss wastewater treatment and whether a waste water treatment plant facility (WWTP) or several septic systems were better suited to the project site considering the proposed improvements and modifications. As has been stated, the current septic systems are outdated and improvements to wastewater treatment are required as part of any modifications to the system. It was determined in coordination with NYSDOH, that multiple septic systems were preferred over a WWTP for the following reasons:

No direct wastewater effluent would be discharged to the Delaware River.

The Elgen geotextile sand filter systems are easy to maintain and operate. There are no mechanical parts and a certified wastewater treatment plant operator is not required. Therefore, no contaminant releases could occur due to mechanical failure or human operator error.

The proposed septic systems are Elgen geotextile sand filter systems, which provide a higher level of treatment than a typical system and result in no odor due to being underground.

Elgen geotextile sand filter systems include advanced treatment technology. These systems work to treat the liquids following the capture of solids by the septic tank. After passing through the Elgen GSF systems, similar to septic systems on adjoining lands, the wastewater continues to be filtered by the natural geologic substrate as it descends downwards. The campground site is comprised of over 200 acres and the proposed Elgen GSF systems are located hundreds of feet from adjoining wells. As described, the wastewater will not be released to surface waters and will not contaminate the Beaver Brook or the Delaware River. The Elgen GSF systems will provide a higher level of treatment and will function similar to neighboring septic systems and will be an improvement from the existing infrastructure currently operating at the campground. Finally, the number of campsites is not increasing and by moving more wastewater away from the existing bathhouses and into multiple, modernized systems, the project will greatly improve wastewater collection at the campground.

The Elgen GSF systems operate like any typical septic system. The system is comprised of laterals to each site, a gravity collection system, septic tank for pretreatment, pump station, and geotextile sand filter systems. The septic tank should be serviced regularly according to the typical schedule (e.g., pumped on an annual basis). The pump station is equipped with an audio and visual alarm to alert the owner of problems. Preventative maintenance includes vegetative trimming, observation of atypical conditions, servicing of septic tank, and upkeep of alarm system. It is unlikely that an emergency failure would occur due to existing redundancies such as dual pumps in each station. With loss of electricity, wastewater would be reduced as well water would be diminished due to pump failure. If the Elgen GSF beds fail, there is an approved expansion area that will be brought into service in coordination with regulatory authorities. Furthermore, the septic tanks could be used as holding tanks and pumped out until the system was repaired.

Parking, Signage, Electric, Lighting & Landscaping

Comment 1: · Parking, I know we talked about it in the report that there were questions, so I imagine you did put landscaping in your plan. So, if you also just address that so people can have an understanding of what the landscaping is going to be, especially along route 97 and what they can expect to see if there's going to be trees or shrubbery or what have you that's going to cover and not be so whatever potentially in your face.

Comment 3: · Also, to take a look at the signing, of course your signage. Of course, you're going to look at signage and make sure that's within the code. We can talk more about signage later.

Comment 4: I have a sense of concern with the lighting and the electric. Again, you are going to add 279 RVs, that is going have an impact to the electric grid, the sewer, the water, etc. So, please address that.

Response: The Applicant has submitted a landscape plan to the planning board. Additionally, this project is updating all the electric in the campground and will be code compliant. The campground will be dark sky compliant and the Applicant has submitted a lighting plan with fixtures. Additionally, the Applicant has been in communication with NYSEG who is aware of the proposed demand and working with the Applicant to ensure that demand can be met safely.

Impact to Character of Land/Cluster Development

Comment 1: · One of the things that has been a consistent theme over and over again for everyone that is in the room has really been impact to the character of the land. We all came here because of the land, the rural nature of the land, the lifestyle that it affords us, the slower pace and the impact of the area and such. I would really encourage you to take a look at how you can fit into rural nature of this area. How you can fit into the character of this area as opposed to us making room for you.

Response: This is a redevelopment of an existing campground. The Applicant is reducing the number of sites and will be reducing the campground maximum total occupancy. The layout of the existing campground is not changing. Pursuant to the Town Code section 190-25 cabins and other units used for sleeping quarters in a campground are considered Recreational Vehicles. As the town code allows campgrounds in this zoning district and makes provisions for cabins and similar units for sleeping the Town Code endorses this use and supports it. Additionally, this is an existing campground that will be modernized with reduced occupancy leading to a better experience for the public and campers. The Applicant will adhere to length of stay rules contained in the Town Code and will not operate the camp year-round. The units planned for this campground will be rented on per night basis as they always have been. This existing campground has been operating in the town for many years, employing many local people over time and thus fits within in the recreational character of the community. This project represents a substantial investment by the Applicant in this local heritage site and will ensure that the camp's existing legacy systems – including water, septic, and electric – are brought up to modern standards. While it will not be possible to obscure all of the upgraded amenities from the road, every effort is being made to utilize existing and new landscaping to minimize the view of these amenities from the road. The Applicant is working on creating a rendering of the facility to provide the Planning Board with a better understanding of the final appearance of the project.

Workforce Issues

Comment 1: · There has been concerns about affordable housing for the working staff that come up. Housing is very difficult up here you have somebody that is not even making \$13.50 or whatever it is an hour there, so what is your plan of finding workers, hiring workers and people know that hiring staff is very difficult so what your plan as you talk about staffing and how you are going to attract them to the area and what you are going to do with them once they are here.

Response: The Applicant takes a multi-prong approach to recruiting its workforce, including paying competitive wages, working with local community colleges and trade schools to recruit students for seasonal labor, and building an operation that parents are proud to have their teens and young adults work for. Labor is never an easy puzzle to solve, especially for a seasonal operation, but the Applicant has figured out how to solve it in every locale it operates in to date. Camp Fimfo is no different.

The Applicant will respond to other comments received during the Public Comment Sessions held by the Planning Board after the close the public hearing and the receipt of the official transcript.

Thank you for your kind attention to this matter.

Very truly yours,

Alexander Betke

Alexander Betke, Esq.