

**Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
March 28, 2023**

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

Committee Members Absent: None.

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

NPS Partners: Jessica Weinman- UPDE NPS Facility Program Manager (Zoom)

Guests: Bill Dudko, Derek Kirk- *Sullivan County Democrat* (Zoom)

The UDC’s Project Review Committee held its monthly meeting on Tuesday, March 28, 2023 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.

February 28, 2023 Meeting: A motion by Ginny Dudko seconded by Robinson to approve the February 28, 2023 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

Town of Highland– Short Term Rental Permitting: There were four new applications for Short Term Rentals at the March 22, 2023 Planning Board meeting. One of these is located in the corridor, and it is a riverfront property. It appears that the existing building may be within 100 feet of the river. She did a checklist review just to cover all bases (attached to this report), however it does not trigger a full Project Review from the committee.

Highland Project ID	Applicant	Property Address	River Frontage?	New Construction?	Project Review Required?
8-2023	Julius H. Robinson	3519 State Rt. 97, Barryville, NY	Yes.	No.	No.

Engelhardt also reached out to the Board Secretary Monica McGill to ask whether these were actually Special Use Permits (as that’s how they’ve been described in newspapers lately). She confirmed that they are not, they are a new Short Term Rental permit, not a Special Use permit.

Commonwealth of Pennsylvania Projects

Damascus Township– Ground-Mounted Solar Installation: Code Enforcement Officer Ed Lagarenne sent Engelhardt an application for a ground-mounted solar system that’s less than 35 kW, which he believes isn’t enough to trigger a Project Review from the UDC. She will review to confirm.

Recreational Cabin: Another application just in the corridor is a recreational cabin with no water under pressure and no septic system. Again, this probably doesn’t trigger an official Project Review; she will review to confirm.

Open Substantial Conformance Reviews

Project Id	Project Name	Municipality	Action	Status
2022-03	Camp Fimfo	Town of Highland	Special Use Permit	Meeting with applicant & NPS 3/14/23. Awaiting additional info from applicant.
2022-11	Lackawaxen Zoning Ordinance Amendment	Lackawaxen Township	Zoning Ordinance Amendment	Letter from NPS dated 3/16/23 stating they lack sufficient

				information to make a determination.
2023-01	Kevin Rozza-SFH	Lackawaxen Township	Conditional Use Permit	UDC recommended Substantial Conformance; letter to NPS 3/2.
2023-02	Big Eddy Brewing	Town of Tusten	Special Use Permit	To be reviewed tonight
2023-03	Lackawaxen Ridgeline Zoning	Lackawaxen Township	Zoning Ordinance Amendment	To be reviewed tonight

Camp FIMFO: UPDE Superintendent Lindsey Kurnath and Engelhardt attended a meeting on 3/14 with the applicant. They agreed to provide her with the information Kurnath requested in her 2/17 letter. They are waiting to hear back from them. The zoom portion of the Planning Board meeting was interrupted on 3/22 as they were going over the SEQRA documents.

2022-11 Lackawaxen Zoning Ordinance Amendment: Superintendent Kurnath issued a letter 3/16 indicating that further information was required. She will be setting up a meeting with Lackawaxen Township when she returns from vacation.

2023-01 Kevin Rozza Single Family Home: Awaiting NPS response.

FY 2023 Technical Assistance Grant: The most recent update is that the Town of Tusten submitted their mid-term report, which we reviewed at the February meeting. The final deadline for the project is August 18, 2023.

GIS on UDC Website: No update on this matter, although Google Maps no longer shows the river corridor in green on their map, which is disappointing. This change happened sometime last week.

New Business

Substantial Conformance Review 2023-02: Big Eddy Brewing, Town of Tusten: Engelhardt reported that the property in question is located at 93 Main Street in Narrowsburg, New York; Section 10, Block 1, Lot 19 on the Town of Tusten tax map. It is located in the Downtown Business (DB) zoning district and on the east side of Main Street. It is bordered to the north by the Narrowsburg Post Office, and to the south by small retail businesses. To the rear/west of the property is a public parking lot that is part of the subject property, but not part of the leasehold owned by the applicant. Across the street is the former Rasmussen Building, currently under renovations to reopen as a mixed-use development which will include shops and apartments. The subject property contains a building that was formerly a Wayne Bank, and which was purchased by the Town of Tusten in June of 2021. The Applicant signed a five-year lease with the Town earlier this year. The applicant (AMJR LLC) is proposing to construct a brewery (Big Eddy Brewing Co.) and associated dining establishment within the existing structure which is to be renovated. The Applicant previously applied for a Special Use Permit in February 2022, at which time the brewery was to be located across the street in the Shops at Narrowsburg (the former Rasmussen building). That arrangement has apparently fallen through, hence the new permit application. Last year the applicant was successful in obtaining a Special Use Permit, and both the UDC and the NPS decided that the application substantially conformed with the RMP. Although the location of the proposed business has changed, the proposed uses and the zoning district in which the business is to be located remain the same. The applicant will require a Special Use Permit for this project, as the only uses permitted in the DB zoning district are: 1 and 2 family dwelling units on less than 15% slope; and arts, crafts and antique shops. There are two Special Uses listed for the DB zoning district which apply to this application: Eating and Drinking Establishments and Light Industry. The brewery and brewing operations are considered Agribusiness, which is Light Industry. Therefore, these would appear to cover all of the proposed uses.

The Applicants must obtain Special Use Permit(s) to allow their proposed development. A meeting of the Town of Tusten Planning Board was held on 2/28/22. The Board heard a short presentation from the applicant and named itself lead SEQRA agency. A public hearing was set for 3/28/23. In the Land and Water Use Guidelines of the River Management Plan, Eating and Drinking Establishments are classified as “Compatible Uses” for Hamlets. Listed as “Appropriate Special Uses/Conditional Uses” are Light Industrial Uses. No additional parking is proposed. Parking will be available in the existing municipal lot to the rear of the subject property. This parking area is on the same parcel as the proposed brewery, but remains under control of the Town and is not part of the lease. The brewing

operation is proposed to be the same size as in the previous application (10 beer barrels capacity). The existing application has an interior square footage of 1,486 square feet. (This does not include the 297 square foot vault). The previous property had an area of 3,000 square feet allocated to the brewery. There is outdoor seating proposed with the current application.

Engelhardt said the proposed uses require Special Use Permit(s) from the Tusten Planning Board, and one of the proposed uses in this development (Light Industrial) is listed as an Appropriate Special Use in the Schedule of Uses in the Land and Water Use Guidelines. (Eating and Drinking Establishments are listed as Compatible.) Therefore, the project is reviewable as a Significant Project. The project requires a Special Use Permit under local ordinances, therefore it is reviewable as a Class II project. The Project Review Forms from the Project Review Workbook are attached to this report. This project conforms to the objectives of Criterion 1. There will be limited proposed development on the lot itself, as the existing building will be renovated. The proposed light industry (the brewery, which is considered an agribusiness) is an appropriate special use, and it appears to be well-suited to a building of this size. Breweries (and brewers) are licensed and regulated, and impacts on the environment are not anticipated. In accordance with the Land and Water Use Guidelines, development is generally encouraged in hamlet areas. We do not find the proposed uses to be objectionable in the proposed location in the Narrowsburg hamlet.

Engelhardt finds that this project substantially conforms to the River Management Plan, and recommends a finding of substantial conformance from the National Park Service. We do not have an opinion as to whether or not the conditional use permit should be granted by the Town of Tusten Board of Supervisors. A Motion by Dudko seconded by Dexter to accept the Resources and Land Use Specialist's recommendation and forward draft UDC 2023-02: Big Eddy Brewing, Town of Tusten to the 4/6 full Council carried.

Substantial Conformance Review 2023-03: Ridgeline and Buffers Ordinance, Lackawaxen Township:

Engelhardt reported that the proposed amendment is applicable to Chapter 536 of the Lackawaxen Township Zoning Ordinance, which specifically concerns the Delaware River Corridor Overlay District and Hamlet Areas. The current zoning ordinance 536.2, Ridgelines and Buffers, reads as such: Any proposal for a building or structure or use located within one hundred (100) feet of the ridgeline as designated in the River Management Plan or which is proposed at a lower elevation and which would be visible from the Delaware River shall be considered a conditional use and the developer shall submit for approval a plan detailing how the proposed use will be developed in accord with the intent of the RMP. In addition to the following standards, all other applicable requirements of this Ordinance shall apply: A. The requirements of Section 526 of this Ordinance, Development on Steep Slopes, shall apply. B. Special attention shall be given to the preservation of trees and other vegetation. C. The Planning Commission and Board of Supervisors may require additional vegetative plantings and/or fencing in accord with Section 514.1, Subsection A of this Ordinance, to effect the screening required to minimize the impact on the Upper Delaware Scenic and Recreational River. To summarize, the ordinance requires a conditional use permit if a building or structure or use is constructed within 100 feet of the ridgeline, or if it is visible from the Delaware River. The proposed amendment will add verbiage so that single-family homes are excluded from this requirement. The first paragraph is proposed to be revised as follows: Any proposal for a building or structure or use, **other than a single-family residence**, located within one hundred (100) feet of the ridgeline as designated in the RMP or which is proposed at a lower elevation and would be visible from the Delaware River shall be considered a conditional use and the developer shall submit for approval a plan detailing how the proposed use will be developed in accord with the intent of the RMP.

The Land and Water Use Guidelines do not mention any requirements regarding whether structures are visible from the river. They do say that construction within 100' of the river should be subject to a conditional use permit. The Lackawaxen Township Zoning Ordinance prohibits buildings and structures within 100' of the normal high-water mark of the Delaware River in the Delaware River Corridor Overlay District. Therefore, Engelhardt does not have any objection to single-family homes being excepted from the conditional use permit requirement for being visible from the river. However, Objective 4 of Principle A of the Land and Water Use Guidelines reads as follows: Objective 4: Protect special erosion hazard areas along the ridge lines through one or more of the following measures: A requirement for conditional use/special use review of principal structures within 100 horizontal feet of the ridgeline. A requirement that no structure be erected within ridgeline erosion hazard areas as mapped by the town Regulations, other than those suggested above to meet this objective, should ensure buildings are not located so close to the ridgeline as to cause erosion, sedimentation, or landslide conditions. Since it does not appear that Lackawaxen Township has mapped ridgeline erosion hazard areas, they must retain the requirement regarding

conditional use permits for construction within 100 feet of the ridgeline, even for single-family residences, or else their zoning ordinance will no longer substantially conform to the River Management Plan.

The proposed Zoning Ordinance Amendment would allow single family homes to be constructed within 100 feet of the ridgeline, or to be visible from the Delaware River, without requiring a conditional use permit. The change regarding visibility from the river is acceptable. However, single-family residences must continue to be required to obtain a conditional use permit if they are to be constructed within 100 horizontal feet of the ridgeline. Engelhardt said as currently written, the proposed Zoning Ordinance Amendment does not substantially conform to the Land and Water Use Guidelines of the River Management Plan. She will communicate to Lackawaxen Township the PR Committee's suggested revision to the Ridgeline and Buffers Ordinance (Project 2023-03) to be considered in substantial conformance with the Land and Water Use Guidelines.

NPS Response to Review 2022-11: Lackawaxen Township Zoning Ordinance Amendment: Engelhardt will Participate in a meeting to be arranged with Lackawaxen Township and NPS officials re: Project 2022-11: Lackawaxen Township Zoning Ordinance Amendment for Boat, Golf Cart, and Recreational Vehicle Storage businesses.

Other: None.

Old Business

3/2 UDC-NPS Telecommunications Subcommittee Report: The Subcommittee will meet next on 4/6 at 6 p.m. to continue their discussion on a Letter of Interpretation and 2nd draft position paper for Wireless Telecommunications Facilities in the Upper Delaware Scenic and Recreational River corridor.

Public Comment: None.

Adjournment: A Motion by Greier, seconded by Henry, to adjourn the meeting at 7:25 p.m. carried.