

TOWN OF WILMINGTON PLANNING BOARD APPLICATIONS
for
KOA LAKE PLACID/WHITEFACE MTN HOLIDAY – RIVERSIDE
for
SPECIAL USE PERMIT/SITE PLAN APPROVAL & AREA VARIANCES



September 20, 2022



September 20, 2022

Via Hand Delivery

Wilmington Planning Board
c/o Doug Nemec, Code Enforcement Officer
7 Community Circle
Wilmington, NY 12997

**Re: KOA Lake Placid/Whiteface Mtn Holiday - Riverside
Conversion of Existing North Pole Campground
Applications for Special Use Permit/Site Plan Approval and Area Variances**

Dear CEO Nemec:

On behalf of KOA, attached are 10 copies of the following materials that comprise the applications referenced above.

1. Site Plan Review Checklist
2. APA Project Non-Jurisdictional Determination
 - A. APA May 5, 2022 letter
 - B. Concept Plan Submitted by KOA as Part of the APA Jurisdictional Inquiry
3. Site Plan/Special Use Permit Application
 - A. Completed Town Site Plan Review & Special Use Permit Application Form
 - B. Plan Set (separate from binders)
 - C. Campground/Group Camp Requirements – Zoning Compliance Narrative
 - D. Waterfront Assessment Form
 - E. LWRP Consistency Evaluation Narrative
 - F. Wastewater Basis of Design Memo
 - G. Visual Simulations Graphics
4. Variance Application
 - A. Area Variance Request and Application of Variance Standards (narrative with figures)
 - B. Completed Town Area Variance Permit Application Form
5. SEQRA – Completed Part 1 Full Environmental Assessment Form (FEAF)

In addition to the 10 copies of the materials above, we are also providing three (3) separate copies of the project draft Stormwater Pollution Prevention Plan (SWPPP) that includes a Stormwater Management Design Report. This is a relatively lengthy and technical document. Additional copies can be provided upon

request.

KOA requests to be placed on the agenda for the October 4 Planning Board meeting. Thank you for your continued assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin J. Franke".

Kevin J. Franke, Director of Environmental Services

kfranke@thelroup.com

Enc.

cc. Jeff Priest
Mark Chipperfield
Ben Kelsey



Town of Wilmington

Planning Board

Site Plan Review Checklist

The checklist below outlines the elements which must be included on your site plan in order for your application to be considered complete. During the course of Sketch Plan Review, the Planning Board will determine what information is to be included in the application materials. The Zoning Administrator will complete and sign a copy of the checklist below and return it to you. The checked items must be included in the Site Plan Review application materials. A copy of the signed checklist must be included with your application in order to be considered complete.

Staff of the Town Zoning Office will conduct an administrative level review of the application, comparing the completed checklist with the materials submitted in the Site Plan Review Application, to determine if the application is complete. If the application is complete, it will be placed on the agenda of the next meeting of the Town of Wilmington Planning Board. If the application is not complete, the Zoning Office will notify the applicant of the deficiencies associated with the application.

Project Name: KOA Lake Placid/Whiteface Mtn KOA Holiday - Riverside

Project Address: 5644 NYS Route 86

Site Plan Review Application #: _____ **Fee:** _____

Existing conditions

- ☒ Name and address of applicant ~~and authorization of owner, if different from applicant.~~
- ☐ Name and address of owner(s) of record, if different from applicant. n/a
- ☒ Name and address of person or firm preparing the plan an map.
- ☒ Ownership intentions, such as purchase options.
- ☒ Current zoning classification of property, including exact zoning boundary if in more than one district.
- ☒ Property boundary line plotted to scale. Distances, angles and area should be shown.
- ☒ North arrow, scale, and date.

- ☒ Locations, widths, elevations and names of existing and proposed adjacent streets.
- ☒ Property lines and names of owners of adjoining parcels
- ☒ Location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within and adjoining the property
- ☒ Description of all existing deed restrictions or covenants applying to the property.
copy of deed provided with site plan application form
- ☒ The identification of any state or county permits required for execution of the project.
- ☒ Other requirements which the Planning Board might deem necessary, including, but not limited to, a licensed survey. licensed survey provided in plan set

Natural features

- ☒ Geological features, such as depth to bedrock and the location of rock outcrops.
- ☒ Topographic features, including a map showing existing slope at two-foot contour intervals.
- ☒ Vegetative cover, including existing wooded areas, significant isolated trees and similar features.
- ☒ Soil characteristics, such as load bearing capacity and drainage capacity.
soils information provided in the stormwater management design report in the draft SWPPP
- ☒ Hydrologic features should include drainage and runoff patterns, flood hazard areas, wetlands, and depth to groundwater. See the Stormwater Management Plan included within the draft SWPPP

Existing development and infrastructure

- ☒ Location and dimensions of major buildings and structures and their use.
- ☒ Location and width of roads and paths, including site access.
- ☒ Location, size and flow direction of sewers, water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.
- ☒ Location of other existing development and uses, including parking and loading areas, fences, trees and landscaping.

New conditions (Proposed Development)

- ☒ Grading and drainage plan showing proposed topography at appropriate contour intervals. This information shall be combined with the map of existing topography.
- ☒ Location, proposed height and use of buildings and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units.
- ☒ Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.

-
- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Officer: _____

Date: _____



**Adirondack
Park Agency**

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

May 5, 2022

Kampgrounds of America, Inc. – via email duselman@koa.net
Darin Uselman
550 N. 31st Street
Billings, MT 59101

RE: Jurisdictional Determination J2022-0368
Tax Map Parcel 26.6-5-80.003, 26.6-5-79.100, 26.6-5-39.001
Land Use Area: Hamlet
Town of Wilmington, Essex County

Dear Darin Uselman:

Thank you for your Jurisdictional Inquiry Form, received by the Agency on April 20, 2022.

Agency review indicates that the proposed renovation and conversion of campground sites from rv sites to tourist accommodation sites as depicted on the map titled, "Alta/NSPS Land Survey of the lands of James and Mary Ellin Carmelitano and NPC Wilmington, Inc." dated October 23, 2021, and described in the materials submitted does not require a permit or variance from the Adirondack Park Agency.

Wetland maps available for Essex County indicate that there are wetlands on the property. The attached map shows the approximate location of these wetlands. From the information submitted with your Jurisdictional Inquiry Form, it does not appear that your proposal will impact any wetlands. Please remember that all activities within the Adirondack Park must comply with the Freshwater Wetlands Act. The attached Freshwater Wetlands flyer contains additional information regarding wetlands in the Adirondack Park. Please contact the Agency if you have any questions about the wetlands on your property.

Although your proposal does not require Agency approval, please help to prevent the spread of invasive species by ensuring all excavating tools, fill, and other equipment are thoroughly cleaned and that all fill is free of invasive species prior to use on-site. If any portion of the site contains invasives, all construction equipment and vehicles should be thoroughly cleaned prior to moving to other areas. If the proposal will involve any plantings, care should be taken to avoid the introduction of invasive species. Additional

information on how to prevent the spread of invasive species in the Adirondack Park can be found at www.adkinvasives.com.

In addition, please be aware of the following information and requirements:

1. In a Hamlet land use area, any new structure over 100 square feet in size (except docks and boathouses - see definitions in the attached Shoreline Restrictions flyer) must be set back at least 50 feet from the mean high water mark of lakes, ponds, and navigable rivers and streams. Structure setbacks are measured horizontally from the closest part of the structure to the mean high water mark. For the purpose of applying the setback requirements, a structure consists of all attached components, including all porches, decks, staircases, and other structures.

Vegetative cutting restrictions also apply to shorelines: The removal of vegetation is limited within 6 feet of the mean high water mark, and the cutting of trees is limited within 35 feet of the mean high water mark.

Please see the attached flyer for additional information regarding the Agency's shoreline restrictions.

This letter does not authorize the impairment of any easement, right, title, or interest in real or personal property, and shall not be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local. We recommend that you check with Town authorities to obtain all necessary approvals prior to commencing the project.

Please do not hesitate to contact the Agency with any questions.

Sincerely,

/s/ Tracy J. Darrah

Tracy J. Darrah
Project Administrator
Attachments: Shoreline Restrictions and Wetlands flyer and Wetlands map

cc: Town of Wilmington – via email
Kevin Franke – via email



Town of Wilmington

Planning Board

Site Plan Review & Special Use Permit Application

7 Community Center Circle

P.O. Box 180

Wilmington, NY 12997

Phone: 518-946-7174

Fax: 518-946-7124

Instructions: All information requested must be supplied except where not applicable. Ten (10) copies of the completed application for site plan shall be submitted to the Code Enforcement Officer at least two (2) weeks in advance of a scheduled Planning Board meeting. All plans shall be at a scale of one inch equals forty (40) feet or larger scale showing the proposed development and immediate environs.

Site plan review application # _____ Fee: _____ Sketch Plan Review Date: _____

1. **Property Owner's Name:** Kampgrounds of America, Inc. **Phone:** (509) 440-1104 (Jeff Priest)

Mailing Address 550 N. 31st St.

City Billings State MT Zip 59101

Email jpriest@koa.net Fax: _____

2. **Representative's Name** The LA Group, P.C. - Attn: Kevin Franke **Phone:** (518) 587-8100

Mailing Address 40 Long Alley

City Saratoga Springs State NY Zip 12866

Email kfranke@thelagroup.com Fax: (518) 587-0180

3. **Parcel ID-** 80.003
79.100
Section: 26.6 Block: 5 Lot: 39.001 Zone(s): Hamlet 2, Waterfront Overlay

4. **Property location (911 address)*** 5644 NYS Route 86

*If a 911 address is not available, please describe how to find the property: _____

5. **Present use of property (vacant, residential, commercial)** Commercial (campground)

6. **Description of site plan proposal:** Replacement of existing campground with new KOA campground. Existing lodge will be used for employee housing. Existing residence continues to be used for manager's residence.

7. **Easements or other restrictions on property?** ☒ Yes ☐ No (If yes, attach copy of deed)

Deed attached. KOA will be extinguishing the easement granted to the former motel owner, High Valley Motel Corp.

8. **Is the subject lot within 500 feet of a County or State right-of-way / road, park, municipal boundary, or watershed draining into any County or State facilities, requiring review of the County Planning Board?** ☒ Yes ☐ No

9. **Total site area (square footage or acreage):** 13.803

Section 1 - Site Plan (use page 1, 2 and 3)

1. Anticipated construction time:

Start: Fall 2022 Finish: Fall 2023 Is the project Phased? Yes # of Phases 2
(demo)

2. List any other required permits or approvals associated with proposal and their status (APA, DEC).

NYSDOH-application to be filed after town application filed.

APA-Issued non-Jurisdictional Determination on May 5, 2022 (copy included in this submission).

DEC-Construction Stormwater SPDES to be filed after town application filed.

LWRP Consistency- see completed WAF Form and compliance narrative

3. Existing condition of site (buildings, brush, open field, forest):

Former North Pole Campground.

4. Character of surrounding lands: Mix of commercial and residential including Whiteface Suites and Cabins to the south,
Whitebrook Dairy Bar and 3 single family homes to the north, and Alpine Country Inn and
Suites and A&W Family Restaurant across Route 86.

5. Please provide the following information (use additional pages if necessary):

a) Project construction cost estimate \$4,000,000

b) Proposed colors of siding and roof and lighting, if applicable: Gray stone and brown wood exterior, green roof
LED lighting, see simulations of views from Route 86 in this submission.

c) Any additional information pertinent to your site plan request: See the following attached documents:
Area Variance Application, Campground Code Compliance
Narrative, LWRP Consistency Evaluation

6. Ownership intentions, such as purchase options: KOA purchased the property in December 2021.

7. The following are the criteria by which the Planning Board approves any Site Plan Review:

- A) Does the use comply with all other requirements of the zoning ordinance, including the dimensional regulation of the zoning district in which it is proposed to be located?
- B) Is the use in harmony with the general purpose and intent of the zoning ordinance, specifically taking into account the location, character, and size of the proposed use and the description and purpose of the district in which such use is proposed, the nature and intensity of the activities to be involved in or conducted in connection with the proposed use, and the nature and rate of any increase on the burden of supporting public services and facilities which will follow the approval of the proposed use?
- C) Would the establishment, maintenance or operation of the proposed use create public hazards from traffic, traffic congestion, or the parking of automobiles or be otherwise detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to the property and improvements in the neighborhood or the general welfare of the Town?
- D) Would the project have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreation or open space to provide supporting facilities and services made necessary by the project – taking into account the commercial, industrial, education, residential, recreational or other benefits that might be derived from the project?
- E) Would the project adversely impact the public health, safety and general welfare as well as the comfort and convenience of the public in general and residents of the immediate neighborhood?

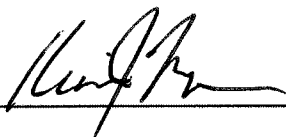
Prepared by:

Kevin Franke

Date: 9/8/22

Circle one: owner / Representative

Signature



Please certify and initial the following:

 X I have reviewed the Site Plan Review Checklist. I understand that my application will not be deemed complete unless all elements are included, unless specific exceptions are deemed acceptable by the Planning Board. I understand that a signed copy of the checklist, as completed by the Code Enforcement Officer in the course of Sketch Plan Review, must be included for this application to be deemed complete.

 X I have reviewed the Site Plan Review Instructions. I understand that my Permit will not be final until the Town of Wilmington conducts a final inspection for compliance with Site Plan Approval.

Section 2 - Special Use Permit (use page 1 and 4)

1. List any other required permits or approvals associated with proposal and their status.
(APA, DEC, Waterfront Consistency).

See Page 2, #2

2. A ~~short or long~~ Environmental Assessment Form (EAF) or a ~~draft~~ Environmental Impact Statement (EIS), as required by the State Environmental Quality Review (SEQR) is included. (X) Yes () No

3. Any additional information pertinent to your site plan request:

See the supporting information submitted with the application including narratives on consistency with the zoning ordinance standards for campgrounds and group camps, the LWRP consistency narrative and the application for area variances and a narrative applying the area variance standards from the zoning ordinance.

4. The Planning Board shall consider the following criteria when making a determination for a Special Use Permit: (per Article X of the Zoning Ordinance)

- A) Compatibility of the proposed use with the principles of the district, the purposes set forth in the zoning ordinance, and the goals of the Local Waterfront Revitalization Program (LWRP).
- B) Compatibility of the proposed use with the adjoining properties and with the natural and man-made environment.
- C) Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and its accessibility to fire, police, and emergency services.
- D) The overall impact on the site and its surroundings considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or other nuisances.
- E) Restrictions and/or conditions on design or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.
- F) Consistency of the location of the proposed use with the goal of creating a healthy mix of uses that enhances the viability of the hamlet and Town.
- G) Compatibility with the historic character and use of the structure or structures and the historic characters of the site and in the surrounding area, if applicable.

Prepared by: Kevin Franke Date: 9/8/22

Circle one: owner / representative

Signature 

Please certify and initial the following:

X I have reviewed the Special Use Permit Instructions. I understand that my Permit will not be final until the Notice of Decision of the Town of Wilmington Planning Board is filed in the office of the Planning Board Clerk.



ESSEX COUNTY – STATE OF NEW YORK
JOSEPH A. PROVONCHA, COUNTY CLERK
7559 COURT ST, PO BOX 247, ELIZABETHTOWN, NY 12932

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 2066 / 23
INSTRUMENT #: 2021-6855

Receipt#: 2021259253
Clerk: ND
Rec Date: 12/29/2021 04:45:37 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 6
Rec'd Frm: CHICAGO TITLE ALBANY-80 STATE
ST 10TH FLR NY 12207

Party1: N P C WILMINGTON INC
Party2: KAMPGROUNDS OF AMERICA INC
Town: WILMINGTON

Recording:

Cover Page	5.00
Recording Fee	45.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 325.00

Transfer Tax	
Transfer Tax - State	7712.00
Transfer Tax - County	3856.00

Sub Total: 11568.00

Total: 11893.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 1137
Commercial Transfer Tax
Consideration: 1928000.00

Transfer Tax - State	7712.00
Transfer Tax - County	3856.00

Total: 11568.00

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

I hereby certify that the within and foregoing
was recorded in the Essex County Clerk's
Office.

Joseph A. Provoncha
Essex County Clerk

Notice Information may change during the
verification process and may not be reflected on this
page

WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE

Made the 22 day of December, 2021

BETWEEN

NPC WILMINGTON, INC., a New York Corporation, having an address of 5644 NYS Route 86, Wilmington, New York 12997, party of the first part, and

KAMPGROUNDS OF AMERICA, INC., a Montana corporation, with offices at 550 North 31st Street, Billings, Montana 59101, party of the second part,

WITNESSETH that the party of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its heirs or successors and assigns forever,

ALL RIGHT, TITLE AND INTEREST IN AND TO: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Wilmington, County of Essex and State of New York bounded and described in the attached SCHEDULE A.

Being the same premises conveyed to the party of the first part by AKMI Development by deed dated February 19, 2002 and recorded March 18, 2002 in the Essex County Clerk's Office as Liber 1314 at Page 90; and

Being the same premises conveyed to the party of the first part by Adirondack Bank, National Association by deed dated March 20, 1996 and recorded April 5, 1996 in the Essex County Clerk's Office as Liber 1108 at Page 148; and

SUBJECT TO all easements, covenants, restrictions and rights-of-way of record; and

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any street and roads abutting the above-described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto party of the second part, its heirs or successors and assigns forever.

AND said party of the first part covenants as follows: that said party of the first part seized of the said premises in fee simple, and has good right to convey the same, that the party of the second part shall quietly enjoy the said premises; that the said premises are free from incumbrances, except as aforesaid; that the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

AND, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

Approval of said transfer was granted by a vote of at least two thirds of the holders of all of the outstanding shares entitled to vote thereon of the party of the first part in accordance with the provisions of Section 605 and Section 909 of the Business Corporation Law.

[Signature Page Immediately Follows.]

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF

NPC WILMINGTON, INC.

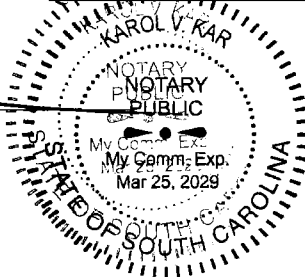
James Carroll Pres
BY:

ITS:

STATE OF South Carolina
COUNTY OF Horry) ss.:

On the 20 day of December, in the year 2021, before me, the undersigned, personally appeared James Carroll personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the CITY OF MYRTLE BEACH & THE COUNTY OF HORRY

Karl V. Kar
NOTARY PUBLIC



SCHEDULE A

PARCEL 1 (5593 NYS Route 86): This parcel is 100 Acre Woods and not part of this application.

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situated, lying and being in the Town of Wilmington, County of Essex and State of New York, being part of lot No. 32 of Mallory's Grant and more particularly described as follows:

BEGINNING at a point in the Wilmington-Lake Placid State Highway (Route 86) said point being located 600 feet North Easterly from the point where the division line between lots Nos. 31 and 32 of Mallory's Grant intersects the center of said Highway and which point of beginning is the most Easterly corner of a parcel of land conveyed by Bernard J.P. Comiskey to Marjorie B. Wilkins by deed dated July 7, 1950 and recorded in the Essex County Clerk's Office on July 10, 1950 in Book 279 of Deeds at page 293, and from said point of beginning running thence in a Northwesterly direction along the Northeasterly line of said parcel a distance of 550 feet to the most Northerly corner thereof; thence Southwesterly along the Northeasterly line of said parcel (described as parallel to the center of said highway) and continuing in the same course along the Northwesterly line of a parcel of land conveyed by said Comiskey to Walter N. Zywan and Marylyn V. Zywan a total distance on this course of 600 feet to a point in the division line between said lots Nos. 31 and 32; thence Northwesterly along said division line a distance of 1985 feet more or less to the most Westerly corner of lot No. 32; thence Northeasterly along the Westerly boundary of Mallory's Grant a distance of 1696 feet more or less to the most Northerly corner of lot No. 32; thence Southeasterly along the division line between lots Nos. 32 and 33 a distance of 3280 feet more or less to a point in the center of the aforesaid State Highway; thence Southwesterly along the center thereof to the point or place of beginning.

The above parcel is also described as follows:

All that Tract or parcel of land situate in the Town of Wilmington, County of Essex and State of New York, bounded and described as follows:

Beginning at a point located in the westerly line of N.Y.S. Route 86, said point being the intersection formed by said westerly line of Route 86 with the division line between the lands now or formerly of Linda Johnson (Book 1914, Page 156) on the north and the lands now or formerly of NPC Wilmington Inc. (Book 1314, Page 90) on the south; thence along said west line of N.Y.S. Route 86, the following six courses: 1) South 38°04'43" West, 219.19 feet to a point; 2) South 36°56'37" West, 351.12' to a point; 3) South 37°44'19" West, 175.30 feet to a point; 4) South 37°20'46" West, 217.84 feet to a point; 5) South 35°25'07" West, 229.85 feet to a point and 6) South 33°36'13" West, 55.91 feet to a point; thence along the lands now or formerly of David & Danielle LaVarnway (Book 2011, Page 2443) and continuing along the lands now or formerly of Katherine Bauer (Book 1546, Page 80) and Joseph Rumble (Book 2014, Page 4433), the following two courses: 1) North 75°45'18" West, 514.57 feet to a point and 2) South 35°35'20" West, 600.00 feet to an existing iron pipe; thence along the lands now or formerly of Trace Button (Book 1214, Page 219), North 75°40'58" West, 1985.18 feet to an existing iron pipe; thence along the lands of the People of the State of New York (Book 152, Page 160), North 12°33'57" East, 1552.30 feet to a nickel bolt found in a rock; thence along the lands of the People of the State of New York (Book 160, Page 161, North 12°44'07" East, 140.37 feet to an iron pipe found; thence along the lands now or formerly of Beth Hesseltine (Book 890, Page 344), South 76°48'09" East, 1002.65 feet to an iron rod found; thence along the lands now or formerly of JGCM Realty LLC (Book 2018, Page 263) and continuing along the lands now or formerly of Linda Johnson (Book 1914, Page 156), South 75°43'20" East, 2245.80 feet to the point or place of beginning.

PARCEL 2 (5636 NYS Route 86):

ALL THAT TRACT, PART, PIECE OR PARCEL OF LAND, situate in Lots 33 and 34, Mallory's Grant, Town of Wilmington, County of Essex, State of New York, being more particularly bounded and described as follows:

BEGINNING at a 3/4 inch iron pipe found in the southerly bounds of New York State Highway Route 86, and at the most northerly corner of a parcel of land belonging (N/F), to Betty Jane Smart, by virtue of a deed recorded

in the Office of the Essex County Clerk in Book 725 of Deeds at Page 176, and RUNNING THENCE N 57° 07' 56" E, along said southerly bounds, a distance of 296.17 feet, to a 1 inch iron pipe found in the most westerly corner of a parcel of land belonging to Richard D. Railton and Marles L. Railton, by virtue of a deed recorded in the Office of the Essex County Clerk in Book 810 of Deeds at Page 339;

THENCE TURNING and running S 48° 57' 21" E, along the southwesterly bounds of Railton (L810-P339), passing through an iron rod at 99.94 feet, and passing through a 3/4 inch iron pipe at 200.24 feet, a total distance of 614.50 feet, to the most northerly corner of a parcel of land belonging to Richard D. Railton and Marles L. Railton, by virtue of a deed recorded in the Office of the Essex County Clerk in Book 993 of Deeds at Page 346;

THENCE TURNING and running S 61° 14' 53" W, along the northwesterly line of Railton (L. P.), a distance of 255.24 feet, to the most westerly corner thereof, being a 1/2 inch iron pipe set in the northeasterly bounds of the aforementioned premises of (N/F) Betty Jane Smart (L725-P176);

THENCE TURNING and running N 53° 11' 24" W, along the northeasterly bounds of lands (N/F) of SMART (L725-P176), a distance of 700.31 feet, to the point or place of beginning.



ESSEX COUNTY – STATE OF NEW YORK
JOSEPH A. PROVONCHA, COUNTY CLERK
7559 COURT ST, PO BOX 247, ELIZABETHTOWN, NY 12932

COUNTY CLERK'S RECORDING PAGE

THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



BOOK/PAGE: 2066 / 29
INSTRUMENT #: 2021-6856

Receipt#: 2021259253
Clerk: ND
Rec Date: 12/29/2021 04:45:37 PM
Doc Grp: D
Descrip: DEED
Num Pgs: 7
Rec'd Frm: CHICAGO TITLE ALBANY-80 STATE
ST 10TH FLR NY 12207

Party1: CARMELITANO JAMES
Party2: KAMPGROUNDS OF AMERICA INC
Town: WILMINGTON

Recording:

Cover Page	5.00
Recording Fee	50.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Additional Names	0.50
TP584	5.00
RP5217 - County	9.00
RP5217 All others - State	241.00

Sub Total: 330.50

Transfer Tax	
Transfer Tax - State	4520.00
Transfer Tax - County	2260.00

Sub Total: 6780.00

Total: 7110.50
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 1138
Commercial Transfer Tax
Consideration: 1130000.00

Transfer Tax - State	4520.00
Transfer Tax - County	2260.00

Total: 6780.00

Record and Return To:

ELECTRONICALLY RECORDED BY SIMPLIFILE

I hereby certify that the within and foregoing
was recorded in the Essex County Clerk's
Office.

Joseph A. Provoncha
Essex County Clerk

Notice Information may change during the
verification process and may not be reflected on this
page

WARRANTY DEED WITH LIEN COVENANT

THIS INDENTURE

Made the 22 day of December, 2021

BETWEEN **JAMES CARMELITANO and MARY ELLIN CARMELITANO**, as tenants in common, individuals having an address of 5644 NYS Route 86, Wilmington, New York 12997, parties of the first part, and

KAMPGROUNDS OF AMERICA, INC., a Montana corporation, with offices at 550 North 31st Street, Billings, Montana 59101, party of the second part,

WITNESSETH that the parties of the first part, in consideration of One Dollar (\$1.00) lawful money of the United States and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its heirs or successors and assigns forever,

ALL RIGHT, TITLE AND INTEREST IN AND TO: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Wilmington, County of Essex and State of New York bounded and described in the attached SCHEDULE A.

Being the same premises conveyed to the parties of the first part by James Carmelitano and Mary Ellin Carmelitano by deed dated March 20, 2000 and recorded March 30, 2000 in the Essex County Clerk's Office as Liber 1242 at Page 289; and

Being the same premises conveyed to the parties of the first part by James Carmelitano and Mary Ellin Carmelitano by deed dated March 20, 2000 and recorded March 30, 2000 in the Essex County Clerk's Office as Liber 1242 at Page 283; and

SUBJECT TO all easements, covenants, restrictions and rights-of-way of record; and

TOGETHER with all right, title and interest, if any, of the parties of the first part in and to any street and roads abutting the above-described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the parties of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto party of the second part, its heirs or successors and assigns forever.

AND said parties of the first part covenants as follows: that said parties of the first part seized of the said premises in fee simple, and has good right to convey the same, that

the party of the second part shall quietly enjoy the said premises; that the said premises are free from incumbrances, except as aforesaid; that the parties of the first part will execute or procure any further necessary assurance of the title to said premises; and that said parties of the first part will forever warrant the title to said premises.

AND, the parties of the first part, in compliance with Section 13 of the Lien Law, covenants that the parties of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

[Signature Page Immediately Follows.]

IN WITNESS WHEREOF, the parties of the first part have duly executed this deed the day and year first above written.

IN PRESENCE OF

James Carmelitano
JAMES CARMELITANO

Mary Ellin Carmelitano
MARY ELLIN CARMELITANO

STATE OF SOUTH CAROLINA
COUNTY OF Horry) ss.:

On the 20 day of December, in the year 2021, before me, the undersigned, personally appeared **James Carmelitano** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the CITY OF MYRTLE BEACH, COUNTY OF HORRY

Karol V. Kar
NOTARY PUBLIC
My Comm. Exp. Mar 25, 2029
STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
COUNTY OF Horry) ss.:

On the 20 day of December, in the year 2021, before me, the undersigned, personally appeared **Mary Ellin Carmelitano** personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument, and that such individual made such appearance before the undersigned in the CITY OF MYRTLE BEACH, COUNTY OF HORRY

Karol V. Kar
NOTARY PUBLIC
My Comm. Exp. Mar 25, 2029
STATE OF SOUTH CAROLINA

SCHEDULE A

PARCEL 1 (5644 NYS Route 86):

All that certain plot, piece or parcel of land, situate, lying and being In the Town of Wilmington, County of Essex, State of New York, briefly described as follows vis:

Commencing at the intersection of the southeast limit of Highway #86 with the southwest bank of White Brook; thence southwesterly along the highway limit, 309.39 feet to a cedar stake which is the point of beginning and which is also the northwest corner of Parcel #1 as shown on a survey of Wilmington Development Company property by Norman Briggs, L.S., dated July 1, 1952; thence S 50° 00' W, along the highway limit, 309.39 feet to a cedar stake; thence S 34° 00' 50" E. 1209.50 feet to a 4" x 4" cedar post on the bank of the AuSable River; thence northeasterly approximately 210 feet; following the river bank, to a 4" x 4" cedar post which is also the southwest corner of Parcel #1; thence N. 49° 29' 50" W, 1180.73 feet to the point of beginning.

EXCEPTING FROM THE ABOVE DESCRIBED PARCEL:

All that tract or parcel of land situate in the Town of Wilmington, County of Essex, State of New York, being part of Lot 33, Mallory's Grant lying east of New York State Route 86 and west of the West Branch of the AuSable River and is more particularly bounded and described as follows:

Beginning at a point at the most northerly corner of the premises marked by a 5/8 inch iron rod with cap, said point being the following two (2) courses from a 3/4 inch iron pipe in the southeast bounds of New York State Route 86 which lies 304.52 feet southwest of White Brook:

1. South 49° 25' 55" East, 395.00 feet;
2. South 49° 27' 22" East, 349.45 feet;

Thence, South 49° 27' 22" East, 450.00 feet along the southwest line of certain lands of Richard M. Sibalski and Jane F. Sibalski, Deed Book 772/Page 4, to a point on the west bank of the West Branch of the AuSable River, said course passing through a 1/2 inch iron pipe line marker at a distance of 440.00 feet;

Thence, Southerly 130 feet more or less along the west bank of the West Branch of the AuSable River on the following three (3) courses to a point at the southerly corner:

1. South 29° 37' 10" West, 32.66 feet to a point;
2. South 32° 53' 59" East, 40.69 feet to a point;
3. South 55° 14' 56" West, 65.59 feet to a point;

Thence, North 48° 23' 02" West, 246.21 feet along the southwesterly line to 5/8 inch iron rod with cap, said course passing through a 5/8 inch iron rod line marker at a distance of 51.00 feet;

Thence, North 56° 25' 45" West, 95.11 feet along the southwesterly line to 5/8 inch iron rod with cap;

Thence, North 09° 51' 36" West, 179.07 feet along the west line to the Point-of-Beginning

Together with a right of way for all normal purposes of ingress and egress over the existing drive from the southwest line of the premises southwest and northwest to the New York State Route 86 and also the right to maintain, repair and replace the existing utility lines providing service to the premises hereinabove described in their present locations.

PARCEL #2

ALL THAT TRACT, PART, PIECE OR PARCEL OF LAND, situate in Lots 33 and 34, Mallory's Grant, Town of Wilmington, County of Essex, State of New York and being more particularly bounded and described as follows:

BEGINNING at a 1 inch iron pipe, and the most westerly corner of a parcel of land belonging to Richard D. Railton and Marles L. Railton, by virtue of a deed recorded in the Office of the Essex County Clerk in Book 810 at Page 339, and RUNNING THENCE S 48° 57' 21" E, along the southwesterly line of Railton (L810-P339) passing through an iron rod at 99.94 feet, and a 1/2 inch iron pipe at 200.24 feet, a total distance of 614.50 feet to a 1/2 inch iron pipe, and to the TRUE POINT OF BEGINNING of the 3.0 acre parcel herein being described;

THENCE CONTINUING along said southwesterly line, S 48° 57' 21" E, passing through a 1/2 inch iron pipe at 595.91 feet, a total distance of 629 feet more or less, to a point on the northerly bank of the AuSable River, and to the most easterly corner of the 3.0 acre parcel herein being described;

THENCE TURNING and running southwesterly and upstream, along the bank of the AuSable River, a distance of 230 feet, more or less, to the most easterly corner of a parcel of land belonging (N/F) to Florence Williams; by virtue of a deed recorded in the Office of the Essex County Clerk in Book 456 of Deeds at Page 19;

THENCE TURNING and running N 53° 11' 24" W, (passing through a 3/4 inch iron pipe at 20 feet, more or less), along the northeasterly line of WILLIAMS (L456-P19), a distance of 415 feet, more or less, to the most easterly corner of a parcel of land belonging (N/F) to Betty Jane Smart, by virtue of a deed recorded In the Office of the Essex County Clerk in Book 725 of Deeds at Page 176;

RUNNING THENCE N 53° 11' 24" W, along the northeasterly line of SMART (L725-P176), (passing through a 3/4 inch iron rod at 99.47 feet), a distance of 189.6 feet, to a 1/2 inch iron pipe, and to the most westerly corner of the 3.0 acre parcel herein being described:

THENCE TURNING and running N 61° 14' 53" E, through lands belonging to the High Valley Motel Corporation, by virtue of a deed recorded in the Office of the Essex County Clerk in Book 940 of Deeds at Page 142, a distance of 255.24 feet, to the point or place of beginning.

PARCEL 2 (5646 NYS Route 86):

All that tract or parcel of land situate in the Town of Wilmington, County of Essex, State of New York, being part of Lot 33, Mallory's Grant lying east of New York State Route 86 and west of the West Branch of the AuSable River and is more particularly bounded and described as follows:

Beginning at a point at the most northerly corner of the premises marked by a 5/8 inch iron rod with cap, said point being the following two (2) courses from a 3/4 inch iron pipe in the southeast bounds of New York State Route 86 which lies 304.52 feet southwest of White Brook:

1. South 49° 25' 55" East, 395.00 feet;
2. South 49° 27' 22" East, 349.45 feet;

Thence, South 49° 27' 22" East, 450.00 feet along the southwest line of certain lands of Richard M. Sibalski and Jane F. Sibalski, Deed Book 772/Page 4, to a point on the west bank of the West Branch of the AuSable River, said course passing through a 1/2 inch iron pipe line marker at a distance of 440.00 feet;

Thence, Southerly 130 feet more or less along the west bank of the West Branch of the AuSable River on the following three (3) courses to a point at the southerly corner;

1. South 29° 37' 10" Well, 32.66 feet to a point;
2. South 32° 53' 59" East, 40.69 feet to a point;
3. South 55° 14' 56" West, 65.59 feet to a point;

Thence, North $48^{\circ} 23' 02''$ West, 246.21 feet along the southwesterly line to a $5/8$ inch iron rod with cap, said course passing through a $5/8$ inch iron rod line marker at a distance of 51.00 feet;

Thence, North $56^{\circ} 28' 45''$ West, 95.11 feet along the southwesterly line to a $5/8$ inch iron rod with cap;

Thence, North $09^{\circ} 51' 36''$ West, 179.07 feet along the west line to the Point-of Beginning. Together with a right of way for all normal purposes of ingress and egress over the existing drive from the southwest line of the premises southwest and northwest to New York State Route 86.

Lake Placid/Whiteface Mtn KOA Holiday - Riverside

CAMPGROUND/GROUP CAMP REQUIREMENTS - CODE COMPLIANCE NARRATIVE

9/16/22

The following contains the General Regulations for Campground/Group Camp Requirements from Article VI of the Zoning Ordinance (pp. 25-29). Requirements from the Ordinance reiterated below are followed by bulleted information describing how the project complies with the requirements. In two instances, area variances are being sought¹. A separate document in this submission contains a variance application form and an accompanying narrative describing how the project meets the standards for issuance of these two area variances.

Campground / Group Camp Requirements

A. Procedure

All proposed campgrounds and group camps shall be subject to, and be approved and developed under the Special Permit Review process of this Code and as set forth and according to the following requirements.

B. Standards

(1) General

Creation and expansion, extension or alteration of any campground or group camp shall be in accordance with the minimum requirements hereinafter set forth.

(2) Site Considerations shall be as follows:

- (a) Any campground or group camp involving lands designated as a Flood Hazard Area by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development as depicted on the Zoning Map(s) or any other land subject to repeated flooding or deemed by the Planning Board to be subject to flood hazard shall be reviewed by the Board in accord with the applicable provisions of the Site Plan Review Section of this Code.

- The FEMA mapped floodplain for the West Branch AuSable River is shown on the survey of existing conditions included in the site plan drawings in this submission. No structures are proposed within

¹ A variance is also being sought for the river setback in the Waterfront Overlay District for the placement of a pavilion accessory structure within 200 feet of the river. See the variance application section of this submission for a discussion of all 3 variances sought by KOA.

the mapped floodplain.

- (b) The campground or group camp shall be located in areas where grades and soil conditions are suitable for location of recreational living units. The campground or group camp shall be located on a well-drained site which is properly graded to insure proper drainage and be free at all times from stagnant pools of water.
- See the Stormwater Management Design Report included in the draft SWPPP that is part of this submission. The site soils are mapped as Colton very gravelly loamy sand which are very deep and excessively drained. The site gradually slopes down from Route 86 to the river as illustrated by surveyed site topography on the submitted site plans. Site grading (and subsurface piping) directs surface runoff towards the new proposed stormwater management practices.

- (c) The site shall be at least twenty (20) acres, and shall have access to a public roadway.
- The former North Pole component of the campground is 13.8 acres and the former 100 Acre Woods component is 105.8 acres. Both have direct access to/from NYS Route 86.

(3) Unit Area

Each campground shall have defined and identifiable camping site areas. The total number of unit areas in such campground shall not exceed twelve (12) per gross acre. Each unit area shall have a total area of not less than twenty-five hundred (2,500) square feet with a minimum dimension of thirty (30) feet, or three thousand (3,000) square feet for travel trailer camp areas. Only one recreational vehicle unit, including travel trailers, shall be permitted to occupy any one camp area.

- A total of 50 sites are proposed on the 13.8 acre site, or an overall density of 3.6 sites per gross acre.
- Travel trailer sites are larger than 3,000 sf and the cabin sites are larger than 2,500 sf.

(4) Improved Unit Area

Each designated lot shall have an improved area which will provide for the placement and removal of recreational vehicle or travel trailer and for the retention of each in a stable condition. This improved area shall be of sufficient size to accommodate the dimensions of all anticipated recreational vehicles and travel trailers, and shall be suitably graded to permit proper surface drainage.

- See Sheet L-5.0, Layout and Materials, in the submitted plan set. Each RV site has a drive/pad with gravel pavement. Porous pavers patios are provided at each site. See details 1 and 2 on sheet L-802. RV site sizes were established by KOA based on the sizes of anticipated vehicles. For surface drainage see Sheet L-600 Grading Plan, and Sheet L-601 Drainage Plan.

(5) Location of Units

A recreational vehicle or travel trailer shall be located at a minimum distance of:

- (a) Seventy-five (75) feet from a stream, brook or river.
 - All RV spaces are more than 75 feet from the river. There are no other surface waters on the site.
 - (b) Seventy-five (75) feet from an adjacent unit, in any direction.
 - KOA requests an area variance from this standard. See the variance application that is part of this submission.
 - (c) Seventy-five (75) feet from an adjacent property line.
 - KOA requests an area variance from this standard. See the variance application that is part of this submission.
 - (d) One hundred (100) feet from the edge of the pavement or improved surface area of a public roadway.
 - All sites are more than 100 feet from NY Route 86.
 - (e) twenty (20) feet from the edge of any paved or improved surface area of any roadway within the campground.
 - All sites meet this standard.
- (6) Accessibility shall be as follows:
- (a) Each campground or group camp shall be easily accessible from an existing public roadway.
 - The proposed KOA facility will make use of the same access locations (curb cuts) as the former North Pole campground and motel.
 - (b) Location and number of points of entry and exit shall be approved by the Planning Board according to the terms under which the Permit is authorized. Such entrances and exits shall be designed and strategically located for the safe and convenient movement into and out of the campgrounds, and to minimize conflicts with the movement of traffic on the public roadway. Ease of access and egress and turning movements shall be considered in the design of the roadway system.
 - See the previous item above.

- (c) Each campground or group camp shall have improved roadways to provide convenient access to all camping unit areas and other important facilities within the site. In addition:
 - [1] All roadways shall be fifteen (15) feet for one-way roads, twenty (20) feet for two-way roads, with three (3) inches of rubble or gravel for drainage where necessary.
- **Proposed two-way drives are 25 feet wide. Proposed 1-way drives are mostly 15 feet wide with one section that is 20 feet wide. See the submitted site plans including L-50, Site Materials Plan, and Detail 9 on sheet L-800, Asphalt Pavement.**
 - [2] Adequate access shall be provided to each improved camping site area.
- **All RV spaces are either pull through or back in. All cabins have parking immediately adjacent.**
- (7) Utilities and Service Facilities

All waste water disposal, water and public accommodation facilities provided in any campground or group camp shall be in accordance with the regulations of the N.Y.S. Department of Environmental Conservation or Department of Health as is applicable. In addition, the following utilities and service facilities shall be provided in each campground:

 - (a) An adequate supply of pure water for drinking and domestic purposes shall be supplied.
- **Potable water supply will be provided by the Town's municipal system. An August 29, 2022 e-mail from the Wilmington Water Department stating their ability to serve the project is included in this submission as an attachment to the Full Environmental Assessment Form.**
 - (b) Waste from all service buildings and individual lots shall be discharged into an approved public or private sewer system in compliance with the N.Y.S. Department of Environmental Conservation and N.Y.S. Department of Health, and in such a manner so as not to present a health hazard.
- **A new wastewater collection and on-site disposal system has been designed in accordance with current NYS standards and permit applications are being filed with NYSDOH and NYSDEC. See the Sewer and Water Engineering Plans in the plan set in this submission.**
 - (c) If other service buildings and facilities are to be provided as deemed necessary for the normal operation of the campground or group camp, all such buildings shall be maintained in a sanitary and safe condition.

- The KOA facility, as a whole, will obtain a new permit to operate from NYSDOH.
 - (d) Refuse disposal shall be the responsibility of the operator of the campground or group camp and such refuse shall be disposed of daily and in a covered can with a plastic bag liner at each site.
 - KOA will continue its refuse handling and disposal procedures in accordance with these requirements.
 - (e) Where electrical connections or services are provided, they shall be weather-proof connections and outlets which are of a type approved by the New York State Building Construction Code. Proposed electrical service shall be shown on the plan.
 - See the Electrical Plan included in the set of site plans submitted with this application.
- (8) Recreation-Open Space Area
- Each campground or group camp shall provide common open space for the use of the occupants of such campgrounds. Such open space shall be conveniently located in the campground or group camp and shall constitute a minimum of twenty (20) percent of the total campground area, such area to be designated on the site plan in such manner as to be an integral part of any proposed campground or group camp.
- Proposed common open space includes the pool and play areas, pickle ball courts, and a pocket park near the river. Together, these components comprise 2.76 acres, or 20% of the 13.8 acre site. Areas of open space are identified on sheet L-100, Overall Site Plan.
- (9) Fireplaces; Campfires
- All fires in any campground or group camp shall be in a designated improved location with at least a stone or other fire- proof enclosure demarcating the usable area from which all vegetative growth or other flammable material which might contribute to the accidental spread of the fire shall be removed.
- The submitted plans show designated fire locations at all RV and cabin locations as well as a designated location in the pocket park near the river. See sheet L-500, Site Materials Plan, as well as details 1 through 4 on Site Details sheet L-802 that shows fire pits located within the hard surface patios at the RV and cabin sites.
- (10) Landscaping shall be as follows:
- (a) Lawn and ground cover shall be provided on those areas not used for the placement of individual recreational living units and other buildings, walkways, roads and parking areas.
 - (b) Plantings shall be provided to the extent needed in order to screen objectionable views, provide adequate shade and to provide suitable settings for the recreational living units and

other facilities. Views which shall be screened include laundry facilities, other non-residential uses, refuse storage and collection areas, and all abutting yards of adjacent properties.

- (c) Other planting shall be provided along those areas within the campground which front upon or are visible from existing public roadways so as to substantially screen the campground from public view at all seasons of the year.

- See the project planting plan on sheet L-700. Also see the photo simulations of the built conditions, including proposed landscaping, for views from northbound and south bound NYS Route 86 included in this submission.

(11) Removal of Wheels

It shall be unlawful to remove wheels from any recreational living unit or otherwise permanently affix such unit to the ground. Such removal shall be grounds for the revocation of the Operating Permit for such campground.

- Cabins that are mounted on chassis and qualify as over the road RVs will remain on chassis at the locations shown on the project plans.

(12) Storage of Recreational Living Units

May be permitted on the campground in an area that does not allow occupancy by a registered guest of the campground. This area will not have any utilities or service facilities that will allow a recreational living unit to be occupied. A unit may be stored on the premises for no longer than fifteen (15) consecutive months.

- C. Storage of recreational living units is not anticipated to occur on the site.

WATERFRONT ASSESSMENT FORM (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Town of Wilmington agencies, shall complete this WAF for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by a Town of Wilmington agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Town of Wilmington Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area. Please see the accompanying LWRP consistency assessment.
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of agency action (check appropriate response):
 - (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)

 - (b) Financial assistance (e.g. grant, loan, subsidy)

 - (c) Permit, approval, license, certification
Planning Board Special Use Permit/Site Plan & Variance Approvals
 - (d) Agency undertaking action:

2. Describe nature and extent of action:
The action is the replacement of the existing North Pole Campground with a new
Kampgrounds of America (KOA) campground facility.

3. Location of action:
5644 NYS Route 86

Street or Site Description
4. Size of site:
13.803 acres

5. Present land use:
Campground

6. Present zoning classification:
Hamlet 2 & Waterfront Overlay

7. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):
None present

8. Percentage of site which contains slopes of 15% or greater:
0%

9. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?
- (1) Name:
West Branch AuSable River and narrow band of riverside wetlands

- (2) Size (in acres):
adjacent to site, 0.02 acres of wetlands

10. If an application for the proposed action has been filed with the agency, the following information shall be provided:
- (a) Name of applicant:
Kampgrounds of America, Inc.

- (b) Mailing address:
550 N 31st St., Billings, MT, 59101

- (c) Telephone number: Area Code ()
(509) 440-1104 (Jeff Priest)

- (d) Application number, if any:
none currently assigned

11. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes X No If yes, which state or federal agency?

New York State Department of Health permit

C. WATERFRONT ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

- | | | YES | NO |
|-----|---|-------------|----------|
| 1. | Will the proposed action be located in, or contiguous to, or have a potentially adverse effect upon any of the resource areas identified on the coastal area map: | <u> </u> | <u>X</u> |
| (a) | Significant fish or wildlife habitats? | <u> </u> | <u>X</u> |
| (b) | Scenic resources of local or statewide significance? | <u> </u> | <u>X</u> |
| (c) | Important agricultural lands? | <u> </u> | <u>X</u> |
| (d) | Natural protective features in an erosion hazard area | <u> </u> | <u>X</u> |

If the answer to any question above is yes, please explain in Section D any measures which will be undertaken to mitigate any adverse effects.

- | | | | |
|-----|--|-------------|----------|
| 2. | Will the proposed action have a significant effect upon: | | |
| | | YES | NO |
| (a) | Commercial or recreational use of fish and wildlife resources? | <u> </u> | <u>X</u> |
| (b) | Scenic quality of the coastal environment? | <u> </u> | <u>X</u> |
| (c) | Development of future, or existing water dependent uses? | <u> </u> | <u>X</u> |
| (d) | Stability of the shoreline? | <u> </u> | <u>X</u> |
| (e) | Surface or groundwater quality? | <u> </u> | <u>X</u> |
| (f) | Existing or potential public recreation opportunities? | <u> </u> | <u>X</u> |
| (g) | Structures, sites or districts of historic, archeological or cultural significance to the Town of Wilmington, State or nation? | <u> </u> | <u>X</u> |

- | | | | |
|-----|--|-------------|----------|
| 3. | Will the proposed action involve or result in any of the following: | | |
| | | YES | NO |
| (a) | Physical alteration of land along the shoreline, land under water or coastal waters? | <u> </u> | <u>X</u> |
| (b) | Physical alteration of two (2) acres or more of land located | | |

	elsewhere in the coastal area?	<u>X</u>	<u> </u>
(c)	Expansion of existing public services or infrastructure in undeveloped or low density areas of the coastal area?	<u> </u>	<u>X</u>
(d)	Energy facility not subject to Article VII or VIII of the Public Service Law?	<u> </u>	<u>X</u>
(e)	Mining, excavation, filling or dredging in coastal waters?	<u> </u>	<u>X</u>
(f)	Reduction of existing or potential public access to or along the shore?	<u> </u>	<u>X</u>
(g)	Sale or change in use of publicly-owned lands located on the shoreline or under water?	<u> </u>	<u>X</u>
(h)	Development within a designated flood or erosion hazard area?	<u> </u>	<u>X</u>
(i)	Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	<u> </u>	<u>X</u>
(j)	Construction or reconstruction of erosion protective structures?	<u> </u>	<u>X</u>
(k)	Diminished surface or groundwater quality?	<u> </u>	<u>X</u>
(l)	Removal of ground cover from the site?	<u>X</u>	<u> </u>
4.	Project	YES	NO
(a)	If a project is to be located adjacent to shore:		
(1)	Will water-related recreation be provided?	<u> </u>	<u>X</u>
	recreation facilities not being provided, non-motorized craft use will be available		
(2)	Will public access to the foreshore be provided?	<u> </u>	<u>X</u>
(3)	Does the project require a waterfront site?	<u> </u>	<u>X</u>
(4)	Will it supplant a recreational or maritime use?	<u> </u>	<u>X</u>
(5)	Do essential public services and facilities presently exist at or near the site?	<u> </u>	<u>X</u>
(6)	Is it located in a flood prone area?	<u>X</u>	<u> </u>
	The immediate shoreline is FEMA-mapped floodplain.		
(7)	Is it located in an area of high erosion?	<u> </u>	<u>X</u>
		YES	NO

- (b) If the project site is publicly owned: n/a, private property
- (1) Will the project protect, maintain and/or increase the level and types of public access to water- related recreation resources and facilities? ☐ ☐
- (2) If located in the foreshore, will access to those and adjacent lands be provided? ☐ ☐
- (3) Will it involve the siting and construction of major energy facilities? ☐ ☐
- (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into coastal facilities? ☐ ☐
- (c) Is the project site presently used by the community neighborhood as an open space or recreation area? ☐ ☒
- (d) Does the present site offer or include scenic views or vistas known to be important to the community? ☐ ☒
- (e) Is the project site presently used for commercial fishing or fish processing? ☐ ☒
- (f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal? ☐ ☒
- (g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project?..... ☐ ☒
- (h) Will the project involve any waste discharges into coastal waters? ☐ ☒
- (i) Does the project involve surface or subsurface liquid waste disposal? ☒ ☐
- new sanitary wastewater collection and disposal systems meeting current standards
- (j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? ☐ ☒
- (k) Does the project involve shipment or storage of petroleum products? ☐ ☒
- (l) Does the project involve discharge of toxics, hazardous substances or other pollutants into coastal waters? ☐ ☒

- | | | | |
|-----|---|--------------|--------------|
| (m) | Does the project involve or change existing ice management practices? | <u> </u> | <u> X </u> |
| (n) | Will the project affect any area designated as a tidal or freshwater wetland? | <u> </u> | <u> X </u> |
| (o) | Will the project alter drainage flow, patterns or surface water runoff on or from the site? | <u> X </u> | <u> </u> |
| | new stormwater management practices meeting current standards will be installed | | |
| (p) | Will best management practices be utilized to control storm water runoff into coastal waters? | <u> </u> | <u> X </u> |
| (q) | Will the project utilize or affect the quality or quantity of sole source or surface water supplies? | <u> </u> | <u> X </u> |
| (r) | Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? | <u> </u> | <u> X </u> |

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)
see the attached LWRP consistency evaluation
If assistance or further information is needed to complete this form, please contact Town of
Wilmington Clerk at _____

Preparer's Name: Kevin Franke Telephone Number: (518) 587-8100

Title: Director of Environmental Services Agency The LA Group

**Lake Placid/Whiteface Mtn KOA Holiday - Riverside
LOCAL WATERFRONT REVITALIZATION PLAN (LWRP) CONSISTENCY EVALUATION
9/15/22**

The following presents the policies of the Wilmington LWRP and describes how the proposed project is consistent with those policies.

Section III. Waterfront Revitalization Policies

Policy 1

Foster a pattern of development in the waterfront area that enhances the community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

Sub-policies and policy standards relating to Policy 1 include the following:

1.1 Concentrate development and redevelopment to revitalize and strengthen the waterfront/hamlet center area

The proposed action is the redevelopment of an existing campground in the Hamlet 2 zone into a new campground facility. The applicant views this as an enhancement of the character of the hamlet by replacing a circa 1977 facility with a new, modern facility that will be attractive to visitors and a source of municipal revenues. The site sidewalks on the east side of Route 86 will remain and the redevelopment will continue to be served by the municipal water supply.

1.2. Ensure that waterfront developments and land uses take full advantage of their unique waterfront location

The proposed action is a water-enhanced campground use that has provided river access to campground guests since 1977. The proposed project proposes a relatively small and somewhat informal riverfront pocket park and access to the river for fishing and for small, non-motorized crafts (canoes, kayaks). These activities have been occurring at the existing campground, but in an even more informal setting. These continued uses will not interfere with water dependent uses or threaten the ecological viability of the riverine system.

1.3 Protect stable residential areas in and around the hamlet area

Modernization of the existing campground will not negatively affect the housing stock within the Town and in the hamlet center in particular.

1.4 Maintain and enhance natural areas, recreation, open space, and agricultural lands.

The action will not cause a loss or the diminishment of existing natural areas, open space or agricultural lands. Recreation opportunities for campground guests will be enhanced as a result of site redevelopment into a modern KOA facility.

1.5 Minimize adverse impacts of new development and redevelopment

Other materials included in this submission to the Wilmington Planning Board demonstrate the project's compliance with local regulations including the 2013 Zoning Ordinance as well as how community character, environmental quality and open space and natural resource will not be impacted. The proposed campground will have fewer number of sites than previously available, will continue to use of the same Route 86 access points, will continue to be served by municipal water and will continue to provide river access for guests. No water dependent uses will be displaced.

Policy 2

Preserve historic resources of the waterfront area

2.1. Maximize preservation and retention of historic resources

There are no known historic features associated with this site. Existing ca. 1977 campground development is less than 50 years old. According to NYS Office of Park Recreation and Historic Preservation, there are no cultural resources known for the site and the site is outside of the area considered to be eligible for designation as the Wilmington Historic District which is generally located along Route 86 between Springfield Road and Mountain Brook Lodge.

Policy 3

Enhance visual quality and protect scenic resources throughout the waterfront area

3.1. Protect and improve visual quality throughout the waterfront area

Views into the site from the river and from NYS Route 86 (scenic byway) will not be negatively impacted by the redevelopment of the property.

Components of the proposed informal pocket park along the river will be of scales, forms, colors and materials that will make the area attractive when viewed from the river. Earlier plans to locate a pool and/or play equipment in the riverfront area were abandoned, and these larger project elements are proposed for the front of the site, removed from the river.

Other materials provided to the Planning Board in this submittal include a simulation of views of the redevelopment from NY Route 86. The character of the new, visible elements including the new check-in building and associated site landscaping are compatible with the character of the view traveling south bound and northbound on NY Route 86.

3.2. Protect aesthetic values associated with recognized areas of high scenic quality

The proposed action will not detract from the scenic views from the 13 locations listed in the LWRP. With the exception of Whiteface Mountain, it is not expected that the project site is visible from these locations.

Policy 4

Minimize loss of life, structure, and natural resources from flooding and erosion.

4.1. Minimize loss of human life and structures from flooding and erosion hazards

Per the submitted plans, there are no habitable structures or campground sites proposed within the surveyor-mapped floodplain on the property.

4.2. Preserve and restore natural protective features

No disturbance of the river shoreline is proposed, and areas of disturbance within the pocket park area will be stabilized and protected from erosion in accordance with the project sediment and erosion control plans and the project Stormwater Pollution Prevention Plan.

4.3. Protect public lands when undertaking erosion or flood control projects

This sub-policy is not applicable to the proposed project.

4.4. Ensure that That Expenditure of Public Funds for Flooding and Erosion Control Projects Results in a Public Benefit

This sub-policy is not applicable to the proposed project.

Policy 5

Protect and improve water quality and supply

5.1. Prohibit direct or indirect discharges causing or contributing to contravention of water quality standards

The sanitary sewage collection and disposal systems for the campground are being replaced with new systems designed in accordance with current NYSDOH and NYSDEC standards. No streams are proposed to be disturbed.

5.2. Manage land use activities and use best management practices to minimize nonpoint-source pollution of waterfront areas

The new campground will include a new stormwater management system designed in accordance with current NYSDEC standards. See the submitted plans and reports.

5.3. Limit the potential for adverse impacts of watershed development on water quality and quantity

Redevelopment projects such as the one proposed, often result in the replacement of an older facility having none or outdated stormwater management practices. The proposed project includes new stormwater management practices designed in accordance with modern standards.

5.4. Protect and conserve the quality and quantity of potable water

Red Brook and White Brook are the sources of Wilmington's water supply. This policy aims specifically to protect that water as drinking water and all factors that affect its quality.

The KOA project site is outside of the drainage areas for the Red and White Brooks' water supply.

Policy 6

Identify, protect and restore the quality and function of the ecosystem

6.1. Limit the impact of new development on ecological quality

This is a redevelopment project and not new development.

6.2 Identify, protect and restore significant fish and wildlife habitats

No changes to riverside vegetation are proposed. No changes to the river bottom are proposed. Per items E.2(a), (o), and (p) of the SEQRA full EAF submitted to the Planning Board, the site contains no designated significant fish and wildlife habitat according to NYSDEC's online Environmental Resource Mapper, which is the current equivalent of the New York Natural Heritage Program.

6.3. Protect and restore freshwater wetlands

Riverside wetlands (0.02 acres) were delineated on the property in the spring of 2022 and the delineation was inspected and confirmed by APA in the summer of 2022. No activities involving wetlands are proposed. The only development proposed for the riverside area is the informal pocket park with seating, fire rings, etc., all located outside of the wetlands.

6.4. Protect natural resources and associated values in identified regionally important natural areas

The site contains no regionally important natural areas, nor will the site's redevelopment affect any such areas. See items E.2(n), (o), and (p) of the SEQRA full EAF submitted to the Planning Board

Policy 7

Protect and improve air quality in the waterfront area

7.1. Control or abate existing and prevent new air pollution

There are no existing or proposed stationary air contamination sources.

Policy 8

Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and waste

8.1. Manage solid waste to protect public health and control pollution

KOA will continue to implement its effective solid waste management including collection, sorting of recyclable materials, and frequent pick up by its commercial trash removal company. No solid waste storage or disposal will occur on site.

8.2. Manage hazardous wastes to protect public health and control pollution

The site will not be a source, recipient or processor of hazardous waste. A Phase I Environmental Site Assessment prepared for the property prior to KOA's purchase did not reveal the presence of any contaminated areas on the site, including no areas of hazardous waste contamination.

8.3. Protect the environment from degradation from toxic pollutants and substances hazardous to the environment and public health

KOA will continue its site management protocols pertaining to the use and storage of materials on the property that could be considered toxic. KOA does not typically treat their grounds with pesticides. Pesticide use, if it occurs, will be focused on pest control within and around buildings. Any pesticide applications will involve products registered for use by NYSDEC and the USEPA and will be in accordance with label directions.

Policy 9

Provide for public access to, and recreational use of, waterfront waters and public lands in the waterfront area

The narrow, elongated site has limited waterfront. There is not adequate space to provide public access in addition to providing access for campground guests.

9.1. Promote appropriate and well-defined public access to recreation opportunities throughout the waterfront area

The project site is located less than 300 feet downriver of the Lake Everest Beach and associated Town park that provides public waterfront access.

9.2. Preserve the public interest in and use of lands and waters held in public trust by the state and other entities

This sub-goal pertains to public lands and is not applicable to the proposed project on private lands.

9.3. Assure public access to public trust lands and navigable waters

This sub-goal pertains to public lands and is not applicable to the proposed project on private lands.

Policy 10

Protect water-dependent uses in suitable locations

The proposed action will not displace, adversely affect or interfere with existing water dependent uses.

10.1. Protect existing water-dependent uses

The existing campground waterfront will continue to be available to campground guests to put in and take out non-motorized crafts.

10.2. Promote new water-dependent uses

This sub-goal is applicable to Town actions related to promoting water dependent uses and is not applicable to the proposed project.

10.3. Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and support services.

The proposed campground is a water-enhanced facility that is allowable by the Town through the issuance of a Special Use Permit

10.4. Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.

- Site new and expand existing boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; suitable water quality classification; minimization of effects on wetlands or fish spawning grounds; and adequate water circulation.
- Maintain regionally important water-dependent uses and facilities.

The exiting and the proposed campgrounds are both water-enhanced facilities and not water-dependent uses.

10.5. Provide sufficient infrastructure for water-dependent uses.

The exiting and the proposed campgrounds are both water-enhanced facilities and not water-dependent uses.

Policy 11

Promote sustainable use of fish and wildlife resources

11.1. Ensure long-term health and maintenance of fish and wildlife resources

The proposed campground redevelopment does not involve any in-river development that could impact fish and wildlife. There will be signage somewhere within the pocket park area informing campers planning to launch non-motorized craft of the importance of preventing the spread of aquatic invasive species to protect the health of the river system.

Policy 12

Protect agricultural lands

Per item E.3(b) of the SEQR Environmental Assessment Form in this submission, the site does not contain agricultural lands consisting of highly productive soils.

Policy 13

Promote appropriate use and development of energy and mineral resources

13.1. Conserve energy resources.

The proposed campground redevelopment will remove the existing circa 1977 structures and replace them with modern structures that meet today's more stringent energy use standards.

13.2. Promote alternative energy sources that are self-sustaining including hydro, solar and wind powered energy generation

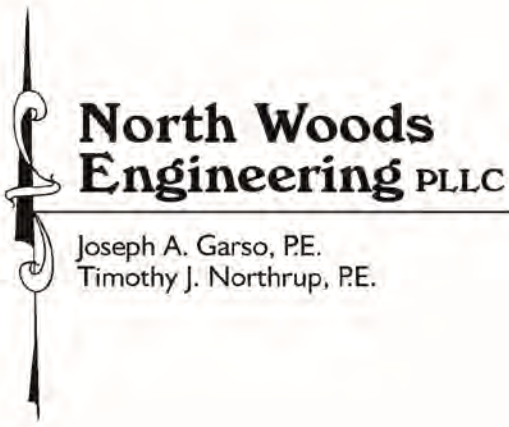
This sub-goal is directed towards actions that the Town can take, and is not applicable to a particular development proposal.

13.3. Ensure maximum efficiency and minimum adverse environmental impact when siting energy generating facilities

The proposed action does not involve an energy generating facility.

13.4. Minimize adverse impacts associated with mineral extraction.

The proposed action does not involve mineral extraction. |



Joseph A. Garso, P.E.
Timothy J. Northrup, P.E.

14 September 2022

Mr. Kevin Franke
LA Group
40 Long Alley
Saratoga Springs, NY 12866

Subject: KOA Riverside – Wastewater Design Narrative

Dear Mr. Franke,

We are pleased to provide this design narrative relative to the KOA Riverside upgrades in Wilmington, New York.

Sources of Wastewater

The sources of wastewater are anticipated to consist of 30 camp sites, 20 camping cabins, a RV dumping station, pool toilet rooms, laundry building, main lodge/administration building, and the former motel, which will be used for employee housing. The total wastewater flow is estimated to be 12,261 gallons per day.

Setbacks

Wastewater collection and treatment systems have setbacks to protect water quality, neighbors and the general public. Main setbacks considered include, but are not limited to the following:

- absorption areas and distribution boxes 100' from water courses;
- septic tanks and pump stations 50' from water courses
- absorption areas 10' from property lines
- sewer components 10' from water lines, unless special water/sewer crossing modification used

Collection System

A series of PVC sewer collection pipes will be run to collect wastewater from the individual campsites, cabins or other sources. At the uphill end of the collection line, a terminal cleanout will be placed, essentially a capped riser to grade. Downslope locations, or at changes in pipe direction, manholes will be placed for access and cleaning, as needed. The collection system will be designed and installed in accordance with the NYS DEC publication, "New York State

Design Standards for Intermediate Sized Wastewater Treatment Systems” (NYS DEC Intermediate Design Standards).

Septic Tanks

The wastewater in the collection pipes will be discharged into septic tanks. All septic tanks will be precast concrete dual compartment tanks, with effluent filters. The septic tanks will be sized in accordance with the NYS DEC Intermediate Design Standards.

Effluent Pump Stations

In two locations, the septic tank effluent is too far down slope. Therefore, pump stations will be used to lift the effluent to the main dosing tank. The pumps stations will be pre-cast concrete tanks with dual effluent pumps. The effluent will be transported from the station in polyethylene force mains.

Dosing Tank

A dual pump system will be used to dose each absorption field with an effluent dose that is between 75% and 85% of its volume. The pumps will alternate, so that no one pump is doing all the work. Directly after the pump discharge will be a pipe manifold. This manifold will have a pipe to each absorption field. Each pipe will also have a solenoid valve to control flow in the pipe. A Programmable Logic Controller (PLC) will be used to open solenoid valves as the pumps turn on, as well as to control volumes pumped to each field. The PLC will alternate solenoid valves, so that only one field is dosed at a time, and the valves will open sequentially.

Absorption Fields

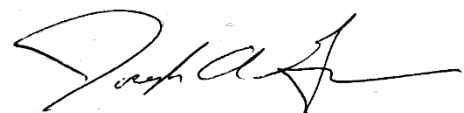
Six absorption fields will be used to discharge the effluent to the ground. The absorption fields will be conventional pipe and stone trench fields with a pre-cast concrete distribution box. These fields are all approximately the same size. There is some variability in sizes, but they will be dosed to the same percentage of volume, so that no one field will be over used.

Rest Periods

Each winter after the camping season, five of the six fields will be fully rested (offline). Rest periods will be from November until April. One field will remain in service for the on-site caretaker, although the field will be oversized for the small occupant load. The PLC will be programmed to only actuate one valve during the winter so that one field is in operation and the remainder are in rest.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph A. Garso', with a stylized flourish at the end.

Joseph A. Garso, PE

KOA Lake Placid/Whiteface Mtn Holiday – Riverside
SIMULATIONS OF VIEWS FROM NYS ROUTE 86
9/15/22

NYS Route 86 in the area of the project site is a designated Scenic Byway known as the Olympic Trail. Route 86 is also the main travel route to and from Wilmington for points south and east.

Aesthetics, including scenic views, are an important component of the Town's community character as evidenced by language from page 1 of the Zoning Ordinance:

It is the further purpose and objective of this chapter to support the conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the community. It is also the purpose and objective of this chapter to preserve the beauty and character of the Adirondack Park setting to the benefit the Town of Wilmington, its residents, visitors, and business community.

Photographic simulations were developed to demonstrate the changes in the views into the proposed campground from Route 86 that can be expected as a result of the redevelopment of the North Pole Campground into the proposed KOA facility.

Existing views were photographed from both the northbound and southbound travel lanes. Simulations were then prepared using these photographs along with the architectural plans and site plans included in the project application. The results are the rendered views of the built conditions when traveling in both directions on Route 86.

The following pages contain the existing views and the proposed views from Route 86.

The simulations demonstrate that the scale, mass, and exterior materials of the building, along with site development components, including proposed landscaping, are compatible with the visual character of this hamlet section of NYS Route 86 that includes a number of existing roadside commercial uses.









Lake Placid/Whiteface Mountain KOA Holiday - Riverside
AREA VARIANCE REQUEST & APPLICATION OF VARIANCE STANDARDS
9/14/22

Contents

1. Introduction
 2. Description of Variances Being Applied For
 3. Application of Variance Standards
- Attachment 1 Completed Town Variance Application Form

1. Introduction

KOA seeks area variances from two (2) of the Town's location/dimensional standards for RV sites within Campgrounds/Group Camps contained in Article VI of the Zoning Ordinance. KOA also seeks an area variance from the 200 feet shoreline setback requirement for principal and accessory structures within the Waterfront Overlay District (also Article VI). More specifically, KOA is seeking area variances from the following standards in Article VI.

(5) Location of Units

A recreational vehicle or travel trailer shall be located at a minimum distance of:

- (b) Seventy-five (75) feet from an adjacent unit, in any direction.
- (c) Seventy-five (75) feet from an adjacent property line.

C. Development regulations. [Waterfront Overlay District]

(1) Setback requirements.

- (a) The minimum setback from the high water mark of the river shall be 200 feet for principal and accessory buildings.

For the purpose of this variance application, as well as overall project review, the proposed Studio Cabins and Deluxe Cabins are also considered to be recreational vehicles. There is precedence for the cabins to be considered RVs as both the NYS Adirondack Park Agency (APA) and the New York State Department of Health (DOH) have issued determinations for similar cabins at the existing KOA campground on Fox Farm Road. Cabins are considered RV's if they meet the following criteria:

- Cabins are mounted on chassis and the suspension, including tires and wheels, are not removed,
- Cabins are not permanently affixed to the ground,
- The towing tongue for the chassis can be removed and placed under the unit for fast and easy access,

- All utilities are attached just as a typical RV would – electrical pedestals, water by hose, sewer to drop,
- Cabins are not permanently connected to water, sewer and electrical hookups and are disconnected from water, sewer and electrical services when the campground is not in operation.
- Cabins are designed for and capable of regular over-road travel, are currently registered as a vehicle, and have a RV Industry Association (RVIA) emblem attached to them,
- No decking and/or attachments can be secured or fastened to the Cabin.

The proposed cabins will meet these criteria.

Sheet L-101 in the site plan set that is part of this application shows the variances being sought in the RV portion of the campground. No variances are being sought elsewhere on the site. L-101 provides setbacks and separation distances for all RVs. The existing campground layout annotated with some separation distances between existing RV spaces is an 11x17" figure contained within this narrative (Figure 1). This narrative also includes figures showing distances from neighbors to proposed RV sites (Figure 2), an annotated aerial photograph showing distances between RVs parked at the existing campground (Figure 3), and a map showing parcel land uses in the area around the site (Figure 4).

The following table summarizes the types and numbers of sites in the existing campground as well as the types and numbers of sites in the proposed redevelopment.

Existing and Proposed Campground Sites

RV Site Type	# Existing	# Proposed
Back-in RVs	50	10
Pull-through RVs	0	20
Cabin RVs	11	20
sum	61	50
Tent sites	10	0
total sites	71	50

To assist in the discussion of the variances being applied for, the 6 rows of RVs shown on sheet L-101 have been assigned letter designations starting with the letter A for the northernmost row. The following table summarizes the 6 rows and the RV spaces proposed in each.

Proposed RV Rows and Sites

Row	RV Site Type	# Of Sites	Site Numbers
A	Back-in	10	BI-1 to BI -10
B	Pull-through	10	PT-1 to PT-10
C	Pull-through	10	PT-11 to PT-20
D	Cabins (deluxe)	8	C-1 to C-8
E	Cabins (deluxe)	8	C-9 to C-16
F	Cabins (studio)	4	C-17 to C-20

Sheet L-101 also shows the location of the 20x20' pavilion accessory structure within 200 feet of the river. In addition to the pavilion, two 10x10' structures (a shed and a kayak rack) are also proposed within the setback. However, since these small buildings do not meet the minimum 144 square feet size required to be

considered accessory structures, these structures do not require variances.

2. Descriptions of Variances Being Applied For

The table on the following page includes all proposed RV units, the Town Zoning Ordinance standards from which variances are being sought and the amount of relief being sought by KOA in this variance application. Following the table is a description of the variances being sought for the different types of RVs: back-in, pull-through, and cabins, as well as the variance being sought for the pavilion within the waterfront overlay district shoreline setback.

VARIANCES SOUGHT (X) AND AMOUNTS (ft.) OF RELIEF APPLIED FOR ¹										
Row	Unit	75 Feet to	Proposed	Variance	75 Feet to	Proposed	Variance	75 Feet to	Proposed	Variance
		Property			Adjacent			Adjacent		
		Line	Distance	Sought	Side Units ²	Distance	Sought	Rear Units	Distance	Sought
A	BI-1	X	50	25	X	42	33			
A	BI-2	X	50	25	X	42,42	33,33			
A	BI-3	X	50	25	X	42,42	33,33			
A	BI-4	X	50	25	X	42,42	33,33			
A	BI-5	X	50	25	X	42,42	33,33			
A	BI-6	X	50	25	X	42,42	33,33			
A	BI-7	X	50	25	X	42,42	33,33			
A	BI-8	X	50	25	X	42,42	33,33			
A	BI-9	X	50	25	X	42,42	33,33			
A	BI-10	X	50	25	X	42	33			
B	PT-1				X	50	25			
B	PT-2				X	50,42	25,33			
B	PT-3				X	42,42	33,33			
B	PT-4				X	42,42	33,33			
B	PT-5				X	42,42	33,33			
B	PT-6				X	42,42	33,33			
B	PT-7				X	42,42	33,33			
B	PT-8				X	42,42	33,33			
B	PT-9				X	42,42	33,33			
B	PT-10				X	42	33			
C	PT-11				X	42	33			
C	PT-12				X	42,42	33,33			
C	PT-13				X	42,42	33,33			
C	PT-14				X	42,42	33,33			
C	PT-15				X	42,42	33,33			
C	PT-16				X	42,42	33,33			
C	PT-17				X	42,42	33,33			
C	PT-18				X	42,42	33,33			
C	PT-19				X	42,42	33,33			
C	PT-20				X	42	33			
D	C-1				X	56	19	X	19,20	56,55
D	C-2				X	56,56	19,19	X	19,20	56,55
D	C-3				X	56,56	19,19	X	19,20	56,55
D	C-4				X	56,56	19,19	X	19,20	56,55
D	C-5				X	56,56	19,19	X	19,20	56,55
D	C-6				X	56,56	19,19	X	19,20	56,55
D	C-7				X	56,56	19,19	X	19,20	56,55
D	C-8				X	56	19	X	19	56
E	C-9				X	60	15	X	19	59
E	C-10				X	60,60	15,15	X	19,20	56,55
E	C-11				X	60,60	15,15	X	19,20	56,55
E	C-12				X	60,60	15,15	X	19,20	56,55
E	C-13				X	60,60	15,15	X	19,20	56,55
E	C-14				X	60,60	15,15	X	19,20	56,55
E	C-15				X	60,60	15,15	X	19,20	56,55
E	C-16				X	60	15	X	19,20	56,55
F	C-17				X	30	45			
F	C-18	X	50	25	X	30,33	45,42			
F	C-19	X	40	35	X	33,31	42,44			
F	C-20	X	58	17	X	31	44			

¹ In addition to the variances listed in the table, the Applicant is also requesting a variance from the 200 feet principal and accessory structures setback from the mean high water mark of the river required within the Waterfront Overlay District (Article VI of the Code). A 20'x20' pavilion is proposed 120 feet from the mean high water mark which requires 80 feet of relief being sought by the Applicant.

² Distances provided are between common elements of adjacent sites (i.e. west end of pad on BI-1 to west end of pad on BI-2). They are not the absolute minimum distances between sites, but those dimensions are provided on the Sheet L-101 of the site plan set.

A. Back-in RV Sites

The 10 back-in RV sites are all located in Row A. See sheet L-101. All 10 of the proposed back-in RV sites are located partially with the 75 feet setback from the northern property line. The distances between the rear of the RV sites and the northern property line are all 50 feet. KOA is seeking 25 feet of relief from this standard. The area between the rear of the RV spaces and the property line is proposed to remain wooded.

The proposed separation distances between adjacent back-in RV units are below the minimum standard of 75 feet. When measuring from common site element points on adjacent back-in RV sites (see sheet L-101), separation distances are all 42 feet. Relief of 33 feet is being sought by KOA¹.

All the 50 RV sites in the existing ca. 1977 campground are back-in sites. While the proposed back-in spaces are proposed with separation distances of 42 feet, the average distance between existing RV pads (as measured the same way as proposed distances) is 27.6 feet.² See Figure 1 on the following page showing existing conditions along with dimensioned separation distances between adjacent RV spaces.

B. Pull-through RV Sites

The 20 total pull-through RV sites are in Rows B & C with 10 pull-through sites in each row.

All the pull-through sites meet the 75 feet property line setback standard.

None of the pull-through sites meet the 75 feet zoning ordinance separation distance between adjacent RVs. Except for the distance between PT-1 and PT-2 being 50 feet, the distances between proposed pull-through RV sites are all 42 feet. Relief of 33 feet is being sought by KOA.

C. Cabin RVs

There are a total of 20 cabins proposed, 16 deluxe cabins and 4 studio cabins.

The 16 deluxe cabins are in rows D and E with 8 cabins in each row. All deluxe cabins meet the 75 feet property line setback standard. Separation distances between deluxe cabins in both rows do not meet the 75 feet separation distance standard for adjacent RVs. The deluxe cabins in Row D have 56 feet between them and 19 feet of relief is sought by KOA through the requested area variance. In Row E, deluxe cabins are separated by 60 feet and a variance of 15 feet is being

¹ Minimum, separation distances between RV sites is also shown on Sheet L-101. For back-ins, this distance is 30 feet between units.

² Minimum separation distances between existing RV pads are shown on Figure 1 on the following page. For existing back-ins, this distance is 14 feet with some RV pads separated by as little as a six (6) feet wide grass strip.

sought. The rears of the cabins in the two rows are closer together than the sides of cabins in each row. The shortest distances between the backs of cabins in rows D and E are 19 and 20 feet which requires variances of 56 and 55 feet.

For the four (4) studio cabins in Row F, C-17 meets the 75 foot property line setback standard, and C-18, 19 and 20 require area variances from this standard. Distances to the property line are 50, 40 and 58 feet, respectively, and require variances of 20, 30 and 17 feet, respectively. Distances between adjacent studio cabins range from 30 to 33 feet and require a variance.

D. Pavilion Shoreline Setback

The 20x20' pavilion is proposed to be located 120 feet from the mean high water mark of the river. A variance of 80 feet is required for the pavilion in this location.

3. Application of Variance Standards

Article XI of the zoning ordinance contains five standards or “tests” for variance applications. “Not all five tests are required to be met in order to grant the area variance.” The following section applies those five tests to the variances being applied for by KOA.

Area Variance Criteria and Standards

A. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of this Code, to grant area variances from the area or dimensional requirements of this Code.

B. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against any detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider the following tests. Not all five tests are required to be met in order to grant the area variance.

(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

- The character of the neighborhood will not be changed and there will not be a detriment to nearby properties as a result of the conversion of the existing circa 1977 campground into a modern KOA campground. The numbers of sites will be reduced from 71 to 50 as a result of

the conversion, and the conversion will result in a greater separation distance between RV spaces than what currently exists. Two existing cabin structures are being removed from the 200 feet shoreline setback area (see sheet L-200, Demolition Plan) in addition to the proposal to construct a pavilion.

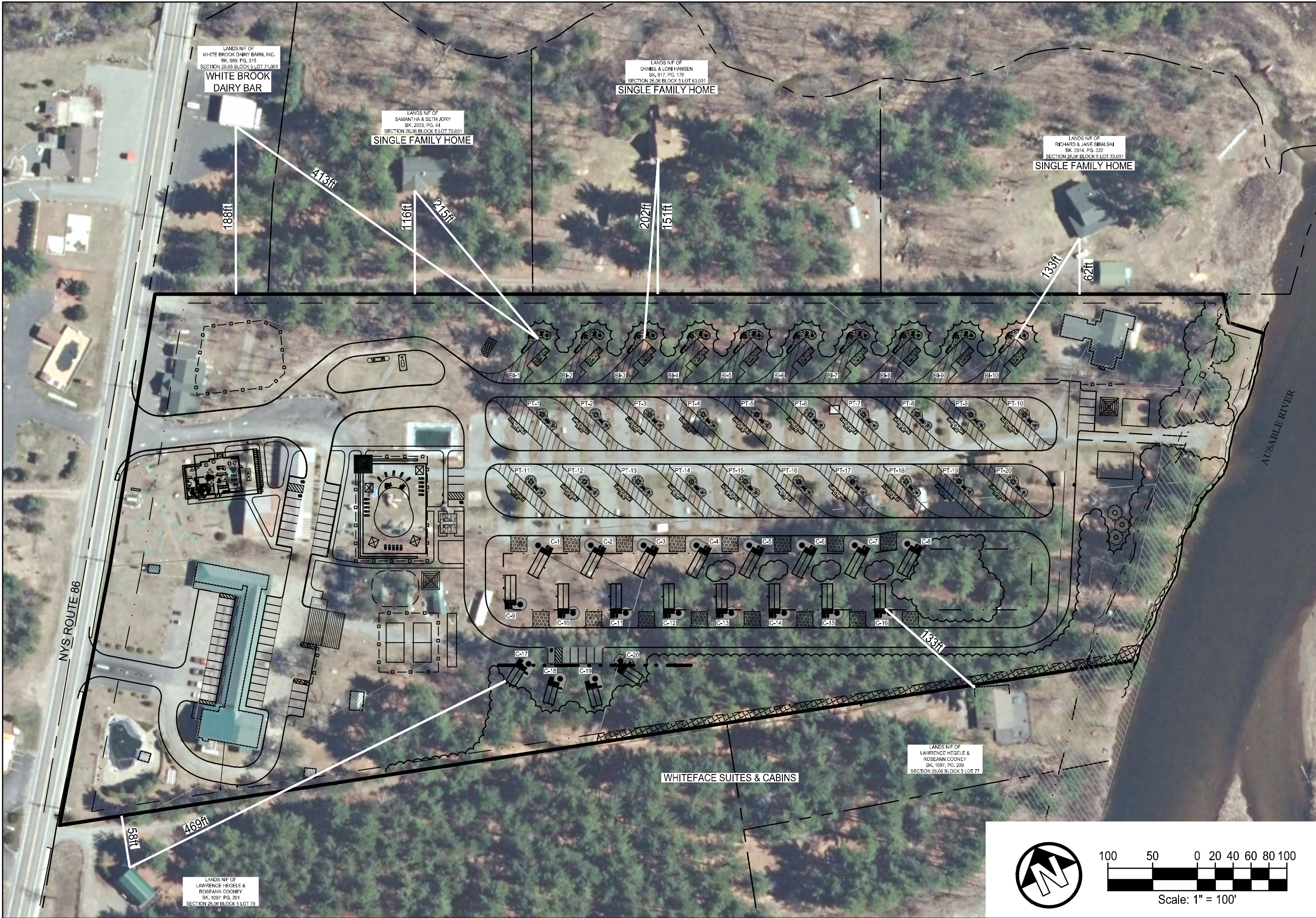
A. Variance for Less than 75 Feet Between RV Spaces and Property Lines

- The property line setback variances being sought for the back-in RV spaces in Row A and 3 of the 4 studio cabins in Row F will put RV spaces closer to neighboring properties than is allowed by the zoning ordinance. Figure 2 shows the project layout, the property lines and the RV spaces in relation to neighboring properties to the north and to the south.
- To the north there are three (3) single family homes located on Wood Brook Way off Route 86 and the Whitebrook Dairy Bar is on the adjoining parcel along Route 86 to the north of the campground. Wood Brook Way runs near the property line with the campground and the houses are located to the north of the road. Figure 2 shows the distances between the development on these adjoining parcels and the nearest RV space which are as follows:

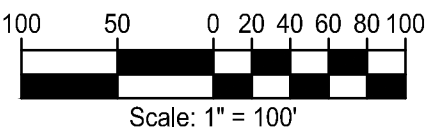
Neighboring Property	Direction	Distance to Property Line (ft.)	Distance to Closest Proposed RV Space (ft.)
Whitebrook Dairy Bar	north	188	413
Jory Residence	north	116	215
Hansen Residence	north	151	202
Sibalski Residence	north	62	133
Whiteface Suites	south	58	469
Whiteface Cabins	south	0	133

- Whiteface Suites and Cabins occupies the lands adjoining the campground to the south. The suites are housed in a building near Route 86 with a street address of 4 Roses Way. The cabins at 41 Roses Way appear to be located in a duplex structure located close to the river and close to the common property line. See Figure 2. The distance from the suites to the nearest proposed studio cabin (C-17) is 469 feet and the distance from the Whiteface Suites and Cabins cabin structure to the nearest proposed campground site (deluxe cabin C-16) is 133 feet.
- All the neighboring parcels are in the Hamlet 2 zone for which the typical side yard setback is 10 feet, and the typical front yard setback is 35 feet. Under current zoning, structures on neighboring properties that share a side yard boundary (the Dairy Bar and the 2 structures to the south of the campground) could be constructed 10 feet off the property line. The three residences to the north could have been constructed as close as 35 feet from the campground property line.

Plotted By: LEAH R. CHARASH
Save Date: 9/6/2022 11:32 AM
File Name: Z:\Proj-2021\20211110 KOA Lake Placid (Wilmington)\cad\20211110_XR_Base_Riverside.dwg



Rev.	Description	Date



- With the 75 feet property line setback standard for RVs, compliant RVs could be as close as 85 feet to the Dairy Bar and the Suites and Cabins. The three residences could be as close as 110 feet (35' front setback + 75' RV setback) and be compliant with the separation in the zoning ordinance. The following table provides the separation distances required and the separation distances that will occur under the proposed plan.

Neighboring Property	Direction	Code Setback	Separation with 75' RV Property Line Setback	Proposed Separation with Variance
Whitebrook Dairy Bar	north	side - 10 feet	85 feet	413 feet
Jory Residence	north	front -35 feet	110 feet	215 feet
Hansen Residence	north	front -35 feet	110 feet	202 feet
Sibalski Residence	north	front -35 feet	110 feet	133 feet
Whiteface Suites	south	side - 10 feet	85 feet	469 feet
Whiteface Cabins	south	side - 10 feet	85 feet	133 feet

- The separation distances between neighbors' structures and the closest RV spaces with the proposed variance will exceed the minimum separation distances required by the Zoning Ordinance and the variance should be granted.

B. Variance for Distances Between Adjoining RVs

The 75 feet required separation distance between RVs is significantly higher than current industry practices. The following was provided by current KOA General Manager Ben Kelsey:

Over the last 20 years, I have worked on, worked with, lived on, and visited campgrounds all over the USA from California, Maine, Key West, and everywhere in between. Private parks, franchise parks, and corporate parks. I have worked at Mega Parks with 2500 spaces and tiny parks with 50 spaces. I have never seen a 75ft separation between RVs. There have been some parks where you may hike into a secluded tent site or cabin that has a well over 75ft separation, but that is a rare one-off exception. But never as a standard distance in the RV area. 35ft is generous spacing. 45ft spacing gets praised by guests as having room to breathe. 75ft would make a campground unable to turn a profit as the amount of space needed for each RV would not allow you to have enough RV spaces to generate revenue. The current North Pole RV resort has been operating over the past with a distance of 28ft on average as a distance between "like Points" from pedestal to pedestal for example. And when RVs have parked the average distance from RV to RV is about 15ft to 20ft depending on the size of the camper, if they have slides outs, etc. What we are proposing is going to offer much more space than an average campground.

- To illustrate the point about existing RV spaces and their separations, Figure 3 is an aerial photo with 4 RV's present in the area of the swimming pool. The measured distances between the RVs were 12.5 feet, 12.0 feet, and 17.0 feet. Similar RVs in the proposed



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Prepared for:

KOA
550 N 31st Street
Billings, MT 59101

Project Title:

KOA CONVERSION
OF NORTH POLE
RESORT

5644 NYS Route 86
Wilmington, New York

Project No.: 2021110.02

Design: KJF

Drawn: LRC Ch'k'd: KJF

Date: 09/06/22 Scale: 1" = 50'

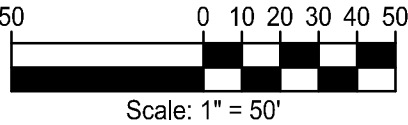
Rev:	Description:	Date:

Drawing Title

EXISTING RV
SPACING

Drawing No.

03



spaces would be over 30 feet apart.

- Having the wider spacing of RVs located near property lines in the zoning ordinance is understandable for potentially reducing impacts to neighboring properties, in this case, primarily the residences to the north. Having wider spaces internal in the site, while it will decrease overall density of sites and decrease activity levels for the facility as a whole, having wider spacing of internal sites will not necessarily reduce potential impacts to neighboring properties.
- The proposed variance will result in fewer RV spaces nearest the north property line (19 existing vs. 10 proposed), although the 10 proposed spaces will be closer to the property line than the existing spaces.
- Because it has been demonstrated above that the requested variance can be granted for relief from the 75 feet property line setback as proposed without impacting neighbors, and because there will be fewer RVs in the area of the north property line and the neighbors beyond, the variance sought for a lesser distance than 75 feet between RV spaces should be granted.

C. Variance for Less Than 200 Feet Structure Setback from Mean High Water

- The proposed pavilion will not be located in proximity to neighbors. The closest neighboring structures to the pavilion are the Whiteface Cabins approximately 325 feet away and the Sibalski residence approximately 180 feet away with the existing log cabin on the KOA property located between the residence and the pavilion.
- The open -sided pavilion will be installed 120 feet from the shoreline with trees present between the pavilion and the river. The pavilion will not be highly visible from the river.
- Two existing, solid-sided cabin structures (12x12' and 12x20') will be removed from the shoreline setback area.
- The construction of the pavilion and removal of existing structure within the 200 feet river setback will not cause an undesirable change in the character of the neighborhood, nor will it create a detriment to nearby properties, and the variance should be granted.

(2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

- KOA's *pro forma* for the new facility, which reduces total sites from the 71 existing to 50 proposed, cannot be accommodated without some type of area variance. The length and width of land available to locate RVs spaces on the site is limited by the following:

- The need to meet the 100 feet setback from Route 86,
 - The need to meet the 75 feet setback from the river,
 - The need to meet the 75 feet property line setbacks,
 - The need to meet the 75 feet separation distances between adjacent RVs,
 - The need to meet the 20% common open space standard,
 - The need to meet the road width standards for one-way and two-way streets,
 - The need to retain existing structures to be used for employee housing – the motel and the general manager’s house,
 - The need to provide a check-in/registration building,
 - The need to provide adequate parking,
 - The need to allocate clear space for installation of new, modern wastewater disposal fields, and
 - The need to allocate clear space for the installation of new, modern stormwater management practices.
- To meet the 75 feet separation distance between adjacent RV standard, rows A, B and C would need to be extended lengthwise 297 feet (9 gaps @ 33 feet each), while row D would need to be extended 189 feet (9 gaps @ 21 feet) and row E would need to be extended lengthwise 105 feet (7 gaps @ 15 feet). Extending these rows by these lengths to achieve the 75 feet separation distance between adjoining RVs would place RVs within the river setback to the east and/or into the required common open space to the east and to the west which would then require variances from those standards.
 - To meet the 75 feet property lines setback standards, the proposed development would need to be compressed within the width of the site. This would require elongation of the remaining rows which would result in similar encroachment into the river setback and/or loss of required common open space.
 - Because KOA’s development *pro forma* that reduces the total number of sites from 71 existing sites to 50 proposed sites cannot otherwise fit on the site without an area variance, the requested variances should be granted.
 - The riverfront is an important amenity for the campground.
 - During the development of the proposed plan, different uses of the shoreline area have been contemplated and schematically designed. At one time, the play equipment was sited in the shoreline area. Another concept for the area had the swimming pool component located in the shoreline area. It was decided to relocate these facilities, with their concentrated activity levels, interior on the site in order to keep the shoreline area a more informal and relaxing space for campers.
 - The desire to enhance the shoreline area as an informal campground amenity for campers requires that the pavilion be located within 200 feet of the river and the variance should be

granted.

(3) Whether the requested area variance is substantial;

- KOA considers area variances that are more than half of the required standard to be substantial.
- The property line area variances being sought from the 75 feet standard are not substantial. For the 13 spaces in the table earlier in this assessment, 11 of the spaces require 25 feet of relief and the other two (C-19 and C-20) require 35 and 17 feet, respectively.
- None of the area variances sought for adjacent back-in RVs spaces, adjacent pull-through RV spaces or adjacent deluxe cabins (46 of the 50 spaces proposed) are substantial. However, the studio cabins require over 40 feet of relief from the 75 feet adjacent RV standard. KOA considers the proposed separation distances between adjacent studio cabins of 30 to 33 feet to be acceptable.
- The 55 to 59 feet of relief sought for the back-to-back deluxe cabin RV spaces in rows D and E is substantial. However, the separation distances between the outdoor patio spaces in back-to-back deluxe cabins is at least 60 feet. These separation distances between adjacent outdoor gathering areas are not a substantial departure from the 75 feet separation distance between units standard.
- There are 79 instances where separation distances are less than the 75 feet standard and relief is being sought. Of those 79 instances, 60 do not require substantial relief. For the 16 instances where back-to-back separation distances between adjacent deluxe cabins require substantial relief, the relief for the separation distances between outdoor gathering areas at adjacent back-to back deluxe cabins is not substantial. For the 4 instances where relief sought for the separation distances between studio cabins is substantial, KOA considers the separation distances to be acceptable. For these reasons, the requested area variances should be granted.
- The 80 feet of relief required for siting the pavilion within the 200 feet Waterfront Overlay District shoreline setback is not substantial and the variance should be granted.

(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- Figure 4 shows the project site in relation to “the neighborhood”. For current purposes, the neighborhood is the Route 86 and Springfield Road corridors roughly bounded by Route 86 along the north end and extending south to the area around Wilderness Inn. Figure 4 shows that the Route 86 corridor around the site is a mix of commercial and residential



LEGEND

- KOA Property
- Parcel Boundaries

Land Uses

- 1 Family Residential
- 2 Family Residential
- 3+ Family Residential
- Rural Residential
- Other Residential
- Commercial Lodging
- Commercial Food and Drink
- Commercial Automotive
- Other Commercial
- Recreation and Entertainment
- Community and Public Services
- Wild Lands & Public Parks



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KOA CONVERSION OF NORTH POLE RESORT

5644 NYS Route 86, Wilmington NY

AREA VARIANCE - NEARBY LAND USES

Project: 2021110.02
Date: 09/06/2022

Figure:
04



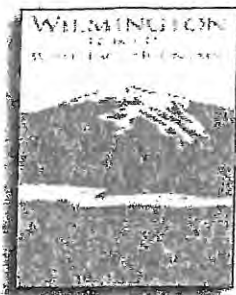
1 inch = 600 feet
0 300 600
Feet

properties with more commercial parcels than residential parcels. The Springfield Road corridor across the river is nearly all residential parcels.

- The campground redevelopment involving a lower density new campground will not have physical impacts on the neighborhood. Campground-associated activities that could affect off-site locations, such as the amount of traffic generated on the local road network, will decrease with the proposed campground as compared to what occurred with the existing campground.
- The overall submission to the Planning Board containing this variance application contains a completed Part 1 Full Environmental Assessment Form (FEAF). KOA believes that the completed part 1 does not identify any potential significant adverse environmental impacts for the site itself or for the surroundings.
- No physical or environmental adverse impacts to off-site properties are anticipated to occur as a result of the redevelopment of the site into a lower density campground, and the requested area variances, the majority of which are for internal site dimensional standards, should be granted.

(5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

- To a degree, the need for a variance was self-created. KOA's choice to purchase this existing campground for the purpose of redeveloping it as a KOA facility, and KOA's site development programming determination that 50 RV spaces was the correct number for a facility of this size, led to the need for this variance. Likewise, KOA's choosing to redevelop this campground, including some limited redevelopment of the river area, has led to the need for the pavilion variance. However, the majority of proposed relief being sought in the requested area variances are for separation between adjacent units within the site, and the requested variances will not negatively affect neighboring properties, the immediate surroundings, or the Town of Wilmington as a whole, and the variances should be granted.



Town Of Wilmington

Zoning Board of Appeals

Permit Application

Also see the accompanying Area Variance Request -
Application of Variance Standards narrative.

☒ **Area Variance** ☐ **Use Variance**

Instructions:

All information requested by this application **MUST** be supplied, except where not applicable and so indicated.
All applications must be accompanied by a sketch plan and preliminary plot as set forth in Article XI
of the Land Use Code of the Town of Wilmington.
Approval of this application **DOES NOT** eliminate the necessity of obtaining a building permit and/or certificate
of occupancy.
All applications must be accompanied by a \$20.00 application fee made payable to the "Town of Wilmington."

1. APPLICANT INFORMATION

Name Kampgrounds of America, Inc.
Street Address 550 N. 31st St.
City Billings State MT Zip Code 59101
Telephone (509) 440 - 1104 (Jeff Priest)

2. SUBJECT PROPERTY OWNER INFORMATION

Name Same as Applicant
Street Address _____
City _____ State _____ Zip Code _____

3. LOCATION OF SUBJECT PROPERTY

Street Address 5644 NYS Route 86, Wilmington

4. LAND USE DISTRICT IN WHICH THE PROPERTY IS LOCATED

Hamlet 2 and Waterfront Overlay

5. DESCRIBE TYPE AND EXTENT OF PROPOSED USE

Replacement of the existing 71 site former North Pole Campground with a 50 site KOA Holiday Campground.
Conversion of lodge into employee housing. Continued use of existing manager's residence.

6. CONTACT INFORMATION

A. Name The LA Group, P.C. - Attn: Kevin Franke
Street Address 40 Long Alley
City Saratoga Springs State NY Zip Code 12866
Telephone (518) 587 - 8100
☐ ARCHITECT ☐ DESIGNER ☒ ENGINEER ☐ FRANCHISOR ☐ SURVEYOR

B. Name _____
Street Address _____
City _____ State _____ Zip Code _____
Telephone (____) _____ - _____
☐ ARCHITECT ☐ DESIGNER ☐ ENGINEER ☐ FRANCHISOR ☐ SURVEYOR

C. Name _____
Street Address _____
City _____ State _____ Zip Code _____
Telephone (____) _____ - _____
☐ ARCHITECT ☐ DESIGNER ☐ ENGINEER ☐ FRANCHISOR ☐ SURVEYOR

7. PRESENT USE OF PROPERTY

Campground

8. PRESENT USE OF ALL IMMEDIATELY ABUTTING PROPERTIES

Whitebrook Dairy Bar and 3 single family residences to north, Whiteface Suites and Cabins to the south.

9. Indicate the type, kind, construction, alteration or additions to all buildings contemplated, including accessory structures. NOTE: The applicant is cautioned that an approval of this application shall pertain ONLY to buildings specifically set forth in this application.

The existing lodge and manager's house will remain. Other existing campground structures will be demolished or removed. New buildings: check-in, laundry, maintenance, pool cabana, 20 cabins, 30 RV spaces, pavilion, pocket park along river.

10. GENERAL DESCRIPTION OF TOPOGRAPHY AND IMPROVEMENTS, including buildings of abutting lands:

Site topography is generally flat with a gradual slope from Route 86 down to the river. Existing improvements include the registration/store building, liquor store, activities/lounge building, lodge, miniature golf course, swimming pools, playground, 50 RV sites, 11 cabins, 10 tent sites and a manager's residence. There are four parcels that abut the property to the north Whitebrook Dairy bar is along Route 86 and Brook Wood Way is a shared drive to 3 single-family homes. To the south Whiteface Suites and Cabin includes a multiple unit building off of Roses Way near Route 86 and near the river at the end of Rose Way is a duplex building with 2 cabin units.

11. ROAD FRONTAGE OF ABUTTING ROADS (Indicate if public or private.)

603.67 feet on NYS Route 86.

12. Height and number of stories of all buildings, alterations or additions when completed, and parking facilities to be provided

Buildings: Check-in 22', laundry 1 story, maintenance 1 story

Parking: Lodge 12 front, 18 rear, check-in/pool 17 spaces, studio cabins 6, pocket park 5, all cabin sites

13. PUBLIC SERVICES AVAILABLE

Municipal water, fire and EMS

14. PROVISIONS TO BE MADE FOR WATER, SEWAGE, ETC., IN ADDITION TO AVAILABLE SERVICES ABOVE

Municipal water, onsite wastewater collection and disposal.

15. If subject property is a mobile home park or campground, applicant must furnish detailed information indicating compliance with the Town of Wilmington land use code under separate cover.

☐ MOBILE HOME PARK

☒ CAMPGROUND

☐ NOT APPLICABLE

See separate
Campground Compliance Narrative

16. If Sections 239-L and 239-M of the General Municipal Law of the State of New York are applicable, indicate date of approval by the Essex County Planning Board: _____/_____/_____ Planning Board Referral

17. If there is prior approval of the State of New York, County of Essex, Town of Wilmington, or any agency, department, or representative state in the land use code of the Town of Wilmington, or as otherwise set forth herein, the applicant shall so indicate:

A. Government unit involved APA

B. Regulation or requirement involved Non-Jurisdictional Determination

C. Date of approval 5 / 5 / 22

18. IF MULTIPLE DWELLINGS ARE CONTEMPLATED, INDICATE PROJECTED DENSITY PER ACRE

No dwellings proposed

19. ESTIMATED STARTING AND COMPLETION DATES OF WORK TO BE PERFORMED

Demolition Fall 2022, Construction 2023

20. ADDRESS TO WHICH THE DECISION ON THIS APPLICATION SHOULD BE MAILED

Kevin Franke

The LA Group, 40 Long Alley, Saratoga Springs, NY 12866

21. APPLICANT SIGNATURE

Jeffrey A. Priest

DATE 9-16-22

The following to be completed by the Zoning Board of Appeals

Date application received _____ Date of Public Hearing _____ Date of Decision _____

DECISION: APPROVED _____ DISAPPROVED _____ APPROVED WITH CONDITIONS _____ (below)

CONDITIONS (if any)

SIGNATURE OF ZBA CHAIRPERSON _____

DATE _____

PLANNING BOARD RECOMMENDATIONS

DATE FORWARDED TO TOWN PLANNING BOARD _____

DATE RECOMMENDATION RECEIVED FROM PLANNING BOARD _____

SYNOPSIS OF RECOMMENDATIONS

The following to be completed by the codes enforcement officer

DATE(S) OF INSPECTION BY CODES ENFORCEMENT OFFICER _____

REMARKS _____

SIGNATURE OF CEO _____ **DATE** _____

DATE FILED WITH TOWN CLERK ____/____/____

SIGNATURE OF TOWN CLERK _____

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? _____

b. What police or other public protection forces serve the project site?

c. Which fire protection and emergency medical services serve the project site?

d. What parks serve the project site?

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned
or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year Demolition

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Conversion of existing lodge into employee housing <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	22
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length (check-in building) iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes ☐ No ☐
 If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No ☐
 If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No ☐
 If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No ☐
- Is the project site in the existing district? See attached confirmation from Water Superintendent Orsi ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐
- Do existing lines serve the project site? ☐ Yes ☐ No ☐

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No ☐
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No ☐
 If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No ☐
 If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No ☐
 If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No ☐
- Is the project site in the existing district? ☐ Yes ☐ No ☐
- Is expansion of the district needed? ☐ Yes ☐ No ☐

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? Yes No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes: 200 feet from Whiteface Suites building</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ _____ • Operation: _____ _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

 ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> Provide DEC ID number(s): _____ Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet indications of seasonal high water table at 42 to 56 inches	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
h. Surface water features. <ul style="list-style-type: none"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <ul style="list-style-type: none"> • Streams: Name <u>West Branch AuSable River</u> Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: _____ 	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <input type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Identify the name of the river and its designation: _____ (recreational river) ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project. See the remainder of the submission to the Planning Board of which this FEAF Part 1 is one component.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them. No potentially moderate or large impacts are anticipated.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name _____ Date _____

Signature Jeffrey A. Priest Title _____



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	830-256
E.2.h.iv [Surface Water Features - Stream Classification]	B(T)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	Yes
E.3.i.i. [Designated River Corridor - Name]	Ausable River, West Branch

From: [Ed Orsi](#)
To: [Kevin Franke](#)
Subject: RE: Confirmation of Ability to Serve
Date: Monday, August 29, 2022 1:55:07 PM

Kevin,

I confirm the ability to serve the proposed changes in the existing campground with a decrease in lots from 71 to 50.

Ed Orsi
Water Superintendent
water@townofwilmington.org
Phone/Fax: 518 946-7210
Cell: 518 524-0380

From: Kevin Franke <kfranke@thelagroup.com>
Sent: Monday, August 29, 2022 12:24 PM
To: water@townofwilmington.org
Cc: Jeff Priest <jpriest@koa.net>; Joe Garso (jgarso@north-woods-engineering.com) <jgarso@north-woods-engineering.com>; codes@townofwilmington.org; townsupervisor@townofwilmington.org
Subject: Confirmation of Ability to Serve

Hello Superintendent Orsini. LA Group represents KOA and their proposed conversion of the North Pole campground into a new KOA campground.

A plan showing the new facility is attached. The number of campground sites will be decreasing from 71 to 50.

According to North Woods Engineering, average daily potable water demand will be 12,200 gpd. No new municipal water line taps are proposed.

We would like to receive correspondence from the Water Department stating their ability to serve the KOA project.

I would be glad to answer any questions you may have about the project.

Thank you for your assistance.

Kevin Franke
Senior Associate/Director of Environmental Services

The LA GROUP

Landscape Architecture
and Engineering, P.C.

People. Purpose. Place.

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