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December 6, 2022

VIA EMAIL & FEDERAL EXPRESS

Chairman C. Howard Post and
Members of the Planning Board
Town of Saugerties
4 High Street
Saugerties, NY 12477

***Re: Site Plan, Special Use Permit & Lot Consolidation
Terramor Outdoor Luxury Campground
Project Site: NYS Route 212 (SBL: 27.2-8-32.110 and 27.2-8-28)***

Dear Chairman Post and Members of the Planning Board:

Our office has been retained by Kampgrounds of America, Inc. (“KOA”) and its affiliate Terramor in connection with its proposed campground on property located along NYS Route 212 (SBL: 27.2-8-32.110 and 27.2-8-28) in the Town of Saugerties, New York (the “Project Site”). The proposed campground on the approximately 77.5-acre Project Site will include 75 campsites with their own bathroom facilities, accessory structures including a Lodge building, welcome center, wellness tent, pavilion, swimming pool and cabana, maintenance building, and employee units (the “Project”). Primary access for the Project will be from New York Route 212 leading to the Lodge and satellite guest parking areas. The Project Site does not have public sewer or water. Therefore, the Project will include private wells and a private wastewater treatment plant (“WWTP”). The Project includes round-the-clock staffing.

The Project Site is located in the Town’s Moderate-Density Residential District “MDR” zoning district, which permits “camps” with a special use permit from the Planning Board. *See* Town of Saugerties Zoning Code 245 Attachment 1:8. The term “camp” is specifically defined as including “campgrounds.” Zoning Code § 245-57 [Services at Section (1)(c)(9)]. As such, and as confirmed by the Town’s Building Inspector and Zoning Administrator (“Building Inspector”) by determination dated June 2, 2022, the proposed campground is permitted on the Project Site with a special use permit and site plan review by the Planning Board. The Project also includes a lot consolidation application.

We submit this letter and enclosures to provide additional environmental information and a response to comments to allow the Planning Board to commence the Project's review under the Zoning Code and the New York State Environmental Quality Review Act ("SEQRA"). We realize that there is a level of public concern related to the Project. We hope that these additional reports, studies, and response to comments will address those concerns. We request that the Planning Board schedule a public hearing on this matter so that additional comments can be heard and addressed.

The Proposed Campground is Permitted on the Project Site

While many of the technical comments we have received thus far have been addressed in the enclosed SEQRA Expanded EAF Narrative and response to comment document, my office is in receipt of two legal letters from O'Connell & Aronowitz dated July 18, 2022 and August 12, 2022. The below provides a response to these legal comments, many of which have been dispelled by the June 2, 2022 determination from the Building Inspector, which was never appealed to the Zoning Board of Appeals by the concerned residents. We submit the below in response to the alleged legal issues claimed by O'Connell & Aronowitz.

In their July 18, 2022 correspondence, O'Connell & Aronowitz sets forth several legal arguments only designed to confuse the Planning Board. Please see the below responses to each legal allegation made in the July 18, 2022 letter.

- 1) Terramor has applied for a Special Use Permit and Site Plan Approval pursuant to the Town of Saugerties Schedule of District Use Regulations, under Lodging Places. Therein, Lodging Places is defined as having a lodge (50 maximum units), camps and recreational parks. Neither lodge or camps are defined, nor does the Special Permit definition associated with lodging places permit the multitude of structures, improvements and uses of the premises proposed by Terramor.*

The proposed use is a "campground", which was confirmed by the Building Inspector's June 2, 2022 determination (the "Determination"). In accordance with the Determination, Terramor has proposed a campground with 75 campsites and accessory uses. The Project is not a "lodge" as suggested by the opposition, which would limit the Project to 50 units. Contrary to the oppositions' position, the MDR zoning district permits "[l]odge (maximum 50 units), camps and recreational vehicle parks" with special use permit from the Planning Board. See Zoning Code 245 Attachment 1:8. Thus, because of the use of commas, "lodge", "camps", and "recreational vehicle parks" are separate uses and therefore the 50 unit maximum only applies to "lodge" use. In fact, "camp" is specifically defined as including "campgrounds." Zoning Code § 245-57 [Services at Section (1)(c)(9)].

As confirmed by the Determination, there is no doubt that the Project, which includes camping units for guests, is a campground and permitted on the Project Site. Conversely, it is clear that the Project is not a "lodge" as defined by the Zoning Code.

- 2) *In addition, nowhere in the Code, is there specific support for 75 permanent tents in the MDR Moderate-Density Zone. The number appears to be arbitrary and given the limits of 50 on the number of units for a Lodge, appears to be unwarranted and unauthorized. Indeed, given the definition of lodge under the Zoning Code, it is doubtful that the nonresidential structure called a lodge by Terramor satisfies the definition of lodge under the Zoning Code.*

First, the “lodge” that is proposed with the Project is the name of the guest services building within the campground and is not a building in which campers utilize as a camping space. Because the plain meaning of a “lodge” would be smaller rooms within a larger building that are for rent, it would make sense that the 50 unit maximum is applied to limit the size of the “lodge” building. Again, here, the proposed “Lodge” building is for guest services and does not include any units for overnight stay. The permitted use in the MDR zoning district is “[l]odge (maximum 50 units), camps and recreational vehicle parks”. See Zoning Code 245 Attachment 1:8. Thus, these are separate uses and the 50 unit maximum is only applicable to a lodge use as evidenced by the parenthetical. The Zoning Code does not have any restriction on the number of camping units permitted within a “camp” or “campground”.

- 3) *While Terramor may argue that the additional structures and uses are accessory uses as defined in the Code, that argument is similarly without merit.*

The Zoning Code permits accessory uses to each principal use. Per the Determination, the Project’s principle use is a “campground”. The Zoning Code defines “accessory building as “[a] structure detached from the principal building on the same lot and customarily incidental and subordinate to the principal building or use.” Zoning Code § 245-56 [Accessory Building]. Further, accessory use is defined as “[a]use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.” Zoning Code § 245-56 [Accessory Building]. Although the Project Site is two tax parcels, it is considered one “lot” under the Zoning Code because it is under common ownership. See Zoning Code § 245-56 [Lot]. Further, the Project seeks to consolidate the two tax parcels that comprise the Project Site.

The opposition states that the “[m]ultiple residential buildings, a wellness tent, a swimming pool and wedding and special event venues, along with the multiple uses of the premises as proposed by Terramor, do not satisfy the definition of accessory use under the Saugerties Zoning Code.” We note for the Planning Board that the definition of “residence” specifically *excludes* campgrounds and related accessory uses/structures. See Zoning Code § 245-56 [Residence]. Similar to other recently permitted campgrounds in the Town (e.g. Autocamp), the Project includes housing for employees that are accessory to the campground. Further, events that may be held at the campground are limited to overnight guests of Terramor and not members of the public (similar to Autocamp).

Lastly, the uses and structures within the Project are all permitted as principle or accessory structures to a campground pursuant to the Zoning Code’s definition because they are

incidental to and subordinate to the campground use. *See Miklas v Town of Halfmoon Planning Bd*, 170 A.D. 3d 1483 (2019). The principle economic driver of the Project is the renting of camping spaces. As such, the remaining amenities are subordinate to the campground.

All accessory structures, such as the lodge, wellness center, pool etc., will be utilized by campers staying at the campground and, as such, they are incidental to the campground use. These accessory uses and structures will not be open to the public. Similar campgrounds in Ulster County have these same accessory amenities for campground, demonstrating that such accessory uses and structures are customary to the campground use. *See Brophy v. Town of Olive Zoning Bd. of Appeals*, 166 A.D.3d 1123, 1126 (3rd Dep't 2018) (in finding that wedding events are accessory to a bed and breakfast, the Court held that the "ZBA properly considered the incidental uses customarily undertaken by similar businesses.).

- 4) *[T]he application must be referred to the Zoning Board of Appeals for a determination before the application can proceed with Planning Board review.*

There is no requirement that the Planning Board refer this matter to the Zoning Board of Appeals ("ZBA"). In fact, such an appeal would be rendered moot because of the Determination. This issue has already been addressed by the Determination from the Building Inspector, whose has the jurisdiction to interpret the Town's Zoning Code. *See Zoning Code § 245-47(A)*. The opposition never appealed the Determination to the ZBA within 60 days and therefore the Determination, and its finding that the Project and all related accessory structures and uses are permitted as a campground, governs the current application.

On August 12, 2022, O'Connell & Aronowitz made additional comments with legal arguments related to the use of the Project. This letter attached correspondence from Sterling Environmental, which are addressed in the enclosed response to comment document and SEQRA Expanded EAF Narrative. Legal responses to the August 12, 2022, O'Connell & Aronowitz are noted below.

- 1) *[T]he Building Department has no authority or jurisdiction to make determinations such as this and apparently confused projects, as a close review of the letter suggests that he was referencing another project on another parcel called the Auto Camp which has no application to the Project.*

The Determination is clear. The Project and all of its elements have been confirmed by the Building Inspector to be permitted as a Campground on the Project Site. The Building Inspector has the ability to interpret the Zoning Code, which interpretation may go to the ZBA on appeal. *See Zoning Code § 245-47(A)*; NY Town Law 267-B(1); *Swantz v. Plan. Bd. of Vill. of Cobleskill*, 34 A.D.3d 1159, 1160 (3rd Dep't 2006) (holding that "Planning boards are without power to interpret the local zoning law, as that power is vested exclusively in **local code enforcement officials** and the zoning board of appeals.") (emphasis added).

The opposition elected to not appeal the Determination in accordance with the Zoning Code and New York Town Law and therefore it shall govern the Project. While it is true that the Planning Board cannot interpret provisions of the Zoning Code, that power is left to the Building Inspector and by the ZBA on appeal. Here, no such appeal occurred and the Determination stands. Thus, because of the Determination, there are no open issues for interpretation related to the Project.

Lastly, the opposition alleges that the Determination is inapplicable to the Project. This is not accurate. In fact, the heading of the Determination states “where does Terramor’s proposed facility fit within the definition in 235-11-1? Is it a Lodge? Camp” Recreational park”. The Determination then continues to state that it is applicable to “Terramor’s project”. The Determination does reference “Autocamp” but for context as to why that campground was permitted to expand as it was a pre-existing use.

- 2) *Moreover, while conceding the very ambiguous language in the Town Code in what he called transient usage (Hotels, Motels, Lodges, Camps, Short Term rentals- Air B&B's), he referenced Descriptions # 7033 and # 7032 of OSHA's Standard Industrial Classification ("SIC") Manual, cited in the Town Code which classify establishments by their primary type of activity. A review of these descriptions reveal that the definitions contained therein clearly do not apply to the Project and actually prohibit its location in the District.*

The opposition was required to appeal the Determination within 60 days of its issuance. See NY Town Law § 267-a(5)(b). Only the ZBA is arbiter of the Determination and not the Planning Board. *Swantz v. Plan. Bd. of Vill. of Cobleskill*, 34 A.D.3d 1159, 1160 (3rd Dep’t 2006) (holding that “Planning boards are without power to interpret the local zoning law, as that power is vested exclusively in **local code enforcement officials** and the zoning board of appeals.”) (Emphasis added).

Nevertheless, OSHA description # 7033 (Recreational Vehicle Parks and Campsites) includes “[e]stablishments primarily engaged in providing overnight or short-term sites for recreational vehicles, trailers, campers, or **tents**.” [Emphasis added]. And, OSHA description # 7032 (sporting and recreational camps) includes “[e]stablishments primarily engaged in operating sporting and recreational camps.” The project is certainly a camp within those definitions as well as the plain meaning of a “campground as defined in the Zoning Code (see above).

Lastly, to the extent that the opposition thinks these definitions are vague, we remind the Planning Board (and the opposition) that “[z]oning regulations, being in derogation of the common law, must be strictly construed against the municipality which has enacted and seeks to enforce them, and any ambiguity in the language used must be resolved in favor of the property owner.” *Albany Basketball & Sports Corp. v. City of Albany*, 116 A.D.3d 1135, 1137 (3d Dep’t 2014) (holding that “[z]oning regulations, being in derogation of the common law, must be strictly construed against the

municipality which has enacted and seeks to enforce them, and any ambiguity in the language used must be resolved in favor of the property owner”).

- 3) *The concession of the Building Inspector concerning the very ambiguous language in the Code concerning the definition of Lodges, Camps and the like, reinforces the need for this matter to be referred to the Zoning Board for an interpretation as to whether this project is prohibited within the District. While the applicant has chosen to argue that its project is entitled to a Special Use Permit and Site Plan Approval under the Code definition of Lodging Places, the corresponding category of uses are narrowly defined. Case law from the New York Supreme Court, Appellate Division is instructive on the procedure to be followed where there are pertinent ambiguities in a Zoning Code. In the case of Catskill Heritage Alliance, Inc. v. Crossroads Ventures, LLC, the Third Department opined 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. 3d 1413, 1415, 77 N.Y.S. 3d 728,731 (2018).*

Please see above responses #1 and #2.

- 4) *While the definitions contained in the District regarding a Special Use Permit concerning lodging and camping are narrowly defined, the project proffered by Terramor is anything but. Terramor refers to itself as an "Outdoor Resort", with multiple uses including 75 fixed station camping units, employee housing; lodging building which is not actually used for lodging; reception center, restaurant/bar, pavilion, and approximately 60,000 square feet of building. In short, under no reasonable interpretation does the foregoing "glamping" project fit within the applicable and narrow special use permit definitions for the District.*

Please see above responses #1 and #2. Please see also response #3 to the July 18, 2022 O’Connell & Aronowitz letter. We highlight that the name of the Project is the Terramor Outdoor Luxury Resort. The name of the Project does not govern the actual use of the Project. The Project has been confirmed as a campground by the Determination, without appeal to the ZBA.

- 5) *The involved agencies were identified by the applicant in its Environmental Assessment Form under B Government Approvals. The Town Zoning Board of Appeals is an entity listed under Government Approvals and for the reasons discussed herein, obligated to consider whether the definitions contained in the Zoning Code permit this project. However, Terramor omitted the Zoning Board of Appeals as an involved Agency whose approval (s) is required. Accordingly, a new Notice of Intent to act as lead agency should be sent to the Zoning Board of Appeals at this time.*

The ZBA is not an involved or interested agency pursuant to the SEQRA regulations. Pursuant to 6 NYCRR 617.2(t), involved agency is defined as “an agency that has jurisdiction by law to fund, approve or directly undertake an action.” The Planning Board was only required to circulate its notice of intent to all “involved agencies”. See

6 NYCRR 617.6(b)(3)(i). The Project does not require the need for any area variances from the ZBA and therefore ZBA approval is not needed for the Project to proceed. Further, as a result of the Determination, and the fact that it was never appealed to the ZBA by the opposition or any other aggrieved party, the ZBA is not required to review any interpretation issues claimed by O'Connell & Aronowitz. More significantly, any interpretation is a Type II action under SEQRA and does not require environmental review. *See* 6 NYCRR 617.5(c)(37). In accordance with the above, the Planning Board's SEQRA coordination was appropriate and complies with SEQRA and its implementing regulations.

Conclusion

Based on the above, it is clear that the proposed Project is permitted on the Project Site with site plan and special use permit from the Planning Board. Attempts by the opposition to confuse the Planning Board are only intended to delay the Project.

In furtherance of addressing each and every comment obtained thus far and allow the Planning Board to schedule a public hearing, we have provided ten (10) copies of the instant letter with the following enclosures:

- 1) Response to comments obtained to date, including comments from Planning Board consultants, Ulster County Planning Board, Fire Department, and members of the public;
- 2) SEQRA Expanded EAF Narrative, including an assessment of the Project's potential environmental impacts and proposed mitigation. This document includes all recent environmental reports and studies; and
- 3) Revised site plans, prepared by The LA Group and dated last revised December 2, 2022; and
- 4) Revised Stormwater Pollution Prevention Plan, prepared by The LA Group, dated last revised December 2, 2022.

Thank you for your time and attention to this matter. Please confirm that we will be placed on the December 20, 2022 Planning Board meeting for review of the above.

Very Truly Yours,

/s/ **Charles J. Gottlieb**

Charles J. Gottlieb

cc: Adriana Beltrani, AICP, Nelson, Pope & Voorhis, LLC
Dennis Larios, P.E., BRINNER & LARIOS, P.C.
Ahmed Helmi, Director, Real Estate Development, Terramor Outdoor
Kevin Franke, The LA GROUP

Terramor Outdoor Luxury Campground

Response to Comments – December 6, 2022 Town of Saugerties Planning Board

Terramor and the Planning Board have received several comments on the Project and the Planning Board's review process. The below is a comprehensive response to comments that have been recently obtained. We have received comments from the Planning Board's consultants, Ulster County Planning Board, the Fire Department, consultants retained by those opposed to the Project, and residents in the Town of Saugerties and the Town of Woodstock. The below responses have been prepared by Terramor and its technical consultants.

Response to Planning Board Consultant Comments

Comments from Nelson Pope Voorhis ("NPV")

The Applicant's consultant previously responded to comments from NPV in its submissions dated July 1, 2022 and August 1, 2022. Please note the below that are in further response to NPV comments

Planning & Zoning

1. In issuing a Special Use Permit, 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. Based on our review, specific consideration of the following provisions is warranted:

RESPONSE: Comment responses have been provided related to the special use permit standards in the August 1, 2022 submission. Please see the below updated responses based on all special use permit standards in the Zoning Code applicable to the Project (campground).

Zoning Code § 245-34(D)(2)

- (a) That any specific standards set forth for the proposed use in § 245-11 have been satisfied and that the objectives for site plan review set forth in § 245-33 have been achieved.*

Related to Zoning Code § 245-11(I), we submit that:

- (1) facilities related to the Project are not within 50 feet of any residential lot line;
- (2) The Project will develop the approximately 77.5-acre Project Site into a campground. Of the 77.5-acres, only 23.66 acres will be physically disturbed, leaving approximately 53.85 acres undeveloped. The Project meets all area and bulk requirements; and
- (3) The Project will not result in any noise or light interference on adjacent Properties. See SEQRA Expanded EAF at Section 15. We highlight that Terramor has prepared a Noise

Assessment Report and a Habitat and Acoustical Survey, which has notes that quiet hours will be enforced between 10 pm and 7 am. Further, outdoor lighting will either be shielded to cast light below the horizontal plane, or will be low level (bollard) lighting to keep light near ground level. And, outdoor lighting adjacent to wooded potential bat habitat areas will be motion-sensor lights to avoid illuminating forest edges all night.

Related to Zoning Code § 245-33 (D)(5)(c)(1-10), we submit the following:

- (1) In accordance with the Town and County design preferences, the character and appearance of the Project fit the rural character, scale and size. Limiting site disturbance as proposed preserves the natural environment, including interior walking paths. The proposed campsites are approximately 400-600 SF, similar to accessory structures in the community. The general manager's unit and accessory buildings on-site are in harmony with the surrounding community character.

Terramor has also provided a Visual Impact Assessment, which has found no significant impacts to any nearby sensitive receptors. See SEQRA Expanded EAF at Section 9.

- (2) The proposed campground is a permitted use on the Project Site with site plan and special use permit approval and therefore is consistent with the character of the neighborhood as a permitted use. The proposed campground will have structures that match the scale and massing of the existing residential and commercial structures in the area – the General Manager's unit, the Welcome Center, maintenance building and the Lodge. Remaining structures are smaller one-story campsites and employee units. There are existing residences bordering the Project Site, however, as found in the SEQRA Expanded EAF, the Project will not result in any significant visual impacts and will blend with the commercial and residential uses nearby the Project Site.

Proposed for signage is a freestanding sign that matches the rustic character of the surrounding community in keeping with the Gateway Overlay District requirements. Proposed signage also complements the signage found advertising commercial properties along Route 212 and Glasco Turnpike. As a result, the signage is compatible with the surrounding properties.

Downcast, dark sky rated lighting will be used on the site to eliminate spillage. In fact, Drawing L-7.1 illustrates the footcandles at the property line are zero (0) Fc. Proposed signage is similar to signage found along Route 212 and Glasco Turnpike.

- (3) The Project Engineer has designed the Project to ensure that vehicle access circulation is adequate. The pavement surfaces are gravel or porous pavement to protect the environment. The main project roads are not porous, they are chip and seal surfaces that give a more rural "feel", but they are still impervious. Gravel and porous pavement surfaces are used for the cart paths, in parking lots, etc. Road widths and turn radii will be implemented for safety and accessibility. Traffic controlling signage meets MUTCD

standards (see Sheet L-8.5). A full Traffic Impact Statement has been submitted for review. See SEQRA Expanded EAF at Section 13. Further, the Project is compliant with the New York State Fire Code related to emergency access.

- (4) One hundred sixty-six (166) parking spaces are available to guests, employees and delivery people. Parking lots are located near each of the amenities – sixteen (16) at the Welcome Center, four (4) at the Lodge, and adequate parking lots sized for the nearby campsites. Travel within the campground by guest will be mainly by foot, to minimize the vehicular traffic within the Project Site. Golf cart use is by staff only and not operated by guests.
- (5) Pedestrian access is protected in three ways: 1) Dedicated pathways, both existing and proposed walking trails will be provided on-site for the guests, 2) traffic calming, or a series of curved roadways that naturally slow vehicles, and 3) ample parking to ensure that vehicles are not parked on the interior private roadway. Once parked, guests do not need to drive within the campground as the amenities are within walking distance. Electric powered golf carts are available to employees to prevent driving of full-sized vehicles on the site to perform work.
- (6) A Stormwater Pollution Prevention Plan (“SWPPP”) has been prepared and submitted for review. The SWPPP demonstrates compliance with all NYSDEC and Town requirements and is fully explained in the SEQRA Expanded EAF at Section 1, 3 & 4. Importantly, instead of site-wide use of impervious pavement for roadways and driveways, porous materials are proposed where feasible including permeable gravel access paths, porous pavement in portion of parking lots and at sites, and wood chip walking and internal hiking paths. The development works around the existing wetlands and topography to reduce stormwater impacts.

Stormwater runoff from developed areas will be directed to pollution-reducing stormwater management practices prior to being discharged. All stormwater management practices will be designed in accordance with NYS guidelines. See **Enclosed** SWPPP which was submitted to the Town for review.

- (7) The Project Site is not serviced by municipal water or sewer. Therefore, Terramor has proposed private on-site wells and a WWTP. Please refer to the discussion in the SEQRA Expanded EAF at Sections 3 & 4 for a full review of such private utilities, which will be designed to meet all applicable regulations.
- (8) Much of the Project Site retains the natural landscape. Much of the existing wooded areas, existing topography and native plantings will continue to be located throughout the Project Site. The Project includes installing predominately native plantings including deciduous trees, ornamental trees, evergreens, shrubs and native perennial grasses, herbaceous and groundcover plants. Combined with proposed buffers to nearby residences, the landscaping will buffer neighbors from visual and noise from the site.

Further, the SEQRA Expanded EAF at Section 7 related to potential impacts to bat habitats.

- (9) The Project has been designed to comply with the New York State Fire Code.
- (10) The development works around the existing wetlands and topography. The majority of the Project is outside of the wetlands. Structures are proposed on relatively flat areas or are built into the topography. Roadways follow the natural topography. Minor wetland disturbances are set forth in the SEQRA Expanded EAF at Sections 3 & 4 along with proposed mitigation.

Infrastructure on the site is mostly comprised of permeable surfaces. Instead of acres of impervious pavement for roadways and parking, much of the developed area is comprised of either permeable stone, gravel, porous pavement, or the natural existing walking paths. Please also see #6 above.

Landscaping buffers neighbors from the campgrounds with aesthetics that fit the outdoor environment and camping experience. Native landscapes are conditioned to survive the conditions unlike nonnative species which require the introduction of new soils and nutrients to survive. Further, plant locations protect the land against ponding, flooding and erosion. To that end, landscaping locations include planting deciduous trees around parking areas and roadways, and between roadways and stormwater management areas.

Combined, the placement of structures, use of porous materials and landscaping foster infiltration and thereby protect against ponding, flooding and erosion. A SWPPP has been prepared and submitted for review. The SWPPP demonstrates compliance with all NYSDEC and Town requirements and is fully explained in the SEQRA Expanded EAF at Sections 1, 3 & 4.

- (b) Fire and explosion hazards. All activities involving the storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion. Methods of prevention and suppression of these hazards shall be approved by the local officials responsible for fire prevention and public safety.*

The storage of propane for heating will be located in three 1,000 gal tanks. During development, the location, installation and safety requirements will be discussed with local fire personnel. During operations the site operator will maintain the equipment, ensuring adequate safety devices and on-site fire prevention and suppression are available.

- (c) Radioactivity or electrical disturbance. No activities shall be permitted which emit dangerous radioactivity or electrical disturbance that will jeopardize the health of any employee or adjacent resident or property or otherwise adversely affect the operation of any equipment other than that on the premises.*

The Project does not include uses that will emit dangerous radioactivity or electrical disturbances.

- (d) *Noise. The maximum noise level at the property line applicable to the use involved shall not exceed 70 dBA as measured in accord with the procedure specified by the American National Standards Institute.*

A Noise Assessment Report has been prepared (see SEQRA Expanded EAF at Section 15). The Noise Assessment Report confirms that noise at the property line will not exceed 70 dBA and that the noise from the Project will not result in a significant environmental impact pursuant to NYSDEC guidance.

- (e) *Vibration. No vibration shall be permitted which is detectable, other than by instrument, at the property line.*

The Project is not an industrial or manufacturing use. The proposed campground is a passive recreational use where Terramor seeks to provide a tranquil experience for its guests. No vibrations of any kind will result from Project operations.

- (f) *Glare. No direct or reflective glare from any lighting or process shall be permitted where such will interfere with traffic safety or the useful enjoyment of adjoining properties.*

Project lighting has been designed to not escape the boundary lines of the Project Site. Project lighting will be dark sky compliant and will be further buffered by existing vegetation. Site Plan Drawing L-7.1 shows zero (0) Fc at the property line. Further lighting mitigation has been offered to ensure that no significant impacts to the Indiana and Northern-Long Eared bats result from the Project. see SEQRA Expanded EAF at Section 7. Therefore, the Project will not impair traffic safety or useful enjoyment of neighboring properties.

- (g) *Smoke. No emission shall be permitted of a shade equal to or darker than Ringelmann Smoke Chart No. 2.*

Terramor has retained Ramboll Environmental and Health to prepare an air quality report. The Air Quality Report is described and attached to the SEQRA Expanded EAF, at Section 6. With proposed mitigation, the Project (including campfires) is not expected to result in emissions a shade equal to or darker than Ringelmann Smoke Chart No. 2.

- (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.*

The Air Quality Report is described and attached to the SEQRA Expanded EAF, at Sections 6 and 15. With proposed mitigation, the Project (including campfires) complies with this special use criteria. Further, the Project does not include a State regulated air emission source or involve any activity that will have more than a minimal impact on air quality. Similarly, any

heavy-duty vehicles using the Project's parking areas will be subject to NYSDEC regulations governing vehicle idling which prohibits vehicle idling for longer than 5 minutes. The idling regulations may be enforced by the NYSDEC Environmental Conservation Officers and other state and local police. Further, as noted in the Impact on Transportation discussion, all studied intersections will continue to operate at overall acceptable levels of service and efficiency so there will not be unnecessary idling due to traffic delays while exiting the Property. The Project is not a manufacturing or industrial facility and will not produce any odors. SEQRA Expanded EAF, at Section 15.

All solid waste will be collected by a private waste hauling company and disposed of in accordance with all applicable rules and regulations. The Project will recycle applicable solid waste.

- (i) *Other forms of air 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. This includes construction-related dust and odors.*

The Air Quality Report is described and attached to the SEQRA Expanded EAF, at Section 6. With proposed mitigation, the Project (including campfires) complies with this special use criteria. The Project is not an industrial or manufacturing use and Terramor does not propose any actions that would result in such air pollution, which would also be detrimental to its campers.

- (j) *Discharge of water. No polluting or objectionable waste shall be discharged into any stream or other natural drainage channel or upon the land that will in any way interfere with the quality, operation or continuation of these natural systems or contribute to their despoliation.*

The Project Site is not serviced by public sewer. Therefore, the Project will be serviced by a WWTP that will be designed to meet all local, state and federal regulations. See SEQRA Expanded EAF, at Sections 3 & 4. Surface runoff will discharge to onsite stormwater management facilities or porous pavements to protect the neighboring properties from sheet drain runoff. See SEQRA Expanded EAF, at Sections 3 & 4. The SWPPP demonstrates compliance with all NYSDEC and Town requirements and is fully explained in the SEQRA Expanded EAF at Sections 1, 3 & 4.

- (k) *Traffic access. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade and alignment and visibility; shall be sufficiently separated from street intersections and other places of public assembly; and shall meet other similar safety considerations.*

Terramor has submitted a Traffic Impact Study ("TIS") and supplemental traffic county information based on prior comments that is under review and further discussed in the SEQRA Expanded EAF at Section 13. The TIS concludes that the Project will not negatively impact traffic.

The proposed main access is from NYS Route 212. The entrance is 1200 feet from the intersection of Route 212 and Glasco Turnpike. The entrance is also 400 feet from Old Route 212, which splinters off Route 212 just south of the site.

The TIS shows that the access is suitable for the Project. Levels of Service (LOS) will not be negatively impacted post-development. Instead, levels of service will remain at "C" LOS or better.

The proposed sign will be located at the Route 212 entrance, ensuring visibility. The width, grade and alignment of the entrance meet applicable zoning regulations.

A secondary emergency access will be created from Cottontail Lane, which is a suburban town road lined with residential homes. Therefore, the proposed traffic accessways are sufficient in number for safety, sufficiently visible due to signage, a sufficiently distance from the next intersections and adequate for all safety considerations.

- (l) *Parking. Adequate off-street parking and loading spaces shall be provided in accordance with this chapter to prevent parking in public streets of the vehicles of any persons connected with or visiting the use. Shared parking is encouraged where the peak parking demands of different uses occur at various times of the day. Use of a widely accepted means of projecting demand for shared use, such as the Urban Land Institute's Shared Parking Report, shall be employed to demonstrate shared parking effects.*

The total parking and loading capacity for the site is 166 spaces. Parking provided for the Project is at a rate of 1.35 per campsite plus 16 for the Welcome Center and 4 for the Lodge. One (1) space is proposed per employee plus another two (2) for delivery/service workers. As a result, none of the guests, employees or delivery vehicles will park on the project roadways.

- (m) *Circulation. The interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and to provide for the convenience and safety of vehicular, pedestrian and bicycle movement within the site and in relation to adjacent areas or roads.*

The internal site circulation is designed to function on three levels. The primary access road provides vehicular circulation throughout the site, connecting all buildings, satellite parking areas and maintenance / employee areas. Campers will enter the site from Rt. 212, drive to the Welcome Center to check in and then proceed to one of six satellite parking areas associated with their designated campsite. Once they arrive at their parking area, they are encouraged to leave their cars there and travel throughout the site on foot. Pedestrian access / cart Paths are provided to connect the satellite parking areas to camp sites, and to provide pedestrian connections to other areas of the site. They also provide access to staff who will utilize golf carts to service tents and travel throughout the site. Campers will not have access to golf carts and full-size vehicles are not permitted on the pedestrian access paths, with the exception of emergency service vehicles. Finally, tent access trails and hiking trails are

provided for pedestrian access only and provide pedestrian connections to specific tents and other guest activity areas throughout the site.

Circulation for emergency service vehicles within the site is provided along the primary access roads and along an emergency access road that provides a secondary access point off of Cottontail Lane. Emergency vehicles can also utilize the Pedestrian access / cart Paths located within each tent loop.

Employees will utilize golf carts to travel throughout the site, using the Primary Access Road and the Pedestrian access/cart Paths within each tent loop. Golf carts will be operated by campground staff only.

- (n) *Landscaping and screening. All parking and service areas shall be reasonably screened during all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Existing trees 12 inches or more in diameter at breast height (dbh) shall be preserved to the maximum extent practical.*

Much of the site retains the natural landscape. To that end, wooded areas, existing topography and native plantings will landscape the site. Sections of existing woods roads will remain as well.

The proposal includes a thorough plant schedule of predominantly native landscaping that includes deciduous trees, ornamental trees, evergreens, shrubs and native perennial grasses, and herbaceous and groundcover plants. As native plants, the landscaping will match the surrounding character. Evergreens will buffer the site year-round.

- (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.*

The proposed campground is a permitted use on the Project Site with site plan and special use permit approval and therefore is consistent with the character of the neighborhood as a permitted use. The proposed campground will have structures that match the scale and massing of the existing residential and commercial structures in the area – the General Manager's unit, the Welcome Center, maintenance building and the Lodge. Remaining structures are smaller one-story campsites and employee units. There are existing residences bordering the Project Site, however, as found in the SEQRA Expanded EAF, the Project will not result in any significant visual impacts and will blend with the commercial and residential uses nearby the Project Site.

Proposed signage is a freestanding sign that matches the rustic character of the surrounding community in keeping with the Gateway Overlay District requirements. Proposed signage also

complements the signage found advertising commercial properties along Route 212 and Glasco Turnpike. As a result, the signage is compatible with the surrounding properties.

Downcast, dark sky rated lighting will be used on the site to eliminate spillage. In fact, Drawing L-7.1 illustrates the footcandles at the property line are zero (0) Fc.

Campsites are small, one story, canvas structures that fit the rural aesthetic and mimic accessory structures found in neighboring yards. Lighting is Dark Sky compliant, downcast to prevent spillage. Outdoor and directional onsite signage will mimic the styles along Routes 212 and 32. See Building Elevations, Sign drawings and Terramor Lighting Cut Sheets for specifications.

Terramor has also provided a Visual Impact Assessment, which has found no significant impacts to any nearby sensitive receptors. See SEQRA Expanded EAF at Section 9.

- (p) *Historic and natural resources. The proposed use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas.*

The Project preserves the existing woods roads, wooded areas, wetlands, and topography to the extent practicable. The Project will develop the approximately 77.5-acre Project Site into a campground. Of the 77.5-acres, only 23.66 acres will be physically disturbed, leaving approximately 53.85 acres undeveloped. On February 10, 2022, after a review of the Project, NYSOPRHP determined that “no properties, including archaeological and/or historic resources, listed in or eligible for New York State and National Registers of Historic Placed will be impacted by this project.” See SEQRA Expanded EAF at Section 10.

- (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.*

The Project Site is not serviced by public sewer or water. Therefore, the Project includes private on-site wells and a WWTP. See SEQRA Expanded EAF at Sections 3 & 4.

- (r) *Emergency services. All proposed buildings, structures, equipment, and/or material shall be readily accessible for fire, police, and other emergency service protection.*

The project fully complies with the New York State Fire Code related to access and construction.

- (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.*

The proposed campground is a permitted use on the Project Site with site plan and special use permit approval and therefore is consistent with the character of the neighborhood as a permitted use. The proposed campground will have structures that match the scale and massing of the existing residential and commercial structures in the area – the General Manager’s unit, the Welcome Center, maintenance building and the Lodge. Remaining structures are smaller one-story campsites and employee units. There are existing residences bordering the Project Site, however, as found in the SEQRA Expanded EAF, the Project will not result in any significant visual impacts and will blend with the commercial and residential uses nearby the Project Site.

Regarding nuisances, the campgrounds quiet hours will be 10pm to 7am. The Noise Assessment Report found that the decibel levels will stay below the 70 dBA at the property line as required by Town Code and is compliant with the NYSDEC noise policy. See SEQRA Expanded EAF at Section 15. Regarding lighting, installation of Dark Sky rated lighting and the preservation of existing wooded areas will buffer between the Project Site and neighboring properties. See Terramor Lighting Cut Sheets for specifications and Drawing L-7.1 which illustrates the zero (0) Fc at the property lines. Lastly, the Air Quality Report has found that no significant impacts to air quality and/or odor will result from the Project. See SEQRA Expanded EAF at Sections 6 & 15.

Additional commercial uses can be found throughout the Route 212 / Route 32 corridors. The Project Site is nearby the Red Onion, Peace Love Havanese, Cutting Edge Spray Foam Services, South Peak Veterinary Hospital, and Lang Media Graphics.

The Project is not an industrial or manufacturing use. The proposed campground is a passive recreational use where Terramor seeks to provide a tranquil experience for its guest. No vibrations of any kind will result from Project operations.

As a result, the proposed campground is no more objectionable to nearby property owners since the zoning district includes both residential and commercial abutting the Project Site and the proposal includes studies that illustrate the Project impact at the property line is no more objectionable than the existing uses.

- (t) *Size and scale. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, or conflict with the normal traffic of the neighborhood.*

The 77.5-acre parcel fits the scale, size, nature and intensity of the use and traffic from the Project will not be hazardous or inconvenient to the normal neighborhood traffic. The TIS found that level of service will remain at "C" or better. In fact, the additional traffic during peak hours is 17 in the am and 22 vehicles in the pm peak hour. GPI concluded that the levels were well below thresholds, but found that existing accident reports were elevated due to existing conditions.

Importantly, even though the original traffic volume information was based on a winter traffic count (February 2022), a second traffic count was conducted in the summer (August 2022) to ensure the analyzed traffic volumes were reasonable for all seasons. See SEQOR Expanded EAF at Section 13. The summer count showed a maximum of 574 vehicles at the NYS Route 212 and Glasco Turnpike intersection and an analysis of 779 vehicles at the intersection was used in the Study. As such, the study represents a conservative estimate of traffic operations for both the winter and summer conditions. See SEQRA Expanded EAF at Section 13.

Terramor is a 77.5-acre parcel with a lot coverage of 1.8%, comprised of buildings and structures totaling 60,553 gross square footage, or 1.39-acres. Five acres comprise the full development of the site, which includes the buildings, tents, impermeable surfaces and porous pavements, is still below the threshold at 8% lot coverage.

Noise and lighting levels at the property line also meet the nature and intensity of the surrounding community. See SEQRA Expanded EAF at Section 15.

Glasco Turnpike is designated as a bicycle/pedestrian trail. The Project connects to the existing mapped greenway paths.

Terramor has also provided a Visual Impact Assessment, which has found no significant impacts to any nearby sensitive receptors. See SEQRA Expanded EAF at Section 9.

As a result, the Project meets the size and scale of the surrounding community.

- (u) *The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.*

All proposed buildings are sized and scaled to the height and size of neighboring residential structures, including neighboring commercial properties that have repurposed residential homes. Two-story homes abut the Project Site, but most of the structures on-site will be one-story. The Project fully complies with the Town's area and bulk requirements.

Setbacks that buffer the viewshed exceed the standards set in the Zoning Code Bulk Requirements for the district. Existing wooded areas will remain, and additional native plantings will provide additional buffering. As a result, the proposed project will not impair neighboring properties' development or property values.

Terramor has also provided a Visual Impact Assessment, which has found no significant impacts to any nearby sensitive receptors. See SEQRA Expanded EAF at Section 9.

- (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.*

Design of proposed buildings will enhance the neighborhood aesthetic by preserving, complementing, and curating the rural rustic aesthetic. Hours of operation mimic residential hours with an instituted 10pm to 7am quiet time enforced by staff with fire pits extinguished at those times as well.

- (w) *Compatibility of the proposed use with the principles of the district, the purposes set forth in this chapter, and the goals of the Comprehensive Plan.*

The proposal meets Town and Village joint goals as well as Ulster County Open Space and Comprehensive Plan goals. Specifically, the proposal conserves resources and creates an opportunity for the public to appreciate the natural landscapes and to educate the public on the benefits of environmental conservation as called for in Goal 8 and 14. Goal #4 Recreation, and #13 Tourism of the 2021 Town-Village Comprehensive Plan encourages development that improves the local economy while protecting the rural character.

The Project Site is along an area ripe for development to support the preservation of nearby park lands, regional water resources and Catskill Forest Preserves. Planning guidance maps show that the area is not a priority area for protection on any metric. The only environmental resources on the parcels are wetlands which are avoided and impacts mitigated where disturbance has occurred.

The Town of Saugerties' Open Space Plan references both national studies and the Town of Rochester 2005 Study which found that commercial development costs a municipality less in services in relation to the tax revenue it creates than residential development which costs significantly more than it raises in tax revenue. In fact, the proposal will bring more in property tax revenue and sales revenue than it will cost in emergency or municipal services. The site operates seasonally, is self-contained with private services maintaining the facility and is accessible from existing county and state routes.

- (x) *Conformity to the Town of Saugerties' Design Guidelines (as may be adopted).*

In accordance with the Town and County design preferences, the character and appearance of the Project fit the rural character, scale and size. Landscaping preserves the natural environment to the maximum extent practicable to enhance the environmental experiences for the guests.

(y) *Additional safeguards and conditions. The Planning Board shall impose additional conditions and safeguards upon the special use permit as may be reasonably necessary to assure continual conformance to all applicable standards and requirements, including temporary limitations and reasonable assurances that these conditions and safeguards can be responsibly monitored and enforced.*

The Project includes all necessary safeguards as demonstrated above and in the SEQRA Expanded EAF.

Comments from Dennis Larios, P.E. – Planning Board Engineer

By email dated September 1, 2022, we received the following comments from Dennis Larios, P.E. acting as the Planning Board engineering consultant.

- 1) General: Town has flooding issues at OSNAS Lane/Red Union Area, just did some remedial work. This is a sensitive drainage area.

RESPONSE: The stormwater management design has been revised to capture and infiltrate additional runoff prior to reaching the Osnas Lane analysis point (AP-1). During the 100-year storm event, the previous design had an overall rate reduction of 0.75% (1.01 cfs) at AP-1. The revised design has an overall rate reduction of 2.90% (4.10 cfs). Further reduction is not practical due to the existing topography and shallow depths to bedrock within the AP-1 watershed.

- 2) Needs to include MS4 Form, Signed Contractor Certification, Operation and Maintenance Plan. Traditional NOI preferred to eNOI (easier to interpret) if able to provide this.

RESPONSE: Upon approval of the project and prior to construction, the MS4 form will be submitted to the town for signature and the SWPPP will be signed by The LA Group, the owner/operator and the contractor. Per the NYSDEC website "The Notice of Intent for Construction Activity must now be completed online through the DEC nForm Portal" and therefore a paper version is no longer available. The printed eNOI and the MS4 SWPPP Acceptance form can be found in Appendix A of the SWPPP. The operation and maintenance requirements for post construction stormwater management practices are listed in section 6.0 of the SWPPP. Terramor Outdoor Resorts will be responsible for the operation and maintenance of all stormwater management practices.

- 3) Site-specific rainfall data should be used for HydroCAD via NOAA or NRCC.

RESPONSE: The HydroCAD model and associated calculations have been updated using the NOAA 24-hour rainfall data for the site. The 1-year, 10-year and 100-year have been updated to 2.72", 5.35" and 8.48" respectively.

- 4) Further identification/explanation of streams on site (stream name, class, trout-spawning, etc.) in report.

RESPONSE: There are two unnamed streams present on the site. The first is a Class B stream that passes through the property frontage on NYS Route 212. This is a Class B stream that was considered perennial until the fall of 2022 when no surface flow was visible in the stream bed. The second stream on site runs west to east through the middle of the site and exits the site through a newly installed culvert that runs below/along Cottontail Lane. This stream was always known to be intermittent. NYS DEC has not yet made a determination on whether this will be a Class B water (it is eventually tributary to a Class B water) or if they will treat it as an unprotected stream for the purposes of Article 15 permitting. They will make that determination after they receive a permit application from Terramor. Neither stream is designated as a trout spawning water.

- 5) Post-development HydroCAD catchments feature 6-min direct entry time-of-concentration values with no calculation shown for catchments 2,10,15,16. Please provide calculations for these areas so that velocities and flow regimes can be evaluated.

RESPONSE: In accordance with TR-55 chapter 3, the minimum time of concentration (Tc) is 0.1 hours (6 minutes). The Tc for subcatchments 2, & 10 were calculated at 3.1 minutes and 4.5 minutes respectively and therefore the default minimum Tc of 6 minutes was used for those subcatchments. Subcatchments 15 & 16 have been removed from the hydroCAD model as a result of the updated stormwater management design.

- 6) The channel modeled in post-development catchment 6 is exhibiting high, erosive velocity for all design storms.

RESPONSE: Check dams are proposed to be installed within the swale every 100 LF to reduce the runoff velocity and the potential for erosion within the swale. The check-dams can be found on sheets L-4.3, L-4.6 & L-4.9. A check dam detail can be found on sheet L-8.4.

- 7) Explanation of the 4 "links" in HydroCAD model and any assumptions made in including these.

RESPONSE: The four links named AP-1 through AP-4 are the four analysis points for which the pre and post development hydroCAD models are based. The "Link" node is used to represent the Analysis Points as it calculates the total runoff at each offsite discharge location and allows for comparison of the pre and post development peak flow rates as required by the NYSDEC. The watersheds contributing to each analysis point have been delineated based on existing topography and proposed changes as a result of the project.

- 8) Still need to check the ponds vs DEC standards more closely, and review detail sheets for stormwater features.

RESPONSE: Comment noted.

Comments from Ulster County Planning Board, dated November 31, 2022

- 1) A noise study should be conducted with decibel levels indicated on the final plan at the property lines. Music and PA for a special event are recommended to be indoors with the doors closed to reduce noise impacts. As mitigation of the site's clearance, it is recommended that all trees removed should be replaced and planted within the proposed buffer and setback areas to improve the quality of the buffer of the proposed campground from the existing residences.

RESPONSE: Amplified live music is not allowed, only acoustic performers will be allowed. There are no public address systems at Terramor facilities. Buffer plantings are not needed for the project to meet Saugerties Special Use Permit standards for noise or for lighting. Please see SEQRA Expanded EAF at Section 15.

A Noise Assessment Report has been prepared. Please see SEQRA Expanded EAF at Section 15.

- 2) The Planning Board and applicant should consider greater separation between the campsites and from the existing wetlands and Ulster County Habitat Core to avoid potentially harmful encroachment. At a minimum, signage and/or educational materials along the delineated areas of the wetlands as well as the habitat core warning guests and others not to enter those areas. and to respect the habitats there should be provided.

RESPONSE: Terramor encourages their guest to explore their facilities through the provision of formalized trails and wayfinding and interpretative signage. At their Bar Harbor ME facility there is interpretive signage regarding the wetlands present on that site and the need for guests to be respectful of the wetland areas and the functions and values they provide. This will be incorporated into the Project.

Similar wetlands protection signage along with signage regarding the Habitat Core and the need for campers to remain on designated trails are proposed. Detail 6 on sheet L-8.5 illustrates typical wayfinding signage. In addition to signage, facility rules provided to guests will also include directions to remain on established trails and not to enter sensitive off-trail areas. Locations of proposed trails are shown on L-2.0 Overall Site Plan as well as on the Layout, Materials & Planting Plans (L-5.1 through L-5.9)

- 3) The applicant will require permits from Federal, State, and Local agencies as a condition of approval including:
 - NYS Department of Environmental Conservation - Package plant, Stormwater
 - Ulster County Department of Health - Camping, water, food services, and pool
 - NYSDOT - Highway Work Permit for access to NYS Route 212
 - U.S. Army Corp of Engineers - Wetland crossing/disturbance

RESPONSE:

NYSDEC: The Project Sponsor has had pre-application meetings with NYSDEC on July 27 and August 1, 2022. Further, the Project Sponsor has discussed potential impacts to bat habitats with the NYSDEC and has obtained their comments on the related impacts. See Expanded EAF at Section 7.

Ulster County Department of Health: Terramor's consultants have been in contact with UCDOH from spring of 2022 up to the present time, including NYSDOH consultations during the design and execution of the well testing recently performed on the site.

NYS DOT: The Applicant's traffic consultant, GPI, has consulted with the NYS DOT. On July 7, 2022 a Stage 1 Highway Work Permit was submitted. On August 30, 2022 GPI received a response from NYS DOT Regional Office stating they concur that overall site will not have a large impact in the area, and noted that the Applicant could start Stage 2 permit application.

USACOE: A request for an Approved Jurisdictional Determination was submitted to the New York District office on July 8, 2022. A PCN for the required nationwide permit will be submitted to the ACOE for the related disturbances.

Permit applications will be filed with all agencies at the appropriate time during the local project review process.

- 4) The two lots the proposal will occur upon do not appear to be consolidated. If no lot line deletion takes place, a plan indicating easement location for access and various utilities will need to be shown on the final plat.

RESPONSE: The August 1, 2022 submission to the Saugerties Planning Board included (in Attachment 1) a surveyor's map and a completed Town application form to consolidate the two parcels into a single parcel.

- 5) The plans lack a table that indicates how the property conforms to the bulk and parking standards of the MDR zone. The coversheet of the plan should provide one.

RESPONSE: Comment noted, this has been added to sheet L2.0, Overall Site Plan.

- 6) The location of any proposed dumpsters will need to be indicated on the site plan. Enclosure and screening details will need to be provided. An internal waste management plan for the site should also be provided for the Town's review.

RESPONSE: Sheet L-5.1 shows 3 dumpsters located in the rear of the Lodge, along with a fence and gate enclosure. Sheet L-5.5 shows dumpsters at the maintenance area along with a fence and gate enclosure. Fence details are referenced and provided on sheet L-8.2.

- 7) The local fire district should review the site they have adequate access to serve the property as well as should the local EMS. Regulations should be provided at each site if outdoor cooking is to occur.

RESPONSE: Terramor and their consultants met with the Centerville Fire Department (FD) on November 16, 2022. The FD was satisfied with the design of the proposed access road system. As a result of the FD meeting, the proposed cart path loops providing access to tents were widened from 6 feet to 10 feet to improve EMS access. Also, all campsites were confirmed to be within 150 feet of the cart paths as requested during the FD meeting.

For the proposed grilling stations available to guests, guests can obtain food for grilling at the Lodge and guests are also provided instructions for safe grill operating. Grills are prohibited at individual guests' sites.

Responses to FD comments are provided below.

- 8) The Town and the applicant should look at the ways the proposal is meeting the NYS Stretch Energy code and actively seek to reduce the carbon footprint of the facility through the use of alternatives to fossil fuels such as passive solar and geothermal heating use of heat pumps. The UCPB also recommends that the infrastructure necessary to develop electric vehicle charging stations should be provided given the growing trend and goals of NYS and the Country to reduce automotive emissions.

RESPONSE: Eight (8) EV charging stations are currently proposed; two at the Lodge, one at the Welcome Center, one at employee housing, and four at camper satellite parking lots. See the Layout, Materials & Planting Plans (sheets L-5.1 through L-5.9).

Heating and cooling requirements of the project will be limited due to the seasonal nature of the project operations (May through October) and the types of tourist accommodations being provided. Only project operations buildings (Lodge, Welcome Center, employee housing) will be heated/cooled. The actual tourist (camper) accommodations will not be heated/cooled.

Centerville Fire District Comments, Emailed on November 29, 2022

- 1) All gated access roads should have a gate that can be opened with activation of emergency siren. The gate construction can be whatever you would like, the opening mechanism should be something that opens with the activation of the emergency siren though. This ensures quick and safe access to the property.

RESPONSE: Comment noted and this will be provided to the satisfaction of the fire department Refer to sheet L-8.2 for the emergency access gate detail.

- 2) Installation of a KNOX box. This will have your master key stored inside so we can safely and quickly gain access to any building in the event of an emergency. This will also save you money in the future that if we need to gain access we will not be cutting, prying, or damaging doors to gain access. Our KNOX box information is included in this email for you so you can have the box coded to our department.

RESPONSE: Comment noted and this will be provided to the satisfaction of the fire department.

- 3) All access roads must have a minimum width of 10'. This will ensure that all fire, EMS, and police vehicles can access the roadways.

RESPONSE: Comment noted, this has been provided on the site plans. Refer to sheet L-5.1-L-5.9

- 4) All buildings, cabins, tents, or any inhabitable structures should be no more than 150' from any access road. This will ensure that we can safely access the buildings in any emergency event.

RESPONSE: Comment noted. All Buildings on the site plan are within 150' of an access road and meet NYS code for fire apparatus access. All tents are within 150' of the cart paths as requested.

- 5) As for a water source for the sprinkler system, we request that you have a fire department connection that is accessible to a truck with a pad no less than 15' in width. This will ensure that the fire department can connect to the water source and draft out of it for water in the event of a major fire.

RESPONSE: Comment noted and this will be provided to the satisfaction of the fire department.

- 6) The water supply for the sprinkler should have a autofill mechanism as well as a low water alarm that is in clear sight. This ensures you that your tank will always be full and in the event of a malfunction you will be alerted quickly to be able to remedy the situation.

RESPONSE: Comment noted and this will be provided to the satisfaction of the fire department.

Sterling Environmental Comments Dated August 11, 2022

- 1) This is a complex application with multiple uses not expressly allowed under the zoning code. The property is zoned Moderate Density Residential (MDR) which authorizes single family residential with minimum lot size of 20,000 square feet (sf) if served with central sewers and wastewater treatment. The applicant represents that due to wetlands, steep slopes and other development constraints that only 19 acres are developable. Other uses authorized by Special Permit should not be of greater density than the single-family residential development that is of right.

RESPONSE: The Town's Building Inspector has confirmed that the Project is a campground and permitted in the MDR zoning district. There is no requirement in the Zoning Code that permitted uses within the MDR zoning district should not be of greater density than a single-family

residential development. Further, approximately 23.66 acres of the Project Site is proposed to be disturbed, that does not mean that only 23.66 acres of the Project Site is developable.

- 2) The bulk table of the zoning code (see <https://ecode360.com/attachment/SA2874/SA2874-245a%20Sch%20ofY020Dist%20Use%20Reg.pdf>) indicates that lodging places (including camps and RV parks), publicly operated campgrounds, and logging camps, may be authorized by Special Use permit. The Terramor project has not been demonstrated to fit into one of these categories. The project appears to present multiple uses that are not expressly authorized. It is recommended that the Planning Board obtain a Code zoning interpretation from the ZBA that the use(s) are appropriate in the MDR.

RESPONSE: The Town's Building Inspector has confirmed that the Project is a campground and permitted in the MDR zoning district. Contrary to the oppositions position, the MDR zoning district permits "[l]odge (maximum 50 units), camps and recreational vehicle parks" with special use permit from the Planning Board. See Zoning Code 245 Attachment 1:8. Thus, because of the use of commas, "lodge", "camps", and "recreational vehicle parks" are separate uses and therefore the 50 unit maximum only applies to "lodge" uses. In fact, "camp" is specifically defined as including "campgrounds." Zoning Code § 245-57 [Services at Section (1)(c)(9)].

There is no requirement that the Planning Board refer this matter to the Zoning Board of Appeals ("ZBA"). In fact, this issue has already been addressed by the Building Inspector's June 2, 2011 determination, whose duty is to interpret the Town's Zoning Code. See Zoning Code § 245-47(A). The opposition never appealed this determination to the ZBA within 60 days and therefore the determination, and its finding that the Project and all related accessory structures are permitted as a campground, governs the current application.

- 3) The complexity of the application warrants review by independent experts. It will be beneficial for the Planning Board to retain independent expertise to review the application materials and to conduct independent studies as appropriate.

Areas that the independent consultants should evaluate include the following:

- Impact to the wetlands, habitats, wildlife corridors, rare, threatened and endangered species.
- An evaluation should be conducted of reasonable alternatives that would be less impactful to the wetlands;
- Traffic;
- Stormwater management, including full review by an independent stormwater expert of the Stormwater Pollution Prevention Plan (SWPPP); and
- Noise.

STERLING is currently reviewing the SWPPP for the project to determine if there will be significant impacts from stormwater resulting from the project.

RESPONSE: Please see SEQRA Expanded EAF at Sections 1, 3, 4, 13 &15. Please also see enclosed SWPPP.

- 4) A private Glamping facility is not an identified use of right. Clarity is needed to properly classify the use, which may require a referral to the Zoning Board of Appeals (ZBA) for an interpretation. Additional information is needed to demonstrate the proposed project meets the required standards.

RESPONSE: The Project is not a “private glamping facility” but falls under the definition of a “campground” which has been confirmed by the Building Inspector as being a permitted use within the MDR zoning district and on the Project Site with site plan and special use permit review. The opposition never appealed this determination to the ZBA within 60 days and therefore the determination, and its finding that the Project and all related accessory structures are permitted as a campground, governs the current application.

- 5) Additionally, an opinion may be required from the ZBA due to the multiple uses proposed. “Glamping” is not the same as Lodge, Camp and RV Park. It is not clear that glamping is consistent with lodging places eligible for a Special Use Permit.

RESPONSE: See comment response #2 and 4 above.

- 6) The project documents provided for review do not contain an analysis supporting the proposed density of 75 camping units plus the employee housing, lodge building, reception center, restaurant/bar, pavilion, etc. Development density authorized by Special Use Permit should not be of greater density than a development of single-family residences in the MDR after deducting areas of steep slopes, wetlands, floodplain, etc. Not all of the 77 acres is developable.

RESPONSE: Again, we see no requirement that campground density be similar to residential development. The only density requirement in the Zoning Code is related to “lodges” which is in-applicable to the campground application. Contrary to the oppositions position, the MDR zoning district permits “[lodge (maximum 50 units), camps and recreational vehicle parks” with special use permit from the Planning Board. See Zoning Code 245 Attachment 1:8. Thus, because of the use of commas, “lodge”, “camps”, and “recreational vehicle parks” are separate uses and therefore the 50 unit maximum only applies to “lodge” uses. In fact, “camp” is specifically defined as including “campgrounds.” Zoning Code § 245-57 [Services at Section (1)(c)(9)].

- 7) The application documents do not include a business plan of the proposed development and its operations. Will the restaurant, bar, pool and other amenities be available to the public? Or will use of the facilities be restricted to the guests taking lodging at the facility? This requires clarification as it will affect the traffic projections and overall density of the development. It will also affect the water and wastewater projections.

RESPONSE: Terramor's business plan is not relevant for purposes of the site plan, special use permit of subdivision review. That said, all Project amenities will only be available to campers, making their use accessory to the Project.

- 8) Some development is proposed on steep slopes. Site roadways are proposed at 9-10% grades in some locations. Road profiles indicate that 10 feet of road embankment must be constructed in a jurisdictional wetland to access the site. Alternative road configurations should be evaluated to avoid wetland disturbance.

RESPONSE: See SEQRA Expanded EAF at Section 1, 3 & 4. As with all wetland disturbances, the Project has been designed to limit wetland disturbances to the maximum extent practicable.

Site topography is typical of the Catskill Mountains and foothills - areas of relatively flat plateaus separated by bands of steeper slopes. Areas with slopes greater than 25% are shown on Site Plan sheet L-1.0, Existing Conditions. These areas of steep slopes are avoided in the project design (see sheet L-2.0 Overall Site Plan) except for a short section of access road near Route 212 that crosses a short section of steep slopes that spans the width of this part of the site and is unavoidable for site access.

Road profiles are presented on sheets L-6.1 through L-6.4 in the site plan set. There is one 625 feet long section of project drive out of the 5,400 feet of drives profiled that is 9.59%. Town of Saugerties Subdivision Regulations (the project is not a subdivision) limits allowable subdivision road slopes to 10% or less. There are no road/drive slope standards for non-subdivision projects in the Zoning Code.

The wetlands and stream within the Route 212 frontage are in a low area that is adjacent to the narrow band of steep slopes described above. The amount of fill required is to accommodate the bottomless culvert crossing of the stream and to provide a smooth and safe vertical road alignment when entering and exiting the site.

The project site has frontage on two public Roads, NYS Route 212 and Cottontail Lane. Wetlands are present at both locations. The wetlands at the Route 212 frontage span the width of the property. Avoidance is not possible, and impacts are unavoidable. The amount of wetlands disturbance was minimized by utilizing the limited available uplands along the south side of the frontage. Emergency access off Cottontail Lane avoids wetland disturbance by making use of a narrower drive (16') as compared to other proposed drives which are 20 feet wide.

- 9) The Site Plan Application Form incorrectly states a building footprint of 24,672 square feet. This is not consistent based on the architectural drawings set submitted with the Site Plan which indicates a total of approximately 60,000 square feet of buildings including the 75 glamping units. The total non-pervious surfaces stated on the application form also appear incorrect. Non-pervious surfaces include all paved areas and total building footprint.

RESPONSE: The site plan application has been updated to indicate a proposed additional building footprint of 17,695 square feet. This number does not include 42,858 square feet of tent area since this is not considered building footprint (tents are temporary, soft-sided shelters). However, the campsite area number has been added to the site plan application form to provide clarity. An updated Site Plan Application Form is included in the submitted materials.

The total area of non-permeable surfaces has been refined to 215,211 square feet, which includes all impermeable paved areas, and buildings measured to the extents of the roof area. The 42,858 square feet of tent area is not included in this number. Please see enclosed revised application page.

- 10) A review of the submitted documents does not confirm that a traffic and circulation plan is provided. Further, the fire department should be consulted regarding access for emergency vehicles, parking restrictions, onsite water sources, etc.

RESPONSE: See sheet L-3.0 in the July (and current) site plan set, Overall Site Access and Clearing (emphasis added). We have received comments from the Fire Department and have provided responses above

Terramor and their consultants met virtually with the Centerville Fire Department on November 16, 2022. The fire Department had no issues with the proposed site access drives. At the request of the Fire Department, tent access loops (gravel paths) were widened from 6 feet to 10 feet to accommodate EMS and all tents are now located within 150 feet of the tent access loops. Also, at the suggestion of the Fire Department, Terramor's consultants have been in contact with the Saugerties Building Department regarding the sprinkling of buildings for fire protection.

- 11) Regarding the plans for treatment of wastewater, a SPDES permit is needed from the NYSDEC to discharge treated effluent to the perennial stream located onsite. An analysis of the assimilative capacity of the stream to handle the wastewater discharge is necessary.

RESPONSE: See SEQRA Expanded EAF at Sections 3 & 4. The outfall location has been relocated in the resubmission to an intermittent stream on the interior of the site. Typical effluent limits for treated wastewater discharging to an intermittent stream taken from the Ten State Standards are shown in the wastewater basis of design technical memo which has been resubmitted to the Town.

- 12) Additional analysis is also needed on the plans for water supply, including well yield testing and water quality testing to determine final treatment requirements. PFAS and PFOA have previously been detected in these wells. The design for the source, treatment and distribution systems needs to be submitted to the UCDOH for review and approval.

RESPONSE: This information has been included in the SEQRA Expanded EAF at Sections 3 & 4.

- 13) The nearest residence is approximately 200 feet from the proposed development. In consideration of the multiple uses and associated traffic, a noise study is warranted.

RESPONSE: This information has been included in the SEQRA Expanded EAF at 15.

Comments from Hydroquest, dated October 4, 2022

On behalf of those opposing the Project, Hydroquest submitted comments related to the proposed on-site water service. While many of these comments have been addressed in the SEQRA Expanded EAF and related water services report (see SEQRA Expanded EAF, at 3 &4), we have provided the below responses:

- 1) Sonic water meters should NOT be used, unless they are used to provide a means to verify the accuracy of continuously monitored water level measurements collected before, during, and after well tests by continuously recording pressure transducers. Transducers may be programmed to record water levels at set, frequent, intervals (e.g., 10 minutes). Continuously recorded water level (pressure) data may then be professionally interpreted to determine such things as static groundwater level, homeowner water use, any impact stemming from production well testing, and aquifer recovery follow pumping cessation. Sporadic, infrequent, water level measurements taken with sonic water level meters will be of limited value in assessing potential production well impact on homeowner wells. As written, the agreement provided to Mark Pisani, and presumably others, should not be signed because it implies that the method of monitoring homeowner well water levels would be sufficient to make informed decisions regarding offsite groundwater impact;

RESPONSE: Terramor and its consultants confirmed with the Ulster County Health Department prior to testing that the use of sonic water level recorders was an acceptable device for monitoring the water levels of the neighboring off-site wells. The use of sonic water level recorders significantly reduced the risk of contaminating the neighboring wells being monitored. Three of the four off-site wells which were monitored during the testing had pressure transducers installed by their respective owner's consultant(s). See also, SEQRA Expanded EAF at Sections 3 &4.

- 2) Each aquifer test should be conducted for at least 72-hours, not only 24-hours. Testing of proposed site production wells should be conducted at constant rate discharges for at least 72 hours as required in NYSDOH Part 5, Subpart 5-1, Appendix 5D Public Water Systems, Table 2. Deviation from 72-hour testing is not advised due to the anisotropic character of the fractured bedrock aquifer, unknown depths and saturated aquifer thicknesses of homeowner wells, known well water quantity issues locally, and reported low well yields in the area. It is important to fully stress the aquifer during project water supply testing;

RESPONSE: A 72-hour constant rate test was performed on each of the three wells planned for use in three successive weeks, thereby fully stressing the aquifer. Information gathered during the 72-hour tests is included in the revised basis of design. See also, SEQRA Expanded EAF at Sections 3 & 4.

- 3) Based on Kimberly Whites' 10-03-22 emails to Mark Pisani, two or three aquifer tests are scheduled to occur between October 5 and October 13, 2022. No information is provided regarding which wells will be tested either individually or simultaneously or at what constant rate discharges. Similarly, for example, the lack of disclosed testing protocol does not allow consideration of whether all four project site wells not being pumped will be monitored before, during, and after production well pumping. Empirical water level information recorded continuously in site monitoring wells is an important component of hydrogeologic interpretation in anisotropic aquifers. Lack of available test protocols makes it impossible to evaluate the adequacy of the proposed tests;

RESPONSE: The 72-hour yield tests were closely coordinated with the UCDOH prior to testing and the tests were completed per New York State Department of Health (NYSDOH) protocols and methods. See also, SEQRA Expanded EAF at Sections 3 & 4.

- 4) A copy of the planned aquifer testing protocol should be provided to the public for review and comment prior to test initiation. The protocol should include a map that portrays site wells that will be tested and homeowner wells that will be monitored, as well as the rationale for selection of the number and locations of onsite and offsite wells. All particulars relating to project testing protocols, test duration, and onsite and offsite monitoring should be fully transparent to the surrounding community, not just to a select number of offsite homeowners;

RESPONSE: The testing was completed in accordance with the NYSDOH/ UCDOH requirements and regulations. The UCDOH was consulted extensively to ensure compliance with their requirements for yield testing and water quality sampling. The testing was performed by a NYS licensed well driller with much experience in drilling and testing potable water wells for private and public water systems under the direction of a NYS licensed professional geologist and NYS licensed professional engineer per the requirements of the NYSDOH and the UCDOH requirements.

- 5) Reference to Exhibit A ("a drawing identifying where the investigation will be undertaken within the Well Test Property") on Mark Pisani's first Real Property License Agreement was omitted from a later revised agreement. Again, transparency of all aquifer testing particulars should be provided to the public for review and comment;

RESPONSE: Comment noted.

- 6) Homeowners that were only recently provided with License Agreements should be given adequate time for both legal and hydrogeologic review before they sign the contracts provided to them. Mark Pisani, for example, was provided with a contract for signature only 1.6 days prior to the planned startup of aquifer testing;

RESPONSE: Comment noted. We highlight for the Planning Board that testing neighboring wells is not required yet we incurred additional costs to test a well from each neighborhood

/community when it was available. Please see SEQRA Expanded EAF at Sections 3 & 4 for information related to neighbor well test results.

- 7) It is not clear if the surrounding community and/or individual homeowners were provided with sufficient information and notice regarding the near term planned aquifer tests;

RESPONSE: All well testing on private property was worked out with the private property owners and appropriate notice provided.

- 8) Homeowners that have experienced water quantity problems either during previous or current site well testing (e.g., step drawdown testing) or independently of testing should be included in offsite homeowner monitoring well selection. This requires investigation prior to drafting the aquifer test protocol;

RESPONSE: Comment noted. Properties were selected to monitor at least one (1) property in each neighborhood. In any instance, it cannot be determined from the results of on-site testing or off-site monitoring what may be the cause of reported historical water quantity issues. Monitoring of neighboring wells during the 72-hour yield testing showed little to no impact to those wells which were monitored. Water level recording during the 72-hour testing at the neighboring wells is included in the revised basis of design.

- 9) Based on emails to Mark Pisani, it appears that only four or five homeowner wells will be monitored during well testing. Reference to attached Figures 1 and 2 document the presence of a large number of homes within 1000-feet and 1500-feet outward from the project area. Additional homeowner wells should be monitored;

RESPONSE: One (1) property on Osnas Lane, one (1) property on Route 212, one (1) property on Cottontail Lane, and one (1) property on Raybrook Drive were monitored during the 72-hour yield tests. Monitoring every well within 1,000 feet of the project boundary is impractical, costly, and unnecessary. At least one (1) property in each neighborhood was selected to monitor.

- 10) A representative set of homeowner wells should be fitted with transducers to monitor water levels before, during, and after aquifer testing to obtain static, drawdown and recovery data (i.e., many homeowner wells should be selected for monitoring associated with Terramor aquifer testing). Many should lie within 1,000 feet of the project boundary (Figures 1 and 2) and should include wells encompassing all major compass directions;

RESPONSE: See response to comment #1 above. Please also note that some private property owners elected to install the transducers themselves during the well testing period and the data collected from the private owners has not been provided to Terramor. Off-site residential Monitoring wells had level recording taken prior to beginning the test, once every two hours of few times daily throughout the testing, and once every two couple times hours during recovery, during daylight hours. Level recordings were taken with a sonic water level device or by visual

assessment. Two of the four wells have water levels visible without instrumentation and were less than 15 feet below the top of casing through the duration of the testing. This level of monitoring was intended as a high-level indication of the effects of on-site pumping on the neighboring wells.

- 11) Include the Haeberer well among selected offsite homeowner wells. This well has known water quantity issues; and

RESPONSE: One (1) well which was monitored is a neighbor of the Haeberer property. The same reasoning applies to ultimately selecting one property in each neighborhood.

- 12) The Real Property License Agreement states “the results of the investigation will be reported to the New York State Department of Health, the Town of Saugerties and may be provided to the Owner, if requested ...” (Emphasis added). The wording should be changed to “will be provided.” All data, results, and hydrogeologic interpretation should be provided to those homeowners whose wells were monitored.

RESPONSE: As noted in the license agreement, such results will be made available to the property owners and will be in the public record.

Comments from Members of the Public

There have been several public comments submitted to the Planning Board related to the Project. Most all public comments are addressed above and also in the SEQRA Expanded EAF. The below provides an overview of the public comments obtained and responses to the same.

- 1) Stormwater, Water, Noise, Light, Air Pollution, Visual, Historic & Archaeological and Traffic Concerns.

RESPONSE: Please refer to the SEQRA Expanded EAF.

- 2) Provide Clarification of Density of a Residential Subdivision Given Site Constraints.

RESPONSE: As noted in the August submission to the Planning Board, with the provision of central water and sewer like the proposed facility, giving consideration to development constraints posed by the presence of wetlands and steeper slopes on the property, and considering that the original proposal for the South Peak subdivision on the property contained 43 single family homes, the Applicant estimates that the site appears capable of supporting approximately 50-60 single family homes. Each of these homes would have their own associated noise, fumes, vibration and lighting. (emphasis added).

The number of lots in the previously approved South Peak Subdivision on the project site was limited by the availability of suitable locations for on-site wastewater disposal systems for homesites. If the subdivision proposal had included a wastewater treatment plant, like the

proposed project, then this site limitation could be overcome, and more homes could be constructed than the 23 lots that were conditionally approved for the site by the Saugerties Planning Board in April 2017.

- 3) Please provide hours of operation and occupancy expectations.

RESPONSE: As noted in the August Planning Board submission, the Terramor Lodge and Welcome Center are open from 7:00 am to 10:00 pm each day for complimentary breakfast, gift shop and dinner service starting at 4:00 pm. The pool is open from 8:00 am to 8:00 pm for all guests, and then extends hours from 8:00 pm – 10:00 pm for adult guests only. Quiet hours are instituted starting at 10:00 pm. There is one staff member onsite for night security, so the resort is staffed 24-hours each day. Related to occupancy, please refer to the SEQRA Expanded EAF.

- 4) Have visual impacts to neighbors been addressed?

RESPONSE: Please refer to the SEQRA Expanded EAF at Section 9.

- 5) Will the Project use any pesticides?

RESPONSE: Terramor is committed to the protection of natural resources. To that end, chemical pesticides will **not** be used near water bodies on the parcel. Natural pesticides will be used on-site. Terramor will follow all DEC regulations to ensure the pesticide products are safe, applied by a trained applicator and in accordance with the Pesticide Reporting Law. Please refer to SEQRA Expanded EAF Section 7 related to mitigation related to species.

- 6) What will the construction timing and hours of construction be?

RESPONSE: Construction is anticipated to take 14 months. Construction will be in accordance with local regulations and be approved by the Town's building inspector. It is anticipated that construction hours will be 7:00am – 5:00pm. The Cottontail entrance may be used for deliveries at certain times during construction.

- 7) Will the Lodge, or other campground amenities be used for live music events, weddings, etc.? If so, how often would these events be and would they be open to the public?

RESPONSE: The lodge and other campground amenities, primarily the pavilion will be used for weddings and other events including but not limited to corporate retreats. All events will abide by the quiet time schedule (10pm – 7am) and will not host any form of amplified music in outdoor spaces. Attendees of events are required to stay over-night, which reduces traffic and impact on roads and will ensure that campground occupancy remains consistent with impacts that have been reviewed.

- 8) There is a concern that the Project will reduce the value of the nearby residents property.

RESPONSE: We respectfully submit that such an allegation has been submitted without any basis. Further, the Project is a permitted use in the MDR zoning district, therefore, represents development that is sought by the community.

- 9) What mitigation is proposed to keep wildlife out of refuse areas?

RESPONSE: See Sheet L-5.1 of the submitted site plans that shows three (3) dumpsters for refuse and recyclable materials in the rear of the Lodge. To secure these dumpsters from wildlife, including from bears, the dumpsters will be enclosed with fencing with a latching/locking gate. See Sheet L-8.2 and detail 8.

- 10) How will the campfire wood be provided? Will the wood be treated? Will it be from local providers?

RESPONSE: As discussed in the SEQRA Expanded EAF at Section 6, the Project will utilize untreated wood. Terramor is committed to source wood from local suppliers. There are several local commercial sources of firewood within 50 miles of the project site including Woodstock Firewood, Woodworks Tree Service, and Ulster Forest Products which could provide firewood in accordance with applicable NYSDEC regulations. Dry, untreated firewood will be available to campers at the woodsheds that are provided at each camper parking area (see Layout, Materials & Planting Plans, sheets L-5.1 through L-5.9).

- 11) Will the wooded areas about the campsites and other fire locations be trimmed to prevent forest fire?

RESPONSE: Layout, Materials & Planting Plans (sheets L-5.1 through L-5.9) show fire pits and the stone seating areas proposed around them located within the clearing limits of sites. Sites will be maintained to prevent vegetation encroachment in the areas of the fire pits. Any forest fire on the site would be very detrimental to Terramor's operation. Taking preventative measures to reduce the potential for such fires occurring on the site, including trimming of vegetation, will occur regularly on site.

END OF DOCUMENT

GENERAL SITE PLAN APPLICATION

Date: Updated December 2, 2022

Applicant: Name Kampgrounds of America Inc. d/b/a Terramor Outdoor Resorts, Attn. Kim White
Address 550 North 31st St.
Billings, MT 59101
Phone #: 2407-671-9299 Fax: n/a

Consultant: Name The LA Group, Landscape Architecture and Engineering, Attn. Kevin Franke
Address 40 Long Alley
Saratoga Springs, NY 12866
Phone #: 518-587-8100 Fax: 518-587-0180

Owner Name Same as Applicant
(if not applicant): Address _____
Phone #: _____ Fax: _____

Project Site Information

Location or Address: Unnumbered NYS Route 212 (between #1740 South Peak Vet Hospital and #1678 CE Spray Foam Service

Project Name (if applicable): Terramor Catskills

Tax Map Designation: Section # 27.002 Block# 8 Lot# 21 & 32.11

Area of Site: 77.51 (sq ft. or acres) **Zoning District** MDR

Type: Residential Commercial Industrial Institutional

Is the site served by public water supply? (~~Yes~~/ No) or by public sewage system? (~~Yes~~/ No)

Scope of Work (Check all that apply and indicate approximate construction cost)

- | | |
|--|---|
| <input checked="" type="checkbox"/> Vegetation Removal | <input type="checkbox"/> Façade Changes |
| <input type="checkbox"/> Demolition | <input checked="" type="checkbox"/> Accessory Structure |
| <input checked="" type="checkbox"/> Earthwork | <input checked="" type="checkbox"/> New Paving |
| <input checked="" type="checkbox"/> New Structure | <input checked="" type="checkbox"/> New Planting |
| <input type="checkbox"/> Expansion of Existing Structure | <input checked="" type="checkbox"/> New Drainage System of Infrastructure |

Bulk Information

- 1) Existing building footprint of all buildings 0 square feet
- 2) Proposed additional foot print 17,695 square feet (there are an additional 42,858 sf of tents)
- 3) Number of existing parking spaces: 0
- 4) Number of proposed additional spaces: 166
- 5) Total area of non-permeable surfaces: 215,211 square feet
- 6) Lot coverage: 1.8 percent (new + existing building footprints / lot area) (includes proposed tents)

Narrative

Current use of site- Currently an undeveloped wooded site. South Peak 21 lot residential subdivision approved for the site in 2017

Proposed use(s) of the site- Terramor proposes to construct a 75 tent glamping campground with a Lodge building containing food and beverage and other customer services. Each tent will have their own restroom facilities. Support accessory structures including employee housing, maintenace building and golf cart storage are proposed. Access will be be from NYS Route 212. On-ste wells will provide potable water.

Wastewater will be collected and directed to an on-site package treatment plant with surface (stream) discharge. Stormwater management compliant with NYS standards is provided.

Describe the existing character of the site in terms prominent vegetation, water bodies, and topography.

The site is primarily deciduous forest of moderate age with a general lack of woody understory vegetation in many places. Two brooks pass through the site including H-171-11-11-1-6 near the Route 212 frontage, and H-171-11-11-1 near the northern part of the site. Wetlands that were redelineated in the spring of 2022 trend east-west on the site and include an area spanning the Route 212 frontage and the large drainage that ends near Cottintail Lane and extends well into the site. There are two areas of ponded water within delineate wetlands in the northwest portion of the site. There are areas of steep slopes towards the upper ends of some wetlands, and overall, topography consists of a number of flat plateaus separated by areas of moderate slopes.

Signatures

I hereby give permission to the Town or the Town’s legal representative to visit the site and conduct an on site inspection. I also agree to thoroughly read and understand the instructions for submission.

Applicant: Ahmed Helmi Date December 1, 2022

Agent: [Signature] Date December 1, 2022