

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**December 18, 2019**

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Jim Greier, Jeff Dexter, Fred Peckham, Sue Sullivan, Aaron Robinson, David Dean  
Committee Members Absent: Al Henry, Debra Conway  
Staff: Laurie Ramie, Pete Golod, Ashley Hall-Bagdonas  
NPS Partner: Jennifer Claster  
Guests: Roger Saumure- Shohola alternate, Cheryl Korotky

The UDC's Project Review Committee held its monthly meeting on Wednesday, December 18, 2019 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m. There was no public comment on the agenda.

**Approval of November 26, 2019 Meeting Minutes:** A motion by Peckham seconded Greier to approve the November 26, 2019 Meeting Minutes was carried. There was no public comment on the agenda.

**Resource Specialist's Update:**

New York

**Town of Delaware: Wastewater Treatment Plant Update:** On 2/15/2018 the UDC received a SEQR Review packet from Delaware Engineering for the Callicoon Water Company requesting the submission of comments which were drafted and mailed to Delaware Engineering on 2/16/2018. On 11/14 the UDC received a packet requesting comments for the Town's proposed Wastewater Treatment Plant including a SEQR review. The Town is seeking to replace the 27-year-old WWTP which is currently located in the floodplain to a new alternate location outside of the floodplain. Golod will attend the Town's public hearing on 12/11 regarding the WWTP. Comments are requested by 1/8/2020. The Town has determined to replace the existing WWTP and has received funding through an Engineering Planning Grant. The Town intends to acquire the property where the new WWTP is to be constructed outside of the floodplain and to act as Lead Agency for the State Environmental Quality Review (SEQR) process. On 12/11 the Town held a public hearing regarding the proposed WWTP. Additionally, the Town has initiated the SEQR for this new project.

Pennsylvania

**Damascus Township East Central Wayne County Comprehensive Plan Update:** On 12/5 the UDC received a final determination letter from the NPS concurring with the UDC's recommendation of substantial conformance for the Eastern Central Wayne County Comprehensive Plan Update. A copy of that letter was provided in the meeting packet.

**Damascus Hotel (Methodist Home Conditional Use):** Golod will present a Class II Significant Project review under New Business. A copy of the review was provided in meeting packets. UDC has been referring to it as "the Methodist Home" but Conditional Use was issued for Damascus Hotel so we will refer to it as that moving forward.

**Shohola Township:** On 12/19 Golod and NPS Land Use Planner Claster will meet with the Planning Commission to continue assisting in the substantial conformance review of the Township's Zoning Ordinance which is required as part of the final step in completion for the FY 2019 TAG project. Work will consist of comparing Uses of the Township's Schedule and definitions against the LWUG's Schedule of Uses and definitions, and to review the Principles and Objectives per the Land and Water Use Guidelines.

**Project Review Workbook Update:** The finalized Project Review Workbook which the 11/26 Project Review Committee approved was submitted to Dorene Warner of W Design and was ready to move onto the next phase. On 12/16 the NPS informed Executive Director Ramie that the online document needs to be Section 508 Americans with Disabilities Act (ADA) compliant. Warner replied to Golod this afternoon with a tentative date scheduled for

1/2 to meet with Executive Director Ramie, and NPS Land Use Planner Claster to discuss revising the project specifications which were issued in 2016 and to explain what is now needed. Richardson asked how you make an online document ADA compliant? Saumure said through accessibility settings for example if people need to listen to the document it can be read to them, making the fonts bigger, etc. If you have a photo you can describe the photo with several key word tags for people that are vision impaired. Claster said the Americans with Disabilities Act require organizations with Federal funding, to be accessible to people with disabilities. Richardson asked if the River Management Plan is ADA compliant? Claster said this version is not as it's from 1986 but that would be a great project. Richardson asked if this costs a lot of money? Saumure said he didn't think so as some requirements are adjusting settings. Ramie said Warner is not unaccustomed to working to be ADA compliant and has worked with UDC staff to tag photos and documents to be ADA compliant.

**Resource Specialist's Update:** On 12/12 Golod met with NPS Land Use Planner Jennifer Claster to continue work on project review issues. On 12/19 Golod and Claster will conduct a UDC/NPS River Management Plan/Land and Water Use Guidelines training session for Orange County Planning staff.

### Old Business:

**Project Review Workbook Update:** Discussed during Resource Specialist Discussion Items Report.

**Amendment Process for River Management Plan and Land and Water Use Guidelines:** Richardson requested condensed minutes of this matter be put together for the Project Review Committee and distributed via email for review to be discussed at the 1/28 Project Review Committee meeting.

**Descriptions of previously accepted website TAGs:** Richardson asked Hall-Bagdonas to pull-up previously approved Technical Assistance Grants for website projects to look at the wording in those applications. He said when it comes up again the Project Review Committee will have a document to guide Town/ships with some previously approved grants. Richardson said we understand that the NPS is not in favor of these types of TAGs, but he thinks if you word them differently you will have a better shot at it. Greier said one thing that bothers him is that the \$300,000 is granted to the UDC and it belongs to the UDC. When the UDC take a roundtable vote the NPS is only one seat at this roundtable. If a unanimous decision says to grant a proposal, it should be. He said the rug shouldn't be pulled out from under us. NPS could bring it to a discussion on the floor if it wasn't acceptable at the time of the meeting, not after the fact. Richardson said that Superintendent Heister has said there are changes from above coming down and he doesn't doubt that there is somebody that's micromanaging. He said he agrees with Greier but that money is given to UDC for UDC to make decisions on how we support the RMP and the objectives of the RMP. He said if at the end of the year the Federal Government has a problem with something the UDC spent money on, that's probably when it should be addressed. He said you can't micromanage every project that comes before us. Sullivan said she would love to see the legislation or executive decision in writing. When did the Department of the Interior make those changes that have affected the entire country? Robinson said he noticed a change when the Northeast Region of the NPS was audited and they found many deficiencies. He said that was like a demarcation in time because a lot of the audit showed financial mismanagement. Robinson said then UDC became a de facto victim of wrongdoing. He said his concern as a result of this is that UDC will lose its individuality if UDC is micromanaged to each dollar that is being spent. UDC becomes a subordinate to the NPS. That's not what the arrangement calls for; it calls for autonomy. A role of the UDC is to provide an opinion. Using the funding as a way to manipulate the limits of the UDC goes against the plan. Robinson said we can't operate under duress and we can't operate financially stressed and we have been over the last three years. He said someone up the chain should be made aware at this point in time UDC is unable to fulfill many parts of the RMP. Greier said now is the time to address this with the NPS, not five years down the road when it's time to update the next Cooperative Agreement. Robinson said if he's elected UDC Chairperson for 2020 the goal of UDC has to be to improve the relationship with the NPS. Isn't it to the advantage of UDC and the NPS for people to be able to go to a website and have ready access to their Town/ship zoning regulations?

**Other:** None.

### New Business:

**Class II Significant Project Review of Damascus Hotel:** Richardson was asked by the Sullivan County Legislature if they need to write a Letter of Support for the Damascus Hotel project or support of UDC and he recommended seeing how it plays out first before bringing outside comments into the discussion. He said they would comment on a PA project because they look at it as a substantial benefit of Narrowsburg, NY.

Golod directed the committee to the “Class II Significant Project for Damascus Hotel” and a draft letter to Superintendent Heister dated 12/17 that frames what the project is and how the Project Review Committee would substantiate that the Damascus Hotel does substantially conform. Golod emailed both of these documents in advance to the Project Review Committee last week. Reviewing the Significant Projects Report Form, it is broken up in five criteria. The only one that is relevant to this project is Criterion #1. A. 1: Soil erosion and sedimentation from construction on steep slopes is limited by: E. Other: No New construction to take place except for 8,200 square feet gravel parking lot. Golod felt that criteria were met.

A. 2: Maintain natural cover to control stormwater runoff, limit flooding, protect groundwater supplies and provide erosion control by: B. Limiting clearing for building purposes to 20% of the lot area with reduction to 10% for slopes over 15% in grade; or D. Other: Stormwater control measure will be installed in accordance with Stormwater Management Ordinance and an Erosion and Sediment Plan will be submitted to the County. Golod said the current existing lot coverage consists of 5.6%, in addition to a proposed 6.8% lot coverage that would be a total of 12.4% lot coverage. On a 17.7-acre parcel this falls well below the 20% lot coverage area limit as denoted in the Significant Project Review. Golod felt that B and D met the criteria.

A.3: Protect special erosion hazard areas along river banks through one or more of the following measures: A. Requiring that building be setback from the river consistent with State required setbacks or septic systems from streams. In NY: 100 feet, in PA 50 feet and C. Other: N/A, preexisting structure not located on ridgeline.

C.2: Provide for the orderly development, operation, and maintenance of all recreational uses by: D. Other: Not a recreational use.

D.2: Encourage the appropriate location and mitigate the effects of certain intensive livestock operations which a likely to create problems of waste disposal or odors by: C. Other: N/A; project does not involve livestock.

Criterion #2 is related to Subdivisions and Damascus Hotel is not a Subdivision so that is not applicable. Criterion #3 is not applicable as it is not a river related use.

Criterion #4: Projects involving stream discharge of sewage effluent or the use of central sewage or water services: B. Other: N/A, proposed project does not involve effluent discharge or the use of central sewage.

Criterion # 5: Projects involving facilities in the river corridor to be constructed or operated by governmental agencies. Golod said A-F do not apply, however, the reason “G: Prohibiting power plants, stream channelization and other projects listed as incompatible uses in the Schedule of Uses” is marked is because per the Schedule of Uses currently, hotels and motels are listed as an incompatible use due to the fact that the Damascus Hotel is going to have 12 or more rentable units. The definition within the guidelines states that a hotel or motel vs. small hotel or small motel is 12 or more rental units. When Sims Foster was here last month he said there would be 28 rental units. Per the Schedule of Uses it does fall under the classification as an incompatible use. Ramie asked if that criteria is specifically for a governmental agency, why is that relevant? It’s a private developer. Claster said that is probably true for Criterion #5. However, what this checklist isn’t looking at is the use needs to be compared to the Schedule of Uses as it’s one of the primary functions of the Land and Water Use Guidelines to make sure if a Town/ship has zoning ordinance that is substantial conformance and is actually carrying it out. That’s there to prevent incompatible uses being constructed in the river corridor. That’s an important part of the review that’s not on this checklist that will be on the new checklist.

Golod asked the Project Review Committee to review the 12/17 draft letter to Superintendent Heister. He feels it covers the defense of the Damascus Hotel project and why it substantially conforms. Golod read aloud the draft letter in its entirety to be signed under Larry H. Richardson, Project Review Chairman’s signature. The ending reads, “Therefore, after due consideration of the points noted above and recognizing the fact that this project is more

of a name change versus a Use change, and so noting the improvements planned for this project, it is determined that this project as proposed would be less non-conforming than the activity that existed before.” The committee thanked Golod for a well written letter. He said he had assistance from Richardson and Tom Shepstone. Golod’s recommendation to the Project Review Committee is that the Damascus Hotel substantially conforms. Ramie said this is not the normally the stage where UDC would be sending a letter to the NPS because this has to go to full council to make the recommendation. This letter would be the basis to send to the UDC with the Chairperson’s signature. Golod said correct, once the Project Review Committee makes their recommendation to the full council and they hear the overview of the project, we would then draft a letter to Superintendent Heister stating the UDC’s recommendation. Golod said Claster recommended penning the draft letter ahead of full council to help facilitate a discussion. Ramie recommended dating the letter for the 1/2 meeting. Ramie said on the second page, regarding the bullet about location and the phrase “a natural part of the hamlet of Narrowsburg, NY. . .” she would change it to it’s a de facto extension of the hamlet of Narrowsburg, NY. UDC keeps making the distinction between Darbytown, PA and Narrowsburg, NY and that seems contrary to what we’ve said in the past about those two places having distinct identities. Robinson recommended saying it’s located in Darbytown, PA and is easily accessible to Narrowsburg, NY. Ramie said while Al Henry couldn’t be here tonight he did ask her to convey that after he reviewed the documents in advance that Berlin Township is in favor of this Substantial Conformance recommendation. Claster said she recently found out that NPS Regional Director Gay Vietzke is reading all of the reviews being sent to her. Claster asked for the committee to think of it as someone who is reviewing it with no familiarity with the situation potentially beyond what is sent. The clarification about the hamlet is really helpful. Sullivan asked if the distinction of small hotel/motel will be clear to anyone reading this. Will they know the importance of the word “small”? There are definitions involved. Claster said in the last bullet it reads: “Foster Supply Hospitality would have been entitled to a variance. . .” She recommends softening that a little bit because there’s no way of knowing if they can get a variance or not. Richardson said that’s a good point and Ramie recommended using the word eligible. A Motion by Roeder seconded by Dexter to send the amended letter to full council carried.

**Other:** Roeder said newspapers have been carrying stories about NPS and as Peckham mentioned comments have been coming in. When Ramie issued the press release about Roeder signing the TAGs resolution under protest he received feedback about that. He said that was good because that showed people that UDC wasn’t working adversely against them. Claster said she felt the *Tri-County Independent* article regarding the Damascus Hotel was pretty misleading. It was making the case that the project was being held up by NPS which is not at all true. The NPS didn’t make any statement on the project at that meeting and at no time did Claster say that it was not allowed. Peckham feels like people still do not know who the UDC is.

Greier said he went to the Town of Fremont board meeting last week. After the Building Inspector gave his report on new construction for the past year Greier was amazed. The Town has a lot of construction and some is still ongoing including a couple multi-million dollar homes. After the meeting Greier asked him what’s going on in the River Valley and he said nothing. Greier said this is prime waterfront property. He wonders if this is a trend in his Town or in the River Valley? Richardson said the Town of Cohecton has three new residential permits just issued to try to build through the winter. He estimated they have more projects than they have had in a very long time. Robinson said that would be justification for doing a follow-up study since the assessed values were identified in the original study of the River Corridor. That type of analysis would expose what has happened over the course of time.

**Public Comment:** None.

**Adjournment:** A motion by Roeder, seconded by Greier, to adjourn the meeting at 7:31 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 12/31/19*