



May 8, 2020

**Via First Class Mail and  
Electronic Mail**

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**Re: Private Campground Openings**

Dear Mr. Yevoli and Ms. Wachunas:

I am writing on behalf of Frank Genevick, who is a seasonal camper at the Adventure Bound Deer Run resort campground in Rensselaer County.

Mr. Genevick and his wife are Florida residents and "Snow-birds" who return to the Capital Region each year in the spring to reside in their camper at Deer Run. They've already paid Deer Run's fees for the season. They would like to return to their New York summer home as soon as they are able.

The Genevick's winterize and leave their camper on-site over the winter. It's a fifth-wheel trailer with five slides and self-contained sanitation. There's plenty of room and capacity for the Genevicks to live and abide by the state's social distancing guidelines and edicts.

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Deer Run's owner's, however, have told the Genevick's the campground cannot open for the Genevick's to return. Rensselaer County will not issue a permit, and Empire State Development says the campground is a non-essential business that cannot open under the Governor's emergency orders.

The County needs to issue permits now, and ESD needs to confirm private campgrounds can open, consistent with its existing guidance deeming hotels and other places of accommodation essential infrastructure.

Under the Governor's Executive Orders, local governments remain open and operating, albeit with on-site numbers restrictions for essential staff. Nothing in the Executive Orders is stopping the County's Health Department from doing its job and issuing private campgrounds the permits they need to open.

Whether those campgrounds open or not after they have their permits is not the County's business. The Governor's Executive Order places the decision whether businesses can open exclusively in his and ESD's hands. Further, the Governor expressly has prohibited local government from taking actions inconsistent with state actions (EO 202.19).

ESD deems hotels and other places of accommodation essential infrastructure. A campground is a place of accommodation (i.e. lodgings or a place to live) as that term is commonly understood. Private campgrounds should be open to campers if they take up fifty percent or less of the campground's sites (EO 202.5; EO 202.18).

Here, at minimum ESD should act to clarify that private campgrounds can be open to seasonal campers in the Capital Region like it has in Western New York. According to the attached Livingston County Public Health Order, private campgrounds are closed, except as to when the "facility serves

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as a seasonal residence for person(s) who can satisfactorily document out of state residency along with proof of seasonal facility contract.” The Western Region further requires the seasonal housing unit to be fully self-contained so that common sanitary facilities are not needed.

The Western Region’s approach makes sense. Seasonal campers from out of state pose much less risk than weekend campers or hotel guests from virus hotspots. Self-contained housing units, like the Gevelick’s trailer, allow for social distancing and quarantining, as necessary, as well as any single-family home.

Mr. Gevelick understands from the campground owners that they recognize their obligation under the Executive Orders to keep the waterpark, pool, and other common areas closed. The Gevelick’s, like their Snowbird friends heading north to other states and Canada, expect and plan to self-quarantine for 14 days after they arrive at Deer Run.

There is no reason that Rensselaer County should not process private campground permits now so that the campgrounds can open as soon as the state allows. And ESD and its regional offices should clarify and harmonize the status of private campgrounds consistent with existing the guidance issued on March 26, 2020 deeming places of accommodation essential.

Please contact me as soon as possible ([cam@govjustice.org](mailto:cam@govjustice.org) or 518-434-3125) to discuss the next steps to address these issues.

Yours truly,



Cameron Macdonald