

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**December 13, 2022**

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

Committee Members Absent:

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

NPS Partners: Kara Deutsch- Acting Superintendent (Zoom), Cody Hendrix- Community & Land Use Planner, Alex Garcia—Maldonado- Cultural Resources (Zoom 6:56 p.m.)

Guests: Bill Dudko

The UDC’s Project Review Committee held its monthly meeting on Tuesday, December 13, 2022 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:31 p.m. There was no public comment on the agenda.

**November 22, 2022 Meeting:** A motion by Boyar seconded by Robinson to approve the November 22, 2022 meeting minutes carried.

**Resources and Land Use Specialist Update:**

**New York State Projects**

**Town of Highland -Highland Access:** Engelhardt read an email from Heather Jacksy: “We are still moving along. The contractor was able to accomplish a lot because the weather up until this week had been very accommodating. Our partners have been great. The Town of Highland, the NYS DEC, the NYS DOT, Sullivan County DPW, and the NPS have all been very responsive. Highland, DEC, DOT, FUDR and NPS in particular are critical to the success of this project, and have all committed resources.” There is a site visit today (12/13) with the engineer, and a meeting tomorrow (12/14) to go over the signs and some other details. Jacksy said there are a few decisions they still need to make that will affect the timeline for reopening the access next year, and adding some planting. Engelhardt plans to stop by the site tomorrow to check on progress and take a few photos.

**Town of Tusten - Eagles Nest:** As mentioned in the June 2022 Discussion Items report, we received an application on 6/6 in Tusten for a project called Eagles Nest Estates (UDC2022-08), which is located on Hankins Road, a bit downstream from the Ten Mile River boat access. The project has been reported about in the paper and we’ve gotten some inquiries, so Engelhardt thought she would summarize the project so that we’re all on the same page. The applicant is proposing to subdivide an existing lot into two parcels. The proposed parcels will meet zoning requirements for minimum lot size, but not for frontage (the existing lot has ±567 LF of frontage, and zoning requires 300’ of frontage for each lot). The application was submitted to us by the Tusten Zoning Board of Appeals (which we greatly appreciate). However, Project Review under the Land and Water Use Guidelines is not required, because the project meets the following criteria:

- ✓ 4. The project is a subdivision of single family detached dwelling units involving four or fewer dwelling units or lots, including all planned phases; AND:
  - a. The height of all proposed structures is 35 feet or less; AND
  - b. All construction and improvements are located 100 feet or more from the mean high water mark of the Delaware River; AND
  - c. No new roads and other improvements are proposed to be constructed; AND
  - d. All lots are at least 2 acres in size; AND
  - e. A conditional use approval, special use permit or site plan review are not required by the municipality; AND
  - f. The project does not involve stream discharge of sewage effluent or the use of central sewer and water services; AND
  - g. The project does not involve a facility to be constructed or operated by a governmental agency or agencies.

We let the zoning board of appeals know that the project did not require our review back in June. An article regarding the application is included in the meeting packet.

**Open Substantial Conformance Reviews**

Project Id	Project Name	Municipality	Action	Status
2022-03	Camp Fimfo	Town of Highland	Special Use Permit	Public hearing closed 11/30/22. Awaiting Hydrologic/Hydraulic Report from an outside firm.
2022-11	Lackawaxen Zoning Ordinance Amendment	Lackawaxen Township	Zoning Ordinance Amendment to add a new use to the schedule	Lackawaxen Planning Commission would like to be able to allow use in Scenic Segments. Engelhardt said she would look into it.

**Camp FIMFO:** The third public hearing was held 11/30 and Engelhardt attended via Zoom. Some residents spoke in favor of the project, in particular the former owner of Kittatinny Canoes, Dave Jones, as well as neighbor Joe Barnes, and one other gentleman. There were two more comments against the project, and then the public session was closed. Current Kittatinny/Cedar Rapids General Manager Rocco Baldassari then read a response letter from the applicant, which is included at the end of this report. The letter addresses comments that had been raised most often, including: future development phases (there are none); effect of water use on neighboring wells; occupancy rates, hours of operation, public access to amenities, safety and security; traffic, bridges & pedestrian safety/signage; the water feature (pools and water activity area); septic system; parking, signage, electric, lighting & landscaping; impact to character of land/cluster development; and workforce issues. After Rocco’s recitation, the board members asked questions of the applicant, but there wasn’t much back-and-forth. The public hearing was formally closed, so they will not be receiving any more verbal comments at meetings; however comments can still be submitted to the board in writing. (The applicant has agreed to extend the 62-day deadline for a decision from the board indefinitely.) The applicant said they are working with the NPS and the board. They’ve received a letter from Board Engineer Ken Ellsworth and are working to respond to that as well. The hydrologic/hydraulic study is expected to be completed in mid-December. There will be no meeting in December; the next Planning Board meeting will be 1/25.

**2022-11 Lackawaxen Zoning Ordinance Amendment:** Engelhardt sent our report to Denise Steuhl, the Lackawaxen Township Office Manager, who forwarded it to the Planning Commission ahead of their 12/7 meeting (unfortunately she could not attend in person as she was in Atlanta last week). Yesterday Engelhardt received a call from Rich Tussel (who is on the Planning Commission), who asked if it would be possible to allow the use in the Scenic Segment, since most of the corridor in Lackawaxen is in Scenic. She told him she would review the RMP and discuss with the Project Review Committee. He also asked her to attend the next Supervisors’ meeting, which will be this upcoming Monday, 12/19. We also received the following email from John McKay/Doug Case: “Dear Council Members, I am writing to express my view on a proposed ordinance concerning boat and RV storage. As currently drafted, the ordinance would allow this use in Lackawaxen’s Delaware overlay district. I feel this use should be allowed as long as any storage area would not be visible to an individual boating or standing on the river’s edge. The resource specialist has sent a lengthy list of additional requirements. The current standards in the proposed ordinance, I believe, are adequate to protect the scenic character of the overlay district in the township. Additionally, this use, more than likely, would only be active during the fall, winter and a portion of spring months. Thank you for your consideration. Respectfully submitted, Doug Case, Lackawaxen representative.”

**Unsubmitted Projects:** There have been several projects recently that Engelhardt only learned about by reading their public notices in the newspapers. She has been having varying success in getting more information on them.

**Shohola – Dirlam/Zaccari Conditional Use:** There is a public hearing to be held in Shohola regarding a conditional use application for approval of an electronic recycling and storage company at a property located in the river corridor. The Shohola Township Secretary said that no documentation has been presented yet but should be at the meeting of the Planning Commission, which is this Thursday, December 15th. Engelhardt will attend the meeting unless it is cancelled due to a winter storm forecast. Robinson said he would let her know if that was the case.

**Highland – Davydov Area Variance:** She reached out to the Planning Board/Zoning Board secretary, but has yet to receive a response.

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

**FY 2023 Technical Assistance Grant Town of Tusten:** Supervisor Ben Johnson has signed the TAG contract, Engelhardt has signed and she got Boyar’s signature prior to the meeting tonight, we’ll return one copy to Tusten. The mid-term Progress Report for the grant will be due by February 17, 2023. The completion deadline is August 18, 2023.

**2022 Code Enforcement Reports:** Soon Engelhardt will be preparing letters for the various towns and townships, requesting information regarding zoning activities in the river corridor during the 2022 calendar year. This year she will be drafting a letter that’s a bit more explicit as to what information we’re looking for, and what projects they should be submitting to us throughout the year, as late this year she’s been finding an awful lot of activity by reading the legal notices in the local papers, rather than being formally informed.

**GIS on UDC Website:** Engelhardt is still working to develop an illustrated set of instructions to go along with the link to the GIS Decision Making Tool. The video tutorial by Dr. Jantz is a bit more in-depth and advanced, and may be slightly discouraging to people who just want a quick answer to “is my property in the corridor?”

**Old Business**

**Substantial Conformance Review 2022-11 – Zoning Ordinance Amendment – Lackawaxen Township:** The Project Review Committee asked Engelhardt to attend the Lackawaxen Township Board of Supervisors meeting on 12/19 to gather more information on the proposed Zoning Ordinance Amendment to add Boat, Golf Cart and RV Storage/Winterization Businesses to the Schedule of Uses in the RU and ND Districts.

**12/1 UDC-NPS Telecommunications Subcommittee Report:** Ramie said when the Subcommittee met on 12/1, it was primarily to discuss two questions Robinson proposed: 1. Should we differentiate standards from cell towers in designated scenic versus recreational segments of the corridor? and 2. Should we approach the subject of providing emergency communications in the context of public safety or aesthetics? It seemed to be unanimous that we should continue to pursue the public safety aspect of it primarily through this position paper that will include conditions to try to minimize the visual intrusion of cell towers. Robinson said if anyone has recommendations or suggestions as to the criteria of placing cell towers, they are trying to develop a kind of an incremental series of standards that provide for the construction of a tower, but at the same time incrementally minimize its aesthetic impact. Richardson noted Robinson’s comment from last meeting that technology is moving so quickly. Richardson recently saw that Apple is partnering with a phone company and they are moving away from cell towers. Ramie will send a message to the full Council seeking everybody’s input on criteria to develop cell towers for public safety goals while minimizing their visual impacts in the river corridor ahead of the next UDC/NPS Telecommunications Subcommittee meeting on 1/5 at 6 p.m.

**River Corridor Maps:** Representatives of towns and townships which have their river corridor maps ready were asked to present as UDC gifts and to take photos of the presentations, when possible, to send to Ramie. Committee members thanked Engelhardt for her work on this project.

**Other:** None.

**New Business**

**RV Park Model Definitions:** Engelhardt provided a handout of RV park model definitions, saying she went through the Town of Highland Zoning definitions and pulled what she thought were applicable:

Dwelling- A building designed or used as the living quarters for one or more families. The term "dwelling" shall include seasonal homes, and they must meet all the requirements of this chapter and all other regulations or laws applicable to dwellings.

Dwelling Unit- One or more rooms designed for occupancy by one family for cooking, living and sleeping purposes.

Dwelling, Temporary- A dwelling unit or units, which may include a recreational vehicle, tent, or the like, in which individuals inhabit for seasonal or recreational purposes, and for 180 days or less within a year.

Mobile Home- A dwelling unit also known as a manufactured home, built to U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards, which has the following characteristics: A. Manufactured as a movable or portable dwelling unit for year-round occupancy and for installation on a masonry or concrete foundation or a mobile home stand, or piers, with or without a basement or cellar. B. Designed to be transported on its own chassis and wheels and connected to utilities after placement on a stand, foundation, or piers. C. May contain parts that can be folded, collapsed, or telescoped when being towed and expanded later to provide additional living space. D. May be constructed in two or more separately towable components that are designed to be joined into one integral unit capable of being again separated into the components for repeated towing, such as a doublewide mobile home. E. A modular home and a recreational vehicle, as defined herein, is not considered a mobile home.

Manufactured Home- A structure, transportable in one or more sections, that, in the traveling mode, is eight feet or more in width or 40 feet or more in length or, when erected on site, is 500 square feet minimum, and that was built on or after June 15, 1976, on a permanent chassis and designed to be used as a dwelling with a permanent foundation (full basement or crawl space foundation with 42 inches of space from the varmint slab to the underside of the floor joist) when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "manufactured home" shall also include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the federal Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974, as amended. The term "manufactured home" shall not include any self-propelled recreation vehicle.

Recreational Vehicle- A vehicular unit, 400 square feet or less at its largest horizontal projection and primarily designed as temporary living quarters for seasonal, recreational camping, or travel use, and which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home. A recreational vehicle shall not be designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use and shall not be inhabited in excess of 180 days per year.

Tiny Home- A dwelling unit that is characterized by its size and may be built as a permanent or mobile structure. For purposes of this chapter, a tiny home shall be considered a mobile home and shall meet all standards applicable to a mobile home. A tiny home less than 500 habitable square feet shall be prohibited.

Engelhardt also included a five-page submission from LaBella, the Engineering Group that did the Camp Fimfo submission including literature prepared by the Recreational Vehicle Industry Association. The committee thanked her for her report.

**Other:** None.

**Adjournment:** A Motion by Roeder, seconded by Greier, to adjourn the meeting at 7:16 p.m. carried.

*Minutes prepared by Ashley Hall-Bagdonas, 12/14/2022*