

**Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
January 24, 2023**

Committee Members Present: Larry Richardson, Jim Greier, Fred Peckham (Zoom), Harold Roeder, Evan Padua, Ginny Dudko, Al Henry, Jeff Dexter, Aaron Robinson

Committee Members Absent: Andy Boyar

Staff: Laurie Ramie, Kerry Engelhardt, Ashley Hall-Bagdonas

NPS Partners: Alex Garcia-Maldonado- Cultural Resources

Guests: Bill Dudko, Mary Jones, Christine Martin (Zoom), Erin West (Zoom 8:56 p.m.), Theodore J Weiner (9:02 p.m. Zoom)

The UDC's Project Review Committee held its monthly meeting on Tuesday, January 24, 2023 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 8:12 p.m. There was no public comment on the agenda.

Election of Committee Chair and Vice-Chair: Robinson made a motion to nominate Richardson for Chairperson of the Project Review Committee for 2023 which was seconded by Henry and carried. A motion by Henry to nominate Dexter for Vice-Chairperson of the Project Review Committee for 2023 was seconded by Dudko and carried.

December 13, 2022 Meeting: A motion by Roeder seconded by Robinson to approve the December 13, 2022 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

Town of Highland -Highland Access: Engelhardt said construction on the Highland Access has halted for the season, and will resume in April. She's included in the meeting packet a short report she prepared for the Water Use/Resource Management Committee.

Short Term Rental Permitting: The Town of Highland is implementing a permitting process for Short Term Rentals (STRs) in the Town. The owner of any property used as a STR must come before the Planning Board to apply for a permit. Engelhardt was invited to a meeting at the Highland Town Hall on 1/13 with the planning and zoning board Secretary, a Town Supervisor, and their Code Enforcement Officer, as they wanted to make sure that the UDC was included in the review process as necessary. After discussion, they agreed that they would copy UDC on any applications that came through for a property located within the river corridor. As most applications would not trigger an actual review from UDC, she told them she could usually get back to them in a week, but will have the opportunity to have a glance at the applications, on the off chance that there is something involved that will trigger a review.

Ginny Dudko wanted to go on record noting Engelhardt's positive relationship that she's been building with the Town/ships and how important that is.

Town of Cochecton – Comprehensive Plan: The Cochecton Town Board and Planning Board has released a draft Comprehensive Plan Update. The original Comprehensive Plan was prepared in 1972, and updated with supplements in 1998 and 2011. It is the intention of this 2023 supplement to further update the Comprehensive Plan, as well as previous supplements, and bring the combined documents current in terms of both data and recommendations. There will be a public hearing held 2/8 at 7pm. Engelhardt will be unable to attend as she will be away on vacation, but after her review she will forward any comments she has to Richardson. He believes that barring any drastic suggestions, the plan will be approved that evening.

Commonwealth of Pennsylvania Projects

Notices of Applications Received by the DRBC: Lake Adventure Comm. Assoc., D-2011-002 CP-2. An application to renew the approval of an existing groundwater withdrawal to supply up to 6.51 mgm of water to the applicant’s public water supply system from existing Wells 1, 2 and 3 was posted. The requested allocation is an increase in the previously approved allocation of 5.5 mgm. [This is a requested increase in allocation of 18%.] The project wells are completed in the Catskill Formation and located in the Birchy Creek Watershed within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has designated as Special Protection Waters in Dingman Township, Pike County, Pennsylvania.

Matamoras-Port Jervis Bridge: PennDOT has posted plans online for the State Route 6, Section 451 over Delaware River Bridge Rehabilitation Project in Matamoras Borough, Pike County & City of Port Jervis, Orange County, NY. The project proposes to replace the deck and sidewalks of the existing bridge with a new concrete deck and sidewalks. Additional structure work being proposed includes structural steel repairs, complete painting of the bridge, installation of new expansion joints, and repair to deteriorated portions of the substructures. Roadway improvements are also proposed. The bridge rehabilitation is expected to be constructed in three stages while maintaining both lanes of traffic at all times. Construction is expected to begin during the summer of 2024 and extend through 2025. A press release regarding the plans was provided with Engelhardt’s report. This bridge is not located within the Upper Delaware Scenic and Recreational River Corridor, but it’s close enough that she thought it deserved a mention.

Township of Lackawaxen: Holbert Quarry – Wayne D. Holbert has submitted a letter to the UDC by way of Aaron Robinson. He is seeking an increase in the amount of area he is permitted to use for mining activities at the Holbert Quarry which is located in the Township of Lackawaxen. Currently, the permitted operations consist of four (4) acres of Bluestone mining (2 for mining and 2 for processing and stockpiling) and four (4) acres of Aggregate mining (2 for mining and 2 for processing and stockpiling), for a total of eight (8) acres. These terms were agreed to in 2012/2013. Engelhardt is in the process of gathering information to assist her in preparing a report or letter to respond to Mr. Holbert’s request. She will reach out to the District Mining Manager at the PADEP and review files, and will possibly contact Lackawaxen Township as well, in order to determine the following: The terms of the current PADEP mining permit; whether there have been any permit violations since 2013; and a site plan showing the extent of mining operations. She does have a copy of the Conditional Use Permit that was granted by the Township in 2011 that Ramie provided, as well as some interim correspondence and amendments to that original permit. She provided the letter from Mr. Holbert in the meeting packet for committee members. She will report back at the 2/28 Project Review meeting on findings with a recommendation.

Township of Shohola: Dirlam/Zaccari Conditional Use – This is a project that was included in Engelhardt’s Discussion Items last month as one that was happening within the corridor. It hasn’t been officially submitted to the Township Planning Commission yet, but is expected to be at their February meeting. The Applicant wishes to use the site, a former lumberyard, as a storage facility for their electronic recycling (“e-waste”) business. The Applicant will collect materials from various municipalities and events and truck it to the site in box trucks. There, the materials will be stored inside, sorted, and palletized. A couple of times a month, a tractor trailer will visit the site to collect and remove the palletized material. She attended the 1/19 meeting of the Shohola Planning Commission, at which the Applicant made a presentation. The Commission discussed the application in the context of Shohola zoning laws and definitions, and it was determined that the material in question is most appropriately viewed as a “good” and not “solid waste.” The Applicant answered questions and was advised to produce a current survey or site plan, and a narrative describing the proposed operations. The Applicant will submit an application and be officially heard at the 2/16 meeting.

Open Substantial Conformance Reviews

Project Id	Project Name	Municipality	Action	Status
2022-03	Camp Fimfo	Town of Highland	Special Use Permit	Hydrologic/Hydraulic Report has been submitted. Next Planning Board hearing 1/25/23.
2022-11	Lackawaxen Zoning Ordinance Amendment	Lackawaxen Township	Engelhardt attended the Planning Commission meeting on January 10.	Lackawaxen Planning Commission has revised the proposed zoning amendment to require screening from

				the river. To be reviewed for Substantial Conformance.
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Camp FIMFO: The applicant has submitted revised plans for the January Planning Board hearing, as well as several new reports: Noise study; Hydrogeologic study; Lighting information; Cut and fill analysis; and Renderings. The NPS is currently reviewing the submission. Engelhardt said they're in a tough spot as they are currently without a Community and Land Use Planner, and the new Superintendent just started last week. Her understanding is that the review is underway; they're planning to have a phone call with Cody Hendrix to help their understanding of the overall project. They won't have a response letter before tomorrow's meeting. She is still in the process of reviewing the various reports and documents as well. She noted that the hydrogeologic study determined that the proposed wells would not have an adverse effect on the water levels in neighboring residential wells (this was a cause for concern and an oft-repeated comment at the public hearings). There was no meeting in December; she will participate in the postponed 1/26 7 p.m. public hearing of the Highland Planning Board for the Camp Fimfo special use permit based on submission of new studies and information by the applicant. Engelhardt shared a video of the Camp FIMFO drive-by visualization: https://drive.google.com/file/d/1EjaM-o6MqBIu1ZxMVWa_b5vhoWgh5r76/view

2022-11 Lackawaxen Zoning Ordinance Amendment: Engelhardt attended the 1/10 meeting of the Lackawaxen Planning Commission and discussed her report. The Commission decided to revise the amendment to include screening from the river. This will be further discussed under Old Business.

Unsubmitted Projects:

Highland – Davydov Area Variance – Engelhardt reached out to the Planning Board/Zoning Board secretary, and she responded that the requested variance is for the applicant's front yard setback to go from 75 feet to 45 feet. As the property is not directly bordering the river, it doesn't require a UDC review.

Delaware – Area Variance – Engelhardt reached out to the Delaware Town Clerk who said that she forwarded her email to the ZBA Chair, however has not received further information.

FY 2023 Technical Assistance Grant Town of Tusten: The TAG contract has been signed by Engelhardt and Boyar, and by Tusten Supervisor Ben Johnson. The mid-term Progress Report for the grant will be due by February 17, 2023. The completion deadline is August 18, 2023.

GIS on UDC Website: Unfortunately, the Decision Making GIS Tool that we demonstrated a few months ago is now locked behind a GIS login. Engelhardt still has access to it, but it is no longer open to the public. She reached out to Dr. Jantz and she was unsure who to contact about it, or who could have changed the permissions in the first place. Engelhardt is still looking into this matter.

2022 Code Enforcement Reports: Engelhardt wanted to send out a link to the Decision Making Tool in her annual letter to Towns and Townships regarding Code Enforcement, so she's held off on sending out those letters. If she can't resolve the situation before the end of next week, she'll send out the letters without the link to request the information.

Old Business

Substantial Conformance Review 2022-11 – Zoning Ordinance Amendment – Lackawaxen Township: At the November Project Review Committee meeting, the Committee decided to hold off on making a formal recommendation to the full council until Engelhardt could find out some additional information from the Lackawaxen Planning Commission. She spoke with Planning Commissioner Rich Tussel on the phone in December 2022, and attended the Lackawaxen Planning Commission meeting on 1/10. The process to amend this zoning ordinance amendment was instigated by the existence of two property owners operating this type of business in the township. Neither business is located within the Upper Delaware Scenic and Recreational River Corridor, however the Planning Commission is looking towards the future. At the meeting, Engelhardt echoed her report that the use could be allowed as a conditional use in the Recreational Segment of the Corridor, but it was not a compatible use in the Scenic Segment. In order for the Lackawaxen Zoning Ordinance to remain Substantially Conformant to the River Management Plan, additional amendments to the Lackawaxen ordinance would be required, including the

prohibition of this particular proposed use in the Scenic Segments. She did however note that the Project Review Committee had not made an official recommendation to the Full Council. The Chairman of the Planning Commission was adamant that the proposed use be allowed in all segments of the river corridor. The majority of the river corridor in Lackawaxen is, in fact, a Scenic Segment, and only a small proportion near the downstream end of the Township is a Recreational Segment. He pointed out that “sawmills” are listed as an appropriate conditional use in the Scenic Segments, which he views as a more intensive use than what is currently under consideration. The Planning Commission proposed to revise the ordinance amendment, to add a requirement that the establishment shall not be visible from the river. This had been a point of discussion during the Project Review Committee meeting, and Engelhardt allowed that the PR Committee would be amenable to that change, though she made no promises of Project Review approval. The revised Zoning Ordinance Amendment Proposal was included in the meeting packet.

Though she appreciates the revisions to the proposed amendment, it remains her opinion that the proposed use is inappropriate in the Scenic segments of the corridor, and that the Amendment should include revisions to Section 536 of the Lackawaxen Zoning Ordinance, to list the use as “Prohibited” in Scenic Segments of the corridor. However, if the Committee determines that the proposed use is not in fact an “Intensive Use Recreational Facility” and is in fact an “Other Recreational Use,” then it would be an appropriate Conditional Use in Scenic Segments of the corridor, and the proposed Zoning Ordinance Amendment can be approved as-is without bringing the Lackawaxen Township Zoning Ordinance out of substantial conformance with the Land and Water Use Guidelines of the River Management Plan. Discussion continued. Engelhardt will include the UDC’s substantial conformance recommendation for 2022-11 based on using the definition of “Other Recreational Use” on the 2/2 UDC agenda for action.

1/5 UDC-NPS Telecommunications Subcommittee Report: Ramie said at the 1/5 meeting they asked for criteria that could be covered in the Position Paper. Engelhardt had looked through sample ordinances for Wireless Communication Facilities we had from Pennsylvania State Association on Township Supervisors and also all the local zoning codes to find out what they have in common. The Subcommittee discussed criteria about maximum height of the towers, aesthetic design, types of towers, requirements, existing infrastructure when it’s possible to collocate, which zoning districts would allow towers, how they must be removed if they were abandoned, as well as distance from the river. Robinson thanked Engelhardt for starting to draft the position paper. This is to guide UDC and NPS review of wireless telecommunications facility proposals and ordinances and will be discussed for preliminary review by the UDC-NPS Telecommunications Subcommittee at their next, abbreviated 6-6:30 p.m. 2/2 work session.

Other: None.

New Business

Skinnners Falls, NY-Milanville, PA Bridge Planning and Environmental Linkages (PEL) Study 1/19/23 Project Advisory Committee Meeting Report: Ramie attended this meeting held on 1/19 via Microsoft Teams. Her notes were provided in the meeting packet and include the timeline, which studies have taken place and status of the project. The Study Team includes members from PennDOT, NYS DOT, FHWA, AECOM (consultant to PennDOT). The Project Advisory Committee (PAC) includes: Town of Cochection, Damascus Township, Wayne County Board of Commissioners Chair and Director of Planning, Sullivan County Planning Commissioner, National Park Service and Ramie representing the Upper Delaware Council.

The PEL Study was initiated in February 2021 after the 1902 Skinnners Falls-Milanville Bridge was closed on October 16, 2019 due to lateral truss bracing and timber deck deterioration. The Coordination Plan components were reviewed, which includes a timeline for two additional PAC meetings: #4 in Fall of 2023 to present the results of a Phase I Alternatives Assessment; and #5 in Early 2024 to present the results of a Phase II Alternatives Assessment and enter the National Environmental Policy Act (NEPA) phase. Additionally, PennDOT is in the process of preparing a Historic Bridge Rehabilitation Analysis (HBRA) required under Section 106 of the National Historic Preservation Act to assess whether the bridge can be rehabilitated to meet the project needs while maintaining its historic integrity. Once the HBRA and PEL Study are completed, the project will enter preliminary design. The stated purpose of the project is “to provide a safe and efficient crossing of the Delaware River at Skinnners Falls for cars, trucks, trailers, emergency response vehicles, bicyclists, and pedestrians.” The stated Needs

are: 1) The Skinners Falls Bridge is currently closed to traffic due to its condition, which limits efficient access for residents, businesses, and recreational users. 2) River rescue is negatively affected by the absence of a functional bridge in the vicinity of Skinners Falls. Fire and medical emergency response are delayed due to the lack of a crossing at Skinners Falls. 3) The Skinners Falls Bridge does not provide adequate accommodations for pedestrians, bicyclists, and recreational users in the area. The identities, responsibilities, and protocols for coordinating Lead, Cooperating, and Participating Agencies were described, along with the Public Coordination process which includes outreach to Elected Officials, Stakeholders, Emergency Response Providers and Local Businesses, and federal permitting requirements. Ramie said a second, anticipated in-person public meeting will be held towards the end of the PEL Study phase (Winter 2024) with another survey and comment period to follow. The Alternatives Assessment must include the HBRA in-depth study as well as identifying structural and functional considerations, environmental constraints and impacts, crossing locations, bridge cross sections, and bridge types (if it was a new bridge); preservation priority, ability to meet the purpose and need; impact on character-defining features, sound engineering judgement, and effect on historic resources (for a rehabilitated bridge).

Ramie requested that the UDC be listed as a Participating Agency (defined as “any federal, state, or local agencies or tribal nations that could have an interest in the PEL Study” with expectations to “provide meaningful and timely input on unresolved issues within requested time frames”) by sending a written rationale via the project’s email account for FHWA consideration. The inclusion of trailers and emergency response vehicles in the final Purpose statement does not rule out rehabilitation of the existing bridge to the original 9-ton weight posting because these are broad categories of vehicle types. They said use evaluations will be conducted. Capital construction costs will be factored into every alternative across-the-board. PennDOT will consider community standards to explore the “best fit” while providing a safe crossing that meets the stated purposes and needs objectives of this bridge. Ramie said comments continue to be accepted via skinnersfallsbridge@aecom.com or (610) 234-5148. PennDOT has a PEL Study-specific web page hosted on PennDOT District 4-0’s website at www.penn.dot.pa.gov/RegionalOffices/district-4/PublicMeetings (search for: Skinners Falls Bridge Project sub-site). She will continue sharing information on the ongoing Planning and Environmental Linkages Study for the Skinners Falls-Milanville Bridge and a response to the UDC’s request for Participating Agency status.

1/20 Memo from Michael H. Sussman, Esq. Re: FIMFO Project: Per direction of the committee Ramie will reply to attorney Michael Sussman based on his 1/20 memo to the UDC re: the FIMFO Project. Attorney Sussman represents the Delaware Riverkeeper and other residents of the Upper Delaware community. Ramie said in the memo he pleads for the UDC to re-review the Camp Fimfo Project and allow the public to share additional concerns. The memo notes Sussman’s clients are particularly concerned that the water usage and disposal may adversely affect the river and a development like this will markedly distort the current character of the river-based community.

Other: Engelhardt is waiting to hear back regarding the GIS river corridor printed maps for Shohola and Lackawaxen Townships being produced by Jessica Yoder at Pike County Planning.

Mary Jones asked for more information about the UDC-NPS Telecommunications Subcommittee. Robinson explained that it is a subcommittee with a focus on discussing goals to determine compatibility or conditions for cell towers in certain segments of the river corridor which has been tasked with developing a position paper.

Alex Garcia-Maldonado asked if Camp FIMFO submitted/shared any more responses from the NY SHPO based on the "new plans" and/or after the 1B archaeological survey was completed? Engelhardt said she would investigate that.

Christine Martin said she is unclear about the UDC’s willingness to re-open their review of the Camp Fimfo application? Might the availability of final plans make a difference on your original vote? Engelhardt said there hasn’t been further information or changes that would have an effect on the recommendation of the UDC to date.

Adjournment: A Motion by Roeder, seconded by Greier, to adjourn the meeting at 9:20 p.m. carried.