



December 6, 2022

Sent Via Email

Mr. C. Howard Post, Chairperson and
Town of Saugerties Planning Board Members
Town of Saugerties
4 High Street
Saugerties New York 12477

**Re: Kampgrounds of America, Inc. d/b/a Terramor Outdoor Resorts
Applications for Site Plan & Special Use Permit Approvals
NYS Route 212 & Cottontail Lane**

Dear Mr. Post and Members of the Planning Board:

This letter is written in opposition to the above referenced applications for Site Plan and Special Use Permit Approvals for a glamping facility to be constructed by applicant Kampgrounds of America, Inc. and located primarily in the MDR Moderate-Density Residential District (the “MDR District”). The proposed project site is in the middle of a quiet residential community with upwards of 189 residences in close proximity. Submitted along with this letter are reports from three consultants; Paul Rubin, President of HydroQuest, an environmental consulting firm; Stephan A. Maffia, consulting engineer and Lorraine Farina, former Chair of the Air Quality Subcommittee of the City of Kingston Conservation Advisory Council. Included in these submissions are analyses of the applicant’s project, information as to why the applications are incomplete, potentially misleading, and why the applications must be denied.

By way of background, and as the Board is aware, on March 15, 2022, the representatives of the above-named Applicant appeared before the Planning Board in support of a proposed glamping facility (the “Terramor Project”) to be located off Route 212 & Cottontail Lane in the Town of Saugerties within the MDR District. Specifically, the Planning Board was advised that the Terramor Project was a pedestrian resort with trails located within the property. The Board was provided with a general description of the proposed glamping facilities, and an explanation of the Terramor outdoor brand. For many residents of the Towns of Saugerties and Woodstock, this was the first time they learned of details regarding the Terramor Project. At this initial meeting, the Planning Board declared the Project to be a Type 1 Action under SEQR, and the meeting was adjourned with the understanding that the Applicant was to provide a narrative to include process and site operations. Jenny McCullough from Terramor,

EDWARD J. O'CONNELL
1925-1939
SAMUEL E. ARONOWITZ
1925-1973
LEWIS A. ARONOWITZ
1951-1979

IN MEMORIAM:
HON. LEONARD A. WEISS
2020-2022

STEPHEN R. COFFEY
THOMAS J. DI NOVO
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advised the Board that she planned to meet with neighbors to address their concerns and questions on March 29, 2022. Upon meeting with local residents, it became clear that there was substantial opposition to the project, which at the time was represented to include 50 hard-sided and canvas tent accommodations as well as multiple structures as part of the project. After the meeting with the local residents, Terramor materially and significantly changed its proposal to increase the number of the glamping tent accommodations to 75. The residents further learned that the “tents” were not like traditional tents which are made of canvas or similar soft materials and are portable and easily removed. To the contrary, the glamping tents are designed to be permanent structures constructed with hard-sided and canvas material in a fixed location. The glamping tents, unlike traditional temporary tents are serviced with water, sewer and electricity and affixed to the ground thereby solidifying the permanent nature of each. In essence, each unit is more akin to a luxury hotel room or mini residence as opposed to a tent.

During the summer and into the fall of 2022, the full size and scope of the project evolved and community opposition to the Terramor Project mounted. Thousands of signatures have been secured in a petition to oppose the project, which as of this writing consists of a 75 unit glamping campground, a 7600 +/- square foot lodge with restaurant, bar and lounge area, a wellness center consisting of 1100 square feet, a welcome center, a general manager’s house, 6 dormitory units for employee housing including a mess hall, a maintenance building, a gift shop, an event lawn pavilion, dog parks, water, sewer and electrical infrastructure, a package wastewater treatment plant, hiking trails, an Olympic-sized swimming pool and cabana to be populated with upwards of 280 guests and 40 plus employees, roadways with multiple parking areas currently consisting of 166 spaces, electrical cart storage consisting of 8 luggage car corrals, EV charging stations, and multiple grilling stations. In total, there is projected to be 90 permanent structures totaling approximately 60,000 square feet. While the proposed project site consists of approximately 77 acres, much of the site is not developable due to the steep slopes, wetlands, floodplain, streams, and local conditions resulting in applicant proposing that the development take place on 23.77 disturbed acres. Apparently, and notwithstanding a significant quantity of wetlands on the project premises, there has not been a formal onsite wetland delineation since 2007. Notwithstanding, Applicant has stated its plan to use wetland fill of approximately 762 square feet, to fill in a portion of Cottontail Lane that may encroach into previously delineated wetlands. In addition, Applicant has also conceded that it intends to impact 10,900 square feet or approximately .25 acres for the main driveway entrance from Route 212 as well as an additional 415 square feet of wetland associated with the main driving spur connecting the employee housing/maintenance portion of the site. Applicant intends to mitigate the impacts to wetlands with the purchase of credits in Ducks Unlimited’s Mid-Hudson in lieu-fee mitigation bank, which does nothing for the local community or the Towns of Saugerties and Woodstock who will see valuable wetlands permanently disturbed.

Upon learning the details of the Terramor development, which is obviously a major commercial resort project, community opposition spread from local residents to many in adjoining towns including Woodstock. It is the consensus of many local residents, that a project of this size and nature, does not belong in the MDR District. As later confirmed by this office and Sterling Environmental Engineering, the project as proposed, is inconsistent with the Town of Saugerties Zoning Code and the requirements of the MDR District. Included with this submission are the earlier letters from Sterling Environmental Engineering dated July 19, 2022, and August 11, 2022,

and from this office dated July 18, 2022, and August 12, 2022, which were filed with the Planning Board. These letters explain reasons why the Terramor Project, which is in reality, a complex commercial resort application with multiple uses, is not expressly permitted or authorized by Special Use Permit under the Zoning Code.

In reviewing the Town Zoning Districts and the applicable rules and regulations permitting uses as of right, as well as Special Permitted Uses, Section 245-9 paragraphs A and F, clearly prohibit the use of land or construction of buildings unless in conformity with *all* regulations, requirements and/or restrictions specified in this chapter for the district in which such building or land is located. Moreover, any uses not specifically permitted shall be deemed prohibited uses not specifically permitted. Significantly, any list of prohibited uses contained in any section of this chapter shall not be deemed to be an exhaustive list, but to have been included for the purposes of clarity and emphasis and to illustrate by example some of the uses frequently proposed that are deemed undesirable and incompatible in the MDR District. A review of the uses permitted as of right and by special use in the MDR District reveal what is an obvious attempt to restrict development and uses to those consistent with moderate uses and the residential character of this District.

The Terramor Commercial Glamping Project, with its 90 permanent structures, 60,000 +/- square feet of construction, multiple activities and uses, and intrusion into and destruction of portions of the wetland, is not permitted as of right and does not qualify for a Special Use Permit. Certainly, given what is at stake for the residents of the community and the Towns of Saugerties and Woodstock, as well as the Applicant, this Project should be placed on hold and referred forthwith to the Saugerties Zoning Board of Appeals by the Planning Board for an appropriate interpretation. This referral is specifically authorized in accordance with section 245-36 E (1) (a) of the Town Zoning Code and consistent with the Appellate Division Third Department Case, *Catskill Heritage Alliance, Inc. v. Crossroads Ventures, LLC* which stands for the proposition that “ to the extent that there were pertinent ambiguities in the zoning code, the Planning Board was obligated to request an interpretation from the Zoning Board of Appeals before rendering its determination.” 161 A.D.3 1413. 1415, 77 N.Y.S. 3d 728. 731 (2018). It is clear that the building department failed to conduct a thorough and proper analysis of the project as a whole and address the issues associated with the multiple proposed structures and commercial uses. Moreover, the building inspector further acknowledged, but did not address, certain ambiguities in the zoning code, which directly impact the legality of the Terramor Project. Case law is clear that the Planning Board has no authority to interpret the provisions of the Zoning Law (see for example *Matter of Apostolic Holiness Church v. Zoning Bd of Appeals of the Town of Babylon*, 220 AD 2D 1995)). Given the foregoing, such referral is warranted and required. A determination by the Zoning Board of Appeals that the Terramor Project is prohibited in the MDR- District would effectively prohibit the Project from moving forward and render moot the issue of a Special Use Permit.

Notwithstanding, and while the Planning Board has not yet referred the matter to the Zoning Board of Appeals, the Planning Board, as part of the Town of Saugerties Planning Board review process, has required Applicant to submit relevant documents to the Town’s environmental, land use and planning consultants, Nelson Pope and Voorhis (the “Consultants”). The Consultants generated two Memorandums dated March 11, 2022 and July 11, 2022 to the Planning Board. These Memorandums provided comments to the documents and materials submitted by Terramor

and referenced the applicable sections of the Zoning Code for Special Use Permit and Site Plan Approvals. The March 11th Memorandum identified shortcomings and information which the Applicant failed to provide as well as conflicting information as to the size of the project, specifics concerning the facilities to be used for potable and wastewater on its sketch plan, identified the need for Terramor to submit an updated wetlands delineation, and the possibility of encroachments into and over wetlands and the effect on grading and drainage. The Consultants further identified questions concerning trace amounts of PFOA in existing on-site wells below DOH limits for potable water due to a nearby closed landfill and questioned the water sources to be used for the project. All told, the Consultants identified more than 25 items which Terramor had not submitted and/or was required to provide and supplement, including a signed narrative providing details of the operations for the project, building plans, grading and drainage, location, type and screening details, traffic information, lighting plans, landscaping and stormwater management plans as well as those items specifically requested by the Planning Board and required for Special Use Permit and Site Plan Approval.

The July 11, 2022, eight-page Memorandum from the Consultants to the Planning Board, while acknowledging some additional information from Terramor, identified four categories of information and items which needed to be obtained and considered in connection with the project. The categories are “Process”, “Application”, “Planning and Zoning SEQRA/Environmental Review”.

1. Under Process, the Consultants recommended that the Lead Agency Notice of Intent for this Type 1 Action be circulated with the full EAF Part 1 Form along with a copy of the application, advised that Ulster County Planning Board Review is required, advised that the Town of Woodstock needed to be noticed for a public hearing on this application pursuant to GML Section 239-nn, and recommended that Woodstock be included as an interested agency under SEQRA. The Consultants also listed five agencies, the Town Engineer, and any agencies identified by the Planning Board for the solicitation of comments or correspondence related to the Project. Importantly, the Consultants recommended that the Town engage a traffic engineer to review the Traffic Impact Study, which has been criticized by many members of the community as being misleading and inaccurate. The Consultants further recommended that the architectural plans be forwarded to the building department to determine if the applicable codes are being complied with.
2. Under Application, the Consultants advised that because Applicant proposes to merge two parcels as part of the application, a subdivision application will be required and that the application forms must be signed by the preparer.
3. Under Planning and Zoning, the Consultants advised that the Planning Board **must consider the supplemental requirements set forth in the Zoning Code and can request additional studies or analyses to support its review**. The Consultants then identified certain provisions of the Zoning Code where special consideration is warranted. The Consultants then referenced section 245-34.D of the Zoning Code and the following subsections as follows:

- a. (g) **Smoke.** No emission shall be permitted of a shade equal to or darker than Ringelmann Smoke Chart No. 2.
- b. (h) **Odors.** No emission of odorous gases or other matter shall be permitted in a quantity or of a type that permits it to be detectable, other than by instrument, at the property line.
- c. (i) **Other Forms of Pollution.** No emission of fly ash, dust, smoke, vapors, gases, or other forms of air pollution shall be permitted which can jeopardize human health, animal or vegetable life or which otherwise contributes to the deterioration of or detracts from adjacent properties.
- d. (o) **Character and Appearance.** The character and appearance of the proposed use, buildings, structures, outdoor signs, and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood and of the Town of Saugerties; and shall not adversely affect the general welfare of the inhabitants of the town.
- e. (q) **Sewage Treatment and Water Supply.** The adequacy of available sewage disposal and water supply services supporting the proposed activity or use, shall be sufficient to meet the needs of the proposed activity or use. This consideration shall include, but not be limited to, the suitability of water supply and sanitary sewage facilities to accommodate the intended use and adequate means to protect surface and groundwater from pollution.
- f. (s) **Nuisances.** The proposed use shall not be more objectionable to nearby property owners or occupants by reason of noise, fumes, vibration, or lighting than would be the operations of a permitted use.
- g. (v) **The design of structures and the operation of the use** (including hours of operation) shall ensure compatibility with surrounding uses and with the scenic and visual characteristics of the Town.

Section 245-11.I includes the following paraphrased considerations:

- h. **The Planning Board shall consider the following:** overcrowding of units; and the extent to which noise or light interferes with the use and enjoyment of surrounding properties.

Notwithstanding the sections of the Zoning Code which the Town Consultants identified as deserving of specific consideration, and to be clear, the applicants are required to satisfy **each** of the applicable requirements of section 245-34 entitled Special Permit Review, A, B, C, D (1) (2) (a) –(y), (3) (a)(b) (4).

As set forth in D (1), **All uses allowed subject to special use permit approval are hereby declared to possess characteristics of such unique use and special form that each specific use shall be considered as an individual case.** Special use permit uses are specifically declared to be allowed within district in which they are located, provided the Planning Board makes a written finding that the individual case meets the special permit approval standards of this article.

As set forth in (4) infra, **Nonconforming uses deemed prohibited. Any use that is unable to meet the performance standards required in this section as determined by the Planning Board, shall be deemed a prohibited use and a special use permit shall be denied by the Board.**

In addition, applicant is further required to satisfy the requirements of the site plan review pursuant to section 245-33 A, B, C (1) (2) a-z, (3), D, E, F, G.

In addition to the items of special consideration raised by the Town Consultants above, they also raised issues as to the visibility of campsites from existing residences along the western boundary of the site and raised questions concerning the adequacy of the planned buffer, opining that the forest cover lacks significant understory. It was also pointed out that at least 7 or 8 tent sites depict fire pits situated between the existing residences, and woodsmoke (both smell and visible smoke), could carry-over to the adjoining residential parcels. The Consultants recommended that a reasonable **“worst-case scenario standard”** be applied by the Town Engineer with regard to the design of a water or wastewater system. **The Consultants further questioned traffic impacts and again recommended the Planning Board engage with a Traffic Engineer to review traffic related questions.** The Consultants advised that the capacity of employee housing does not match between the architectural drawings, water, water and wastewater BOD reports, the comment letter response letter or the EAF project description. As a side note, Sterling Environmental corroborated this in its letter of July 19th, finding that while the Applicant’s Site Plan Application stated a building footprint of 24,672 square feet; in reality the architectural drawings show 60,000 square feet of buildings, including the 75 glamping units.

The Consultant’s Memorandum raised additional questions related to the Town Zoning considerations including the total numbers of anticipated guests and employees, location of the buildings and structures, operations of the Lodge, and deferred to the Town Engineer such issues as erosion and sediment control plan, grading plans, road profiles, construction details, water and wastewater concept plans and the SWPPP.

Under SEQR/Environmental Review, the Consultants advised the Planning Board that this is a Type I Action and that the Board needs to send out its Notice of Intent to assume lead agency status. The Board did in fact generate the Notice at its July 2022 Planning Board Meeting. The Consultants found this project site to be part of an “Important Natural Area” within the Catskill Mountain physiographic area, Map 2 of the Open Space Plan and that out of approximately 77

acres, 19.13 acres are proposed by Applicant to be disturbed. The Consultants also found that the reduction of only 5.0 acres of wetland was difficult to reconcile with the table provided by Applicants showing almost the entirety of the site as being existing forest.

The Consultants identified a number of potential impacts from the project which were to be addressed by Applicant in connection with the Zoning and SEQRA process including, but not limited to the following:

- p. Impacts on Land
- q. Impacts on Surface water
- r. Impacts on Groundwater
- z. Consistency with Community Character
- s. Impact on Plants and Animals
- t. Impact on Agricultural Resources
- u. Impact on Open Space and Recreation
- v. Impact on Transportation
- w. Impact on Noise, Odor and Light
- x. Impact on Human Health
- y. Whether the Project is Consistent with Community Plans
- z. Whether the Project is consistent with Community Character

The July 11, 2022, Memorandum required extensive information from the Applicant about its proposal, which given the nature, and community opposition to the project, was surprisingly incomplete as of this late date.

On August 1, 2022, Applicant, through its engineering firm, The LA Group, submitted its response. A review of the response once again shows it to be limited in the actual substantive data provided and contains inaccurate information. In addressing the comments of the Town's Consultants, the Applicant failed to acknowledge the Town's Consultant's recommendation that the Board should consider engaging with a traffic engineer to review the Traffic Impact Study. As became apparent during the July 19th, 2022 Planning Board Meeting, the traffic analysis and study submitted in support of the Terramor Project, was flawed and inadequate, having been conducted in February with limited seasonal traffic during the aftermath of the Covid Pandemic. Submitted herewith is a letter report from Stephan A. Maffia, P.E. Consulting Engineer and specialist in transportation and traffic engineering which explains the shortcomings in the Applicant's traffic study. Mr. Maffia confirmed that in his opinion, there is a definite existing safety issue at the Route 212/Glasco Turnpike intersection. The intersection has a five- and-a-half times higher crash history than the statewide average at similar intersections. Mr. Maffia recommends and explains what is needed for an appropriate analysis regarding impacts on traffic, access and safety as compared to the incomplete and inadequate summary submitted by the Applicant.

The Town Consultants also identified specific issues to be addressed by Applicant in connection with its Special Use Permit and Site Plan Approval Application. These included smoke, odors, other forms of pollution, character and appearance, sewage treatment and water supply, nuisances, the design of structures and the operation of the use, potential overcrowding of units,

the extent to which noise or light interferes with the use and enjoyment of surrounding properties. Once again, the Applicant's response is inadequate.

Applicant addressed the issues associated with smoke by focusing on the Ringelmann Smoke Chart No. 2 which is a scale for measuring the apparent density or opacity of smoke. Applicant conceded that the Ringelmann Smoke Chart has many limitations, but totally failed to consider the potential impact from smoke and related contaminants on the human health risks for those living in the vicinity of the project. Smoke generates odors and is considered another form of pollution which can contribute to the deterioration of or detract from adjacent properties. The Applicant's proposal acknowledges that there will be 75 campsites, all of which will have the ability to light campfires at virtually any hour of the day, along with an associated impact on those residents in the neighborhood. Submitted along with this letter, is an analysis and comment letter from Lorraine Farina, former Chair of the Air Quality Subcommittee of the City of Kingston Conservation Advisory Council. In her letter, Ms. Farina attests to the toxic effects of wood burning and the creation of high levels of PM 2.5 and 16 EPA "priority toxins" including benzene, formaldehyde, dioxins, mercury and arsenic. Contained within Ms. Farina's letter is information and sources showing that the dangers of woodsmoke have been accepted and acknowledged in the scientific community. Notwithstanding, Applicant has chosen to completely ignore the issue.

Character and Appearance under 245-34.D(o) of the Special Use Permit Requirements of the Zoning Code requires the character and appearance of the proposed use, buildings, structures, outdoor signs and lighting shall be in general harmony with the character and appearance of the surrounding neighborhood and of the Town of Saugerties and shall not adversely affect the general welfare of the inhabitants of the Town. However, rather than address the existing character and appearance of the surrounding neighborhood and how that may be disrupted by a commercial glamping development and a campground with multiple uses including a lodge with restaurant, 75 permanent camp sites, a house, employee dormitories, hiking trails, several hundred guests, upwards of 40 plus employees, weekend weddings and events, extra traffic and parking spaces totaling 166 at present; applicant focused on visibility of the project from public vantage points and a general statement that Applicant is exploring landscape options to create green buffers to beautify the driveway and reduce impacts to neighbors. Submitted along with this letter is a report from Paul Rubin, President of HydroQuest dated December 5, 2022 which conducted an analysis of the proposed Terramor Project.

Mr. Rubin is very familiar with the topography, zoning regulations and environmental concerns within the Town and has generated a report which is submitted along with this letter. Mr. Rubin explains among other things, why this project is not permitted within the MDR District. In addressing whether this project is in general harmony with the character and appearance of the surrounding neighborhood, Mr. Rubin performed a detailed survey of residences and land uses within the vicinity of the proposed Terramor Project. Mr. Rubin conducted an analysis of historic aerial imagery for the years commencing in 1986 through the present, which "document a well-established rural residential community extending for more than 1,500 feet outward from the Terramor Property boundary." Mr. Rubin's study finds that most of the buildings identified are residences, 42 of which are located within 500 feet, 79 are located within 1,000 feet and 110 are located within 1500 feet of the boundary of the property boundary for the Terramor Project. Mr.

Rubin correctly finds that the Terramor Project with its multiple structures, uses, and impacts on the wetland and natural resources of the surrounding neighborhood is not compatible with, and in harmony, with the character and appearance of the surrounding neighborhood.

Sewage Treatment and Water Supply are additional items the Town Consultants requested be addressed. In order to comply with NYSDEC and Ulster County DOH requirements, Applicant is required to test neighboring wells given the potential impact of the project which is expected to use 18,255 gallons of water per day. Although the project site is approximately 77 acres in size, as of this date, Applicant has apparently only tested three wells, despite the request by local residents to have additional wells tested. HydroQuest was retained to conduct an independent analysis and testing of local wells as to methodology employed by Terramor's consultant and to provide a greater sample. This process and information is described in the December 5th report. HydroQuest further conducted an analysis of nine wells in the vicinity of the project which are shown with a white star symbol on the map entitled "Figure 15", which is submitted along with its report. Of the nine wells tested, three were impacted by Terramor's well pumping and were slow to recover which raise questions of water sufficiency should the Terramor Project be approved and constructed. One of the three wells is located in the Town of Woodstock. As a result of the foregoing, there are now serious questions as to whether Applicant's plan to use three wells on the project site will compromise or negatively impact residents' wells in the vicinity of the project.

As part of its work, Mr. Rubin reviewed the Applicant's wetland mapping/delineation and discovered that while the wetland actually crosses into the Town of Woodstock and an extensive portion of the wetland complex extends northward onto private property. This portion of the wetland does not appear to have been identified by Applicant in any of its submissions. This additional wetland area referred to as "Woodcock Wetland," in the HydroQuest report, adds 5.5 acres to the 1.8 acres which Terramor mapped. This additional wetland brings the total of mapped, interconnected, and documented wetland to 13.6 acres which *exceeds* the 12.4-acre minimum acreage for state protected wetlands.

Paul Rubin's report makes it clear that it does not appear that Applicant properly identified the full size and extent of the wetland and the unrecognized, expansive and hydrologically interconnected wetland complex, which extends beyond the property boundary of the Terramor project site and into the Town of Woodstock. Nor were the potential consequences of potential overdevelopment or impact on these additional areas considered. It does not appear that DEC and the other interested agencies including the Army Corp. of Engineers, are aware of the apparent underestimate of size and expanse of the contiguous interconnected wetland complex by Terramor or its consultants. **These finds by Mr. Rubin are significant and important.** Without the proper information concerning the wetlands, the interested agencies do not have accurate information upon which to formulate opinions concerning the appropriateness of the project or whether additional studies are warranted. Moreover, it does not appear that the Applicant has conducted an appropriate survey of the wetland and interconnected wetland complex including identification of threatened and endangered species. **Given the foregoing, it is imperative that this information concerning Terramor's understatement of the size and configuration of the Wetlands and hydrologically**

interconnected wetland be communicated to all involved and interested agencies including the Town of Woodstock, so that additional comments can be secured and a further investigation conducted.

Nuisances listed under 245-34.D (s), is an additional item, which Applicant must address and satisfy the Board that the proposed uses shall not be more objectionable to nearby property owners or occupants by reason of noise, fumes, vibrations or lighting than would be the operations of a permitted use. Applicant listed the uses of right in this District and references the previous South Peak Subdivision at this same location in support of its argument that its project satisfies this requirement; however, none of the uses identified by Applicant can rival the noise, fumes, vibrations or lighting that will be produced if the commercial glamping project is approved. Moreover, Applicant again misstates the facts in referring to the South Peak Subdivision in support of its arguments. In actuality, the Planning Board Minutes reflect that the Planning Board was very concerned with the environmental impacts of that proposed subdivision. The total number of homes approved was not 43, but rather was reduced to 22 homes. Applicant's project far exceeds the size of the South Peak Subdivision, consisting of 75 permanent tent sites along with multiple buildings and uses. The MDR District authorizes single family residential with minimum lot size of 20,000 square feet if served with central sewers and wastewater treatment. Applicant has confirmed that only 19 acres are developable and that it proposes to construct 90 structures within this limited space. Other uses authorized by Special Permit should not be of greater density than the single-family residential development that is of right.

245-34D(v) of the Town Zoning Code requires the design of structures and the operation of the use (including hours of operation) shall ensure compatibility with surrounding uses and with the scenic and visual characteristics of the Town. Applicant has responded to this requirement by focusing on the materials used to construct the buildings and their visibility from different points and distance from residents on premises adjoining the project premises. However, the major issue is compatibility with the existing uses in and about the MDR District, which is overwhelming residential. The MDR District zoning rules authorize residential small-scale convenience businesses designed to serve the adjacent residential population and certain cultural, educational, and recreational uses compatible with a rural environment may also be permitted, subject to conditions designed to protect the residential character of the MDR District.

There is nothing about Applicant's Commercial Resort Project proposal which is compatible with the residential and local uses in the area.

The Planning Board should only proceed with the SEQRA Process if the Zoning Board of Appeals determines that the project can proceed within the MDR District, which is unlikely.

Notwithstanding, on July 1, 2022, Applicant through its Project Manager Kim White, submitted Part 1 – Project and Setting as part of the Full Environmental Form. The Planning Board then sent out a Lead Agency Notice of Intent to listed involved Agencies seeking lead agency status. The Town's consulting firm, Nelson Pope Voorhis notified Applicant that based upon its review of the Part 1 of the EAF, it provided the Board with a Part 2 EAF to review. It further advised that Part 2 cannot be adopted until the Board declares Lead Agency, 30 days from

circulation of the Notice of Intent. While the Planning Board solicited Lead Agency status at its July meeting, Applicant has not been ready to proceed and did not seek to be on the Planning Board agenda for the August, September, October or November meetings. The Part 2 prepared by the Town's Consultants identify potential impacts to be reviewed and confirmed by the Board at the next meeting:

- p. Impacts on Land
- q. Impacts on Surface water
- r. Impacts on Groundwater
- z. Consistency with Community Character
- s. Impact on Plants and Animals
- t. Impact on Agricultural Resources
- u. Impact on Open Space and Recreation
- v. Impact on Transportation
- w. Impact on Noise, Odor and Light
- x. Impact on Human Health
- y. Whether the Project is Consistent with Community Plans
- z. Whether the Project is consistent with Community Character

Part 2 of the Environmental Assessment Form is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. The above referenced categories are then analyzed based upon the information and particulars associated with the proposed project, which in this case is the Terramor Project proposal. The categories request a No or Yes response as to whether there will be an impact in that category. Once that is determined, it is then necessary to complete responses in one of two categories: No or small impact may occur or Moderate to Large impact may occur.

It is the obligation of the Saugerties Planning Board to take a hard look at the environmental impacts and issues associated with the proposed project and conduct a full evaluation of each category. If the Board determines that the proposed action **may result in a significant adverse impact** and therefore will require preparation of an environmental impact statement, the Board must prepare and file a notice of Determination known as a Positive Declaration. The Positive Declaration must be prepared, filed, distributed, and published as prescribed in section 617.12 of the applicable regulations and must state when and how scoping will be conducted. (See DEC publication on Stepping through the SEQRA Process Steps 1 through 12).

It is clear that based upon the plain language of the Zoning Code, that the Terramor Project does not belong and should not be permitted in the Moderate Density Residential District. Notwithstanding, a review of the significant and serious issues previously identified in this letter and the accompanying reports of Hydro Quest, Steve Maffia and Lorraine Farina make it clear that the Terramor proposal will likely result in multiple Moderate to Large impacts which may result in significant adverse impacts. Accordingly, the Board must determine that the proposed Terramor action will require preparation of an environmental impact statement and issue a Positive

Declaration. It is imperative that all significant and serious adverse impacts be properly identified and addressed.

Very truly yours,

O'CONNELL AND ARONOWITZ

By:



Daniel J. Tuczinski

DJT/meg

Attachments

Cc: Town of Saugerties Planning Board Members:
Becky Betorelli - BBertorelli@saugertiesny.gov
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