

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
November 23, 2021

Committee Members Present: Larry Richardson, Fred Peckham (Zoom), David Dean (Zoom), Jeff Dexter, Al Henry, Aaron Robinson, Susan Sullivan (Zoom)

Committee Members Absent: Jim Greier

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

NPS Partners: Cody Hendrix- Community & Land Use Planner

Guests:

The UDC's Project Review Committee held its monthly meeting on Tuesday, November 23, 2021 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 8:03 p.m. There was no public comment on the agenda.

Approval of the October 26, 2021 Meeting Minutes: A motion by Robinson seconded by Sullivan to approve the October 26, 2021 Meeting Minutes carried.

Resources and Land Use Specialist Update: Engelhardt will provide a Discussion Items Report at the 12/14 meeting as she just started her position on Monday, 11/22. Ramie said actionable and informational items will be brought up on the rest of the agenda. Richardson said that previous Resources and Land Use Specialist did a good job with those reports and Tom Shepstone's substantial conformance review of Cohecton Cottages is really well done. They are good models to use.

Old Business

Land Use Complaint 2021-13: Cackletown Road Wetlands Disturbance-Tusten: Ramie said we were expecting the complainant, Nico Juarez, to attend to discuss the issue but he is not here. Sullivan said she spoke with her neighbor who has lived in the area all their lives and said that area was a wetland before the beavers. When the beavers came it was more like a lake and people enjoyed fishing there. A new property owner came along and bought some of the property and without the neighbors' consent they drained the wetland. She's not sure if they had a DEC permit or not. Sullivan said she was at a Town of Tusten meeting where it was cited as a designated wetland. She reached out to NY DEC representative Bill Rudge and asked him, once designated a NA3 Protected Wetland by the DEC is there any reason that would change? Rudge replied, "As a state-mapped wetland any activity in the wetland or 100-foot adjacent area would require a permit from the DEC. Mapped wetlands are protected by Article 24 of the Environmental Conservation Law." Ramie had asked Juarez to provide a Section Block Lot for more information since there was a question of whether the Cackletown Road address falls within the river corridor boundaries. UDC will continue to monitor the issue. Juarez told Ramie a DEC Biologist would be visiting the site today (11/23). Staff will provide updates as they come.

Other: None.

New Business

11/20 Shepstone Management Co. Letter: Opinion on Substantial Conformance Issue: Richardson said after reviewing Shepstone's opinion letter he was impressed with it. Sullivan said it's very thorough and conveys what UDC Project Review has been operating off of for 30+ years. Henry said the 11/3 letter from Superintendent Joe Salvatore was hard to understand and feels the attorney who wrote it didn't have time to look through the River Management Plan (RMP). He read from the letter: "However, the Town or activity must conform in substance" saying that language is written nowhere in the RMP or legislation; therefore, the attorney is word-smithing. Discussion continued. Richardson said we're not that far apart from the National Park Service when you read through this. The objectives have to be met but there is flexibility in how to meet them. Hendrix said when asked that Shepstone's review was helpful to his understanding of the substantial conformance issue. Ramie said that Salvatore's letter stated that the UDC had no authority to change the definition of substantial conformance by resolution. She said that was not the intention of our position paper. Robinson said that nothing has changed in terms of the way the UDC or NPS conducts its project reviews. Henry wondered why it took from April until

November for the NPS to comment on this. Richardson said he believes that the 11/20 letter from Shepstone reflects the opinion of the UDC and we don't perceive this to be an issue. Henry said we should formally address the 11/3 NPS letter. A Motion by Peckham seconded by Henry for Ramie to prepare a draft cover letter to NPS UPDE Superintendent Salvatore responding to his 11/3 letter on the definition of substantial conformance, attaching the solicited 11/20 opinion by Tom Shepstone, for advance full Council review and action at the 12/2 UDC meeting carried.

Cochecton Cottages: Lead Agency Request and Substantial Conformance Review: Ramie said this proposal came in as a Request for Lead Agency Status to determine whether UDC had any issue with the Town Planning Board being the appropriate agency. Since this project is within the river corridor, this is a reviewable site plan. Ramie said because of the timing of when this was received prior to Engelhardt starting during the Resources and Land Use Specialist vacancy, we asked Tom Shepstone to review the project under the interim Consulting Services Agreement. Engelhardt summarized that Shepstone's review determined that it's a reviewable Class I activity. The intensity of the use of the site is reduced. The cottages clearly qualify as seasonal residences which is a Principal Permitted Use and also that Small Hotels & Motels are a permitted use. It conforms to all of the Town of Cochecton Zoning Law standards. Therefore, it meets all applicable principals and objectives of the Land and Water Use Guidelines. A Motion by Peckham seconded by Robinson to accept Town of Cochecton Planning Board as Lead Agency under the State Environmental Quality Review Act carried. A Motion by Peckham seconded by Henry to recommend the project's substantial conformance for presentation to the 12/2 full Council carried.

Request for Production of River Corridor Maps: Per Richardson's suggestion, Engelhardt will reach out to the Delaware, Sullivan, Orange, Wayne, and Pike County Planning/GIS departments to ask if they can produce maps depicting the Upper Delaware Scenic and Recreational River corridor boundaries for each of the UDC member towns and townships within their respective counties. Richardson said this would be a worthwhile expense for the UDC to arrange to prepare, frame, and present such maps to each member municipality. Peckham said somebody could contest the boundaries. Ramie said it would be important to make a disclaimer stating that the maps will not be the equivalent of a property survey. A Motion by Richardson, seconded by Henry for staff to investigate the costs for this mapping project carried.

Other: None.

Public Comment: None.

Adjournment: A Motion by Peckham, seconded by Henry, to adjourn the meeting at 8:46 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 11/29/2021