

**Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
February 22, 2022**

Committee Members Present: Larry Richardson, Fred Peckham (6:40 p.m. Zoom), Ginny Dudko, Jim Greier (Zoom), Harold Roeder (Zoom), Jeff Dexter, Al Henry, Aaron Robinson (Zoom), Susan Sullivan (6:55 p.m.)

Committee Members Absent:

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

NPS Partners: Cody Hendrix- Community & Land Use Planner (Zoom)

Guests: Bill Dudko- Town of Deerpark Alternate

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 22, 2022 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:35 p.m. There was no public comment on the agenda.

Approval of the January 25, 2022 Revised Meeting Minutes (0:15 time on recorded meeting): Hall-Bagdonas corrected table for the open substantial conformance reviews and under discussion for corridor maps she fixed the requested size to 24" x 36". The corrected minutes are on the UDC website. A motion by Henry seconded by Dexter to approve the revised January 25, 2022 meeting Minutes carried with an abstention by Boyar.

Resources and Land Use Specialist Update (1:50):

New York State Projects

Town of Highland: Camp Fimfo: Under New Business.

Town of Deerpark: Last month it was reported that a federal lawsuit has been filed against the Dragon Springs compound in Deerpark, alleging that the compound is contaminating the Basher Kill. In a subsequent article in the February 8, 2022 edition of the *Times Herald-Record*, it's being reported that Dragon Springs is planning a religious discrimination suit against Deerpark. The article is included in tonight's handouts.

From the DRBC Notification of Applications Received in February: Town of Delaware, D-2011-012 CP-2: There is an application to renew the existing groundwater withdrawal and surface water withdrawal of up to 8.46 mgm to supply the applicant's public water supply system from existing Well Well-1 [*sic*] for use in the applicant's public water supply system serving in the Hamlet of Callicoon, Sullivan County, New York in the Callicoon Creek and Delaware River Watersheds within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

Commonwealth of Pennsylvania Projects

From the DRBC Notification of Applications Received in February: None within Pennsylvania this month.

Pike County Hazard Mitigation Plan: Engelhardt completed the Stakeholder Survey. There are no further meetings on this until March.

FY 2022 Technical Assistance Grant Application: Jane Luchsinger submitted the Mid-term TAG report on 2/9, which will be discussed under New Business.

Landowner Complaints: There are no open Landowner Complaints. However, Engelhardt did receive information from Nico Juarez as a follow up to Town of Tusten Complaint #21-013 that he received from the NY DEC (following a FOIL request), indicating that the DEC did indeed find that Mr. Olman had had a portion of the beaver dam removed in 2018 in violation of his permit, as well as had work done in the wetlands area before that work was permitted.

Open Substantial Conformance Reviews:

Project Id	Project Name	Municipality	Action	Status
2020-05	Feagles lake Subdivision	Tusten	Class II -Site Plan Review	Awaiting final plan submission from Town
2021-009	Cochection Cottages	Cochection	Class I - reviewed by Tom Shepstone	NPS agreed with Substantial Conformance recommendation 1/26/22 (CLOSED)
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	Received a denial for a use variance from the Tusten Zoning Board at the 2/14 meeting. (CLOSED)
2022-002	Ten Mile River	Tusten	Class I – no review required	Issued letter from UDC & NPS dated 2/4 sent 2/11 stating that the minor subdivision did not require a review
2022-003	Camp Fimfo	Highland		Awaiting formal submission, expected in late March
2022-004	Big Eddy Brewing	Tusten	Requesting Special Use Approvals from Tusten for Light Industrial (Agribusiness) and a dining area	Received submission 2/14, to be reviewed. First presentation at Tusten Zoning Board on 2/22.

NPS agreed with our recommendation of Substantial Conformance for the Cochection Cottages application in a letter dated 1/26. This review is now closed.

The NPS had concerns regarding the septic situation at the Heron Hill Hunt Club (the single-family home reconstruction) location. Hendrix and Engelhardt got the full septic application from Ed Lagarenne, the Damascus CEO. Hendrix is reaching out to the PADEP for further details.

The Art Shop variance application was denied by the Tusten Zoning Board at the (contentious) 2/14 meeting. No response from the NPS is required as the project is dead and the point moot, unless the applicants choose to litigate. This review is now closed.

Camp Fimfo has yet to formally submit an application. They intend to submit for the March meeting of the Highland Planning Board.

The Boy Scouts' Ten Mile River property came before the Tusten Planning Board last month, and then plans were submitted to our office and to the NPS. After reviewing the plans, Engelhardt had a meeting with Hendrix, Superintendent Salvatore, and Ramie, and determined that the project, at the moment being just a subdivision with no new development currently proposed, was a Class I project and therefore did not require our review at this time. After discussion with the Council on 2/3, she and Salvatore issued a letter, letting the Tusten Planning Board know the same, but that if project comes before the board again, we will need to take another look at it.

Henry had asked about the acreage within the corridor and it's about 350 acres of that property. It's the eight-acre piece that they are subdividing and presumably selling to Lander's although that has not been made official yet and that tiny property, they're just going to give to the church. The rest of it is part of the remainder lot we believe that includes the Ten Mile River Access and the Tusten Mountain Trail. She was reviewing minutes from last month's meeting at Tusten and someone asked about the Tusten Mountain Trail and river access, being open to the public. They explained that it is currently open to the public, and when The Conservation Fund purchases the property, it will remain open to the public. Once it is transferred to New York State, it will permanently be public land maintained by state foresters. It will be taxable. Engelhardt said it has not been on the tax rolls since 1927.

We received an application for Big Eddy Brewing, which would be located in the former Rasmussen building in Narrowsburg. Engelhardt hasn't had a chance to do a formal review of the project. She will be attending the Tusten Zoning Board meeting this evening at the conclusion of the Project Review meeting to catch their presentation. It looks like the proposed development is all within the existing building. She also hopes to get an update on the Feagles Lake Subdivision. At the 2/14 meeting of the Tusten Zoning Board of Appeals, the Weidens (who own the Narrowsburg Union) appealed the Certificate of Occupancy issued to Bar Veloce (a/k/a Narrowsburg Motors Café, UDC2020-001). The Weidens claim that the Certificate of Occupancy allows interior square footage, etc. in excess of what was approved by the Planning Board, which in turn is more than allowed by ordinance. They have similar complaints regarding parking (not enough was approved, and the owners have reduced parking below what was approved). Henry said at one time there was a concern to not only what was happening inside the building and parking but they expanded it to the rooftop. Engelhardt said correct, they expanded to the rooftop without getting any approval first. Then they sent in engineering drawings. We will be following this situation as it continues to develop.

2021 Code Enforcement Reports: Engelhardt sent letters to twelve of the thirteen municipalities on 2/11 (Damascus already sent their 2021 records on 1/3) requesting zoning and code enforcement data from the river corridor in 2021, and as of this morning she has heard back from six (Deerpark, Cochection, Berlin, Damascus, Shohola, and Tusten).

Henry said that PennDOT is going to repair Peggy Runway Road and the earliest they can start the project is August.

New Business

Letter to NYS Senator Martucci Requesting Status of Senate Bill S7574 (18:49): Engelhardt said this bill is suggesting statewide zoning requirements. At our last meeting, the committee asked her to draft a letter to Senator Martucci. Boyar referenced that the last sentence in paragraph two sounds like an afterthought: "It would also violate the principle of home rule." He feels that's what the issue is really about. Discussion continued. A Motion by Henry seconded by Dudko for Engelhardt to amend the letter as discussed and send the letter to Senator Martucci carried.

Town of Tusten 2022 Technical Assistance Grant Mid-Term Progress Report (22:18): Engelhardt received the Mid-term Progress Report from the Town of Tusten, which has been included in the packet. They have hired consultant Peter Manning and appointed a seven-person committee which is meeting every two weeks. They've identified topics in their zoning that need in-depth review and they have a list of their accomplishments. She said that they seem to be progressing pretty well and it's impressive they're meeting every two weeks.

Camp Fimfo 1/31 Site Tour and Highland Planning Board Presentations: Engelhardt attended the informal presentation to the Highland Planning Board on 1/26. The Board seemed to be happy with the application. The applicant had a number of questions regarding what work they could do now, in terms of demolition and renovation of existing buildings. They were advised to contact the Building Department about those questions, and were warned that if they did demolition before obtaining Planning Board approvals, they might not be able to rebuild in the way that they currently intend. On 1/31, along with UDC Rep Nadia Rajs (attending as a Sullivan County legislator), Engelhardt toured the future Camp Fimfo/current Kittatinny Canoes campground. Rocco Baldassari, the General Manager, gave them an overview of the project, and then drove them to the parts of the campground that were presently accessible (there was a bit of snow on the ground at the time, and since the facilities aren't open during the winter, only areas near the camp store had been plowed). Of particular interest to her were the "camp model RVs," which were not what she expected. They are in fact small cabins that are technically on trailer bodies with wheels, which are obscured by a wooden skirt that's constructed around the structure. Photos were provided in the Discussion Items Report. There are currently 13 park model RVs on-site; the site plan has an ultimate number of 300) of them. (Two were in use last season; the remaining eleven have been delivered this winter.) There was discussion on the RVs as temporary structures. Boyar said this is a gigantic project. The committee discussed what impacts it could have on the corridor. The existing models are located along the river, but most of the remainder will be located in the wooded campground on the north side of Route 97. There will be a substantial amount of septic, water, and electric infrastructure required before they can all be installed. For now, the intention is to have the resort open April to October, though that could change in the future. There might be winter activities in Phases 2 and 3, for

example snow tubing (which could also be used as summer tubing on fake snow). The Cedar Rapids restaurant will be open 12 months a year. Their original intent had been to make a formal submission in time for the February Planning Board meeting, however they weren't quite ready in time. They now intend to submit in time for the March meeting, which is 3/23. They will submit to us at the same time as the Planning Board. The acquisition of the Cedar Rapids property occurred on 2/11 as planned. Engelhardt will continue to keep the committee updated on this project.

2/16 Penn State Extension Land Use Webinar Series Report (33:52): Engelhardt said this was the second monthly webinar on land use in Pennsylvania. The 2/16 webinar was on COVID-19 and residential property sales in rural Pennsylvania. A lot of it was things we've heard in the news, that there's been a lot of home buying, particularly in rural areas that are just a few hours drive from urban areas. They looked at where there were residential sales that cross county line for the purchaser. It was mostly from Long Island, Northern New Jersey, and Southeast Pennsylvania outside of Philadelphia. They did a case study of five different counties and PA and two of the counties they looked at were Wayne and Pike, because we're on the border and mostly rural. There were two speakers on this webinar. The first speaker focused on statistics and sales records. They went to the various county courthouse and pulled sales records and were looking at that data but they didn't have a lot of information of why people are moving, and who specifically is and there's a lot of speculation. The second speaker was from Monroe County, PA and he focused on that county. Because there are so many properties transfers but school enrollments have decreased somewhat, he was speculating that it's not that people are moving here, they are buying second homes that they can Airbnb out and they can have someplace to go but not moving here permanently. Engelhardt said on the one hand, it's nice that it's not a burden on the school system. However, it is a burden on police, garbage and all kinds of other infrastructure. That is without necessarily increasing any tax revenue which separate from the transfer tax that happens at the time of purchase. He talked a lot about short-term rentals, and how they have their benefits and their detriments. Short term rentals are supposed to have county tax certification, but many do not, either through ignorance or just getting away with it. However, the proceeds from the county tax certifications go to the Pocono Mountains Visitors Bureau not the municipalities, and the municipalities are not getting money in order to enforce this. Airbnbs and the other sites don't have to submit specific rental information. They just give a lump sum every month to the county. He also mentioned that the talk of having a passenger rail system reestablished has been brought up over the years, but it is actually looking a little more feasible these days, so it might actually happen. That would increase tourism with good and bad effects. It's a burden on local services but tourists also bringing money and they create jobs. However, the short-term rentals are raising housing prices so the people who should be working these tourism jobs can't afford to live here. Engelhardt said economic diversification is essential for improving housing prospects.

Richardson said you can you can spend a lot of time talking about pros and cons of short-term rentals. Earlier this month, at a Cochection Town Board meeting the issue of regulating short-term rentals came up by Tom Shepstone. Shepstone advised the Town to take a look at this and right away the code enforcement officer (CEO) said he doesn't have time to do inspections. He's the same CEO in Tusten. He said all of these little towns are in the same boat unless the county or some other agency is going to organize some sort of inspections. Richardson mentioned that Engelhardt talked about homebuyers. You may find that a lot of those homebuyer's children are gone and they've accumulated wealth in their existing homes. He said the Town of Cochection is having the best mortgage tax in its history.

Other: None.

Old Business

Production of River Corridor Maps – Format Review and County GIS Outreach (43:47): Engelhardt received an email from Derek Williams who is in Wayne County Planning. He seemed enthusiastic on working with her to get maps together. He emailed her some existing maps from the DOT and talked about how they could work from those to come up with the maps they are looking for. She will reach out to Heather Jacksy in Sullivan County. Sullivan said at the Tusten Conservation Council they learned about a new mapping system and people seemed really receptive of it.

NPCA & Shippensburg University 3-D Build-out Visualization Project Update (45:40): Ramie said UDC was contacted by Sharon Davis from the National Parks Conservation Association, and we want to keep this on the radar that this project is still going on. They had talked to us about using particular communities for case studies. They

will show with a 3-D model what it would look like if the area was completely built out by a certain year or date using the current zoning maps and ordinances. Ramie previously reported they've decided to focus on Damascus and Lackawaxen PA, and Tusten and Highland, NY. These were recommendations that that Hendrix, Shannon Cilento and Ramie had made at the time which they are pursuing. At the end of January, they got in touch again and said Dr. Claire Jantz and her team from Shippensburg are moving forward with this visualization project, and wanted some help with connecting the GIS departments, much like our river corridor maps. Hendrix said he was able to supply Dr. Jantz with the information she requested of NPS.

Other: None.

Public Comment: None.

Adjournment: A Motion by Dudko, seconded by Robinson, to adjourn the meeting at 7:27 p.m. carried.

Minutes prepared by Ashley Hall-Bagdonas, 3/2/2022