

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**January 25, 2022**

Committee Members Present: Larry Richardson, Fred Peckham, Ginny Dudko, Jim Greier, Harold Roeder, Jeff Dexter, Al Henry, Aaron Robinson, Susan Sullivan  
Committee Members Absent:  
Staff: Laurie Ramie, Kerry Engelhardt, Ashley Hall-Bagdonas  
NPS Partners: Cody Hendrix- Community & Land Use Planner  
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, January 25, 2022 via Zoom. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

**Election of Committee Chair and Vice-Chair for 2022:** A motion by Henry, seconded by Dexter, to elect Larry Richardson as Committee Chairperson was carried. A motion by Henry, seconded by Dexter, to elect Aaron Robinson as Vice-Chairperson was carried. A motion by Greier seconded by Dexter to close the election nominations carried.

**Approval of the December 14, 2021 Meeting Minutes:** A motion by Robinson seconded by Greier to approve the December 14, 2021 Meeting Minutes carried with an abstention by Dudko.

**Resources and Land Use Specialist Update:**

**New York State Projects**

**Town of Highland: Camp Fimfo:** Engelhardt and Ramie attended a Zoom meeting with the Camp Fimfo developers on 1/4. They went over the history of the project so far. They reviewed a map/site plan and discussed the many amenities, some of which are existing, many of which are to be developed. They also discussed the phasing of the project. They have an agreement to acquire Cedar Rapids and incorporate that area into the camp. They plan to make an informal presentation to the Highland Planning Board on 1/26 which Engelhardt will attend. They expect to make a formal submission in time for the 2/23 Planning Board meeting. Engelhardt will be visiting the site with one or more of the developers next week to get a sense of the proposed development.

**Town of Delaware:** The 1/7 issue of the *Sullivan County Democrat* contained an article (included in the meeting packet) indicating that the Town of Delaware has obtained a \$2 million DEC grant to locate their wastewater treatment plant. Both the current and proposed sites are located within the Upper Delaware Scenic and Recreational River Corridor. Wastewater Treatment Plants are not listed as an Incompatible Use for Hamlets in the Schedule of Uses, however, it does seem more aligned with the listed incompatible uses than any other designation. The project has been around at least conceptually since 2020. Engelhardt is exploring what conversation have occurred about the project with regard to the Land and Water Use Guidelines of the River Management Plan (RMP).

**Town of Deerpark:** Per an article in the 1/23 issue of the *Times-Herald Record*, a federal lawsuit has been filed against the Dragon Springs compound in Deerpark. The plaintiffs allege that the compound is contaminating the Basher Kill. Although Dragon Springs is not within the Corridor, the Basher Kill empties into the Neversink River, which then flows into the Delaware River. The article is included in tonight's handouts. Engelhardt will monitor any Delaware River impacts from potential contamination of the Basher Kill that is alleged in a federal lawsuit brought against Dragon Springs.

**From the DRBC Notification of Applications Received on December 10, 2021: SUNY Delhi, D-2012-006 CP-2:** There was an application to renew the approval of an existing surface water withdrawal of up to 7.75 million gallons per month (mgm) from an irrigation intake in the Little Delaware River and up to 0.25 mgm of groundwater from an existing on-site well. The water is used for irrigation and potable supply at the College Golf Course at Delhi. The requested allocations of surface water and groundwater are increases from the previously approved allocations of

6.975 mgm and 0.035 mgm, respectively. The project is located in the West Branch Delaware River and Little Delaware River Watersheds, 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 the Town of Delhi, Delaware County, New York. Peckham noted this activity is above the New York City dams.

**Statewide Zoning:** To be discussed as Old Business.

**High Speed Internet/Broadband:** As reported in *The Reporter* on 1/12, the New York State Department of Public Service (DPS) is conducting an online survey for their Broadband Assessment Program Survey. It is available at [empirestatebroadband.com](http://empirestatebroadband.com). The DPS has recently added a toll-free consumer hotline and a mail-in paper option for state residents unable to take the survey online due to lack of connectivity. Residents can call 1-855-NYBBMAP (1-855-692-2627) to request that a paper version be sent to their homes with a return envelope and pre-paid postage. The Broadband Assessment Program will release New York's first-ever, in-depth interactive broadband map in the second quarter of 2022 detailing the availability and reliability of high-speed broadband infrastructure statewide with an accompanying report, which will be updated annually.

#### **Commonwealth of Pennsylvania Projects**

**DRBC Notification of Applications Received on December 10, 2021:** None within Pennsylvania this month.

**Westfall Township: Millrift Dam:** This was last discussed in the 9/2021 discussion items, where it was reported that a group of Mill Rift residents was concerned with construction at/near a dam in a tributary of the Delaware. Engelhardt reached out to the Pike County Conservation District and received this update from Marianna Quartararo via email: "The Millrift Dam project was modified from the original project to just dredge in front of the dam so it could be inspected/assessed for any upgrades needed as per DEP Dam Safety requirements. The work was completed around mid-October after receiving a Fish & Boat Waiver to continue a limited scope of work past the no work time due to trout reproduction period. When the dam assessment report is completed by their engineer, they may have to perform dam repairs/upgrades as needed. They may also go back to complete the pond dredging at that time."

**Pike County Hazard Mitigation Plan:** Engelhardt attended the 1/19 meeting (via Zoom) regarding the Pike County Hazard Mitigation Plan (HMP), which was a "Mitigation Strategy Workshop." The presenter, Heather Apgar, went over the worksheets that the Pike County municipalities need to fill out before the next meeting, and she discussed various mitigation strategies that can be specified in a HMP (included in packets). There are four types of mitigations: local plans and regulations; structure and infrastructure projects; natural systems protection; and education and awareness programs. The municipalities are required to propose one action per hazard of in their plans. Some examples of 'Hazards of Concern' are disease outbreak, drought, earthquake, extreme temperatures, and wind damage. Municipalities will work on plan development between now and March, when the plans will be reviewed.

**High Speed Internet/Broadband:** As reported in *Wayne-Pike News* on 12/29, the Governor has announced some underserved communities in Pennsylvania are about to get high speed internet. Governor Wolf signed a new bill into law establishing the Pennsylvania Broadband Development Authority who will oversee a statewide plan and the management of \$100 million coming from the federal government. The Governor has been touting bringing broadband to the state throughout his time in office. The new Broadband Development Authority will be a single point of contact to develop broadband who will also work to minimize duplicating infrastructure already in place in PA and who will maximize the use of existing infrastructure.

#### **Open Substantial Conformance Reviews:**

Project ID	Project Name	Municipality	Action	Status
2020-005	Feagles Lake Subdivision	Tusten	Class II – Site Plan Review	Awaiting final plan submission from Town
2021-009	Cochecton Cottages	Cochecton	Class I – reviewed by Tom Shepstone	Awaiting NPS Determination (sent by UDC on 12/3/21, answered follow-up questions 1/10/22)
2021-010	Heron Hill Hunt Club	Damascus	Variance review	Awaiting NPS Determination (sent by UDC on 1/10/22)
2022-001	Art Shop	Tusten	Variance review	To be reviewed by PR Committee at this meeting

The substantial conformance recommendation for Cochecton Cottages was forwarded to the NPS on 12/3, following the UDC board meeting on 12/2. NPS Deputy Regional Director Debbie Conway had a few follow-up questions which she posed via email on 1/6. Engelhardt clarified our position on those items in an email to Salvatore on 1/10. The Heron Hill Hunt Club (the single-family home reconstruction) variance application was approved by the Damascus Township Zoning Board on 12/14. The substantial conformance recommendation was forwarded to the NPS on 1/10, following the UDC board meeting on 1/6. The Art Shop variance application will be discussed this evening under New Business. Richardson asked if any of the follow-up questions on the Cochecton Cottages were substantial. Hendrix said they needed clarification on the distance from each building. That was answered. He's hoping to get the signed letter from Region hopefully sometime this week.

**FY 2022 Technical Assistance Grant Applications** A mid-term Progress Report for Tusten's grant will be due by Feb 18, 2022. The project completion deadline is August 19, 2022.

**Landowner Complaints** There are no open Landowner Complaints.

**Penn State Extension Land Use Webinar Series** Engelhardt attended the first webinar in a series on Land Use offered by the Penn State Extension. The first session was on Traditional Neighborhood Development (TND). The first half of the webinar discussed features of TND, which is modeled on early 20th century Pennsylvania towns. It incorporates "smart growth" design concepts, features mixed use development, and is pedestrian-oriented. Unfortunately, she had to leave the webinar after the first 30 minutes (to attend a symposium on Invasive Species & Climate Change); however she received the recording of the land use webinar and will view the latter 45 minutes before the next webinar on 2/16. There are five (5) sessions in total, offered once a month through May.

### **Old Business**

**Potential Impact of New York State Zoning Bill:** Richardson said he's not sure who introduced this but on the surface, it looks contradictory to the whole idea of home rule that New York State has built on forever. He's concerned if there's any viable chance of it getting passed. Engelhardt said she went through and produced a table (provided in the meeting packet) about how it would affect our Towns if passed. It would affect almost every zoning district in the corridor. There was a bit of chatter on the internet when the bill was first introduced in December. She did another search recently though and it seems to have died down, and it's hard to tell if this bill was introduced because they actually expect to have it pass or just to start a conversation. The intent is to encourage multi-family housing and more affordable housing to address the housing shortage. In Engelhardt's opinion she doesn't think that statewide zoning is really the way to do that. There are different requirements for cities and villages. In the corridor, we only have towns. So, it's just two simple requirements; that no town could establish a minimum lot size of more than 5,000 square feet if a lot has access to sewer and water infrastructure or establish a minimum lot size of more than 20,000 square feet in any area. Engelhardt said it doesn't make sense in a rural area.

Sullivan asked if this was a suggestion or actual municipal law, saying the New York State Constitution does specify that towns have the right to Home Rule to pass their own municipal laws so zoning is a municipal law. Engelhardt said if it were passed in the way that it is written now, it would be a statewide zoning that everyone would be required to adhere to. Discussion continued. Engelhardt will send a letter to NYS Senator Mike Martucci requesting the status of Senate Bill S7574 regarding Statewide Zoning and attach her fact sheet on “Current Minimum Lot Area Requirements in New York Towns in the Upper Delaware Corridor” with an explanation of how the draft legislation would impact member municipalities.

**Production of River Corridor Maps:** Engelhardt reached out to all the county GIS departments with the contact information that Hendrix graciously gave to her. Included in the handouts was an example of one map she received from Daniel Munoz from Orange Country for the Town of Deerpark. It shows corridor boundaries. Lots are not labeled but when you compare the map with tax maps, you will be able to tell if it's in the corridor or not. The maps for the three member townships in Pike County would cost \$25 each. The contact from Sullivan County indicated that she was very busy and told Engelhardt where could download some data herself. Engelhardt said she's not sure she'll be able to put that together in a map as well as a GIS Specialist could but she can certainly try. She is waiting to hear back from Wayne County.

Engelhardt said if this Deerpark sample is what the committee would like she can reach out to a printer. Robinson said Shohola's map is 24" x 36", and it was provided by the County along with a PDF file. Robinson also mentioned that the GIS tool that the NPS sponsored is quite good. He encourages all members of the committee to get used to it. Richardson mentioned spending money to get them framed and present the maps to each Town/ship. He feels it's a valuable gift and would be well-received. Richardson asked if the NPS could assist UDC in isolating each Town/ship and having data printed. Engelhardt said Hendrix sent her the shape file for the corridor. It's just a matter of getting into a printable image and converting it to a PDF. Dexter said that Damascus has something similar to Shohola Township. It's nice to be able to go up to the map to reference and not have to manipulate a map on the computer. The committee recommends reaching out to Heather Jacksy to get maps from Sullivan County.

**Other:** None.

#### **New Business**

**Camp Fimfo Project 1/4 Meeting Report:** Engelhardt said she and Ramie had a meeting with the Camp Fimfo (Fun is more fun outside) developers. Northgate Resorts has been developing sites like this throughout the country for years, so they have a lot of experience, plus the leads working on this project have experience in this area, saying they know the area and the kind of people who are coming to this destination. They would like to make it an upscale “glamping” campground. There will be tent camping and RV space. They will have RVs available to rent. There will be a gravity roller coaster, mini golf, a water splash arena, and jumping pillow. There will be a restaurant and a malt shop that will be open to the public and not just to the people staying at the campground. They are in an agreement to acquire the Cedar Rapids property, which will expand their river excursion areas. Engelhardt believes they're keeping the existing paintball area. Their permitting process will start in February; as she mentioned, they will be making a presentation to the Highland Planning Board tomorrow night. However, they haven't submitted a full application yet. They hope to make their full submission to the board for the February meeting. This year they will have about 50% of the camping capacity from last year because of the improvements that they will be working on but they will not be curtailing the river operations at all. They actually expect to increase that because of the Cedar Rapids acquisition. They believe the launch will be in Spring/Summer of 2023 will full completion in 2024 or 2025. The Minisink and Pinegrove campgrounds will be open this summer.

Ramie added that this is the third Camp Fimfo that's being developed. The first two were in Texas, and they're meant to speak to millennial and Gen X families. This is a \$43 million investment. They are going to tear down the old barn which houses the Adventure Center because they said that's not really salvageable but will reclaim the wood to use somewhere else on site. They also spoke about having movable buildings. They don't like the idea of people having to cross Route 97 which they do currently because some of the operation is on one side of the road and some on the other. In 2021, they already completed some of the infrastructure improvements that had been permitted. The total acreage once they acquire Cedar Rapids will be about 228 acres in Barryville. Phase I includes the new Adventure Center building, malt shop, mini golf course, two maintenance buildings, and new parking pads.

Some of the infrastructure improvements to existing campsites included electric, water, cable and internet service. Eventually there will be two pools, a play structure, an aquatic structure, concession stand, bath house and cabanas. They'll still have the zip line. They did look into whether to develop all of this in PA or NY, and their studies showed that NY was more viable. They have received a \$1.5 million NYS grant through the Mid-Hudson Regional Economic Development Council. Ramie said it's pretty exciting and they seem to be doing their due diligence. Ramie said when they appear before the town, we will see how the public and local residents react.

**Substantial Conformance Review 2022-001: “Art Shop” Use Variance, Town of Tusten:** Engelhardt said the Art Shop is an application in Tusten that is before the zoning board for a use variance. The proposed developed project is located in what's known as “the Flats” of Narrowsburg. It was previously owned by Art Peck as his workshop. She included photos at the end of her report of an aerial view and the surroundings. The town park is across the street and behind it is owned by the Water Department. Around it is residential areas and mobile homes, and other single-family homes. According to Tusten zoning, the only acceptable uses in the general residential district are single-family homes and two-family homes. There are a couple of special uses available in the general residential district, but none of them apply to this application. They are proposing to have a mixed-use space with a greenhouse or nursery, a woodworking shop, digital photography studio, and little art and craft studios that people could come in and create and possibly sell their work. They're thinking of having a mixed media studio and possibly even having performance art rehearsals there. There could also be residential spaces for artists who are working in the building for short-term residences. Engelhardt said that doesn't fit into the zoning in Narrowsburg. She attended the January meeting and there was a lot of public there. The general feeling was everybody thought it was a good idea but the public was split on whether it was a good place to put it. There are a few residents in the Flats who said that this wasn't the right area for it. It's all residential and they were worried about traffic. They also brought up environmental issues. Engelhardt said they may have to put in a driveway and install plumbing in the building. In order to get a use variance, they have a burden of proving a hardship on four different points. The board did not come to a decision. They were going to have a workshop meeting last night on 1/24, and on 2/14, which is the next regularly scheduled zoning board meeting, they will actually vote to approve or deny the application.

Engelhardt said in terms of UDC's view on it, the various proposed uses are in fact compatible with Hamlet designations in the corridor. They're all compatible uses, except for light industrial, which is an appropriate special use or conditional use. Again, because it doesn't seem like a very intensive use for that property, and although it is in the corridor, it's in a Hamlet section, there isn't a lot of environmental value and they're not going to be putting on a bunch of more impervious coverage or anything. The Land and Water Use Guidelines say that development within the hamlet areas is encouraged. So, for that reason Engelhardt recommends that UDC finds the project substantially conforms to the RMP. Richardson said he finds it interesting as Art Peck did business out of that space. The committee shared how he did upholsteries, woodworking, restored antique cars, built boats, and built a small lighthouse for the river there. Sullivan said for a historical perspective, the Flats used to have farms. Historically it has a very mixed-use but of course the zoning has evolved over time.

Richardson said over the years he was on a planning board in the Town of Cocheeton, he took several courses on zoning, subdivisions, and variances. He sat in on one presentation in Ellenville and the professor said that 98% of use variances should never be granted because it's really hard to justify in most cases. With an area variance, you want to adjust the boundary but if you are truly changing the use, you're going around the whole planning process that created that zoning, so it'll be interesting to see what happens. Richardson said Engelhardt did a good job on the written review. A Motion by Sullivan seconded by Robinson to recommend the project's substantial conformance for presentation to the 2/3 full Council carried.

**Other:** Greier said he reviewed the UDC's 1/6 meeting minutes and really liked Jacob Bransky's DRBC's Microplastics Study. The facts at the end of Bransky's presentation really stuck with Greier and he shared them: 91% of plastic ever made was not recycled worldwide. Since 2012, the United States only recycles about 9%, which is less than some of our counterparts overseas. One prediction is that by 2050 there's going to be more plastic in the ocean than fish. Plastic can take more than 400 years to decompose. Greier said these are serious statements. There was further discussion before it was referred to the Water Use/Resource Management Committee.

**Public Comment:** Hendrix told Dexter that the NPS Virtual Intern is almost complete with the Milanville Walking Tour. She sent information to Opal Hocker to review and asked Dexter to also review the historical information for Damascus.

Dexter said at his last Board Meeting he discussed the DRBC Microplastics Study during his UDC update and all were interested in learning more about it.

**Adjournment:** A Motion by Dudko, seconded by Dexter, to adjourn the meeting at 7:29 p.m. carried.

*Minutes prepared by Ashley Hall-Bagdonas, 2/1/2022*