

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**April 26, 2022**

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

Committee Members Absent:

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

NPS Partners: Cody Hendrix- Community & Land Use Planner

Guests: Bill Dudko- Town of Deerpark Alternate, Peter Manning-Planning Consultant (Zoom), Ben Johnson-Tusten Supervisor (Zoom).

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 26, 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.

**Approval of the March 22, 2022 Meeting Minutes (2:24 time on recorded meeting):** A motion by Robinson seconded by Dudko to approve the March 22, 2022 meeting minutes carried.

**Resources and Land Use Specialist Update (2:45):** Engelhardt said there was no handout this month because there wasn't a lot to discuss.

**New York State Projects**

**Highland Access Project:** Engelhardt said this topic was discussed at the 4/19 WU/RM Committee meeting. The project was put out to bid and came back too high. They had a meeting to discuss what to remove from the proposal to hopefully get a bid so they can move forward with the project.

**2021 Code Enforcement Reports:** Engelhardt will provide a written 2021 Code Enforcement Report for the committee's approval to submit to the NPS as a UDC Cooperative Agreement task annual requirement.

**New Business**

**Substantial Conformance Review 2022-07 – “Weiden Daycare” - Town of Tusten (4:20):** Engelhardt said the property in question is located at 7 Erie Avenue in Narrowsburg, New York; Section 10, Block 3, Lot 1 on the Town of Tusten tax map. It is located in the DB (Downtown Business) zoning district and has frontage on Bridge Street as well as on Erie Avenue. The Narrowsburg Union is a mixed-use building which currently contains art galleries, a pack-and-ship shop, an event space, and other commercial and professional uses. It is surrounded by other commercial uses, institutional uses, and churches. The applicant (Brendan P. Weiden) is proposing to lease two of the rooms in the existing structure (a former public-school building) for use as a licensed day care. He is seeking a special use permit from the Tusten Planning Board. (At the initial hearing on March 22, 2022, the Applicant indicated that as the building already has a special use permit to operate as a mixed-use development, this further special use permit may not be necessary, but they wished to “cover all bases”). No enlargement of the building is proposed. Some existing windows will be replaced with doors. A stone patio is proposed (±685 square feet) outside one of the rooms, in an area which is currently grass. The current proposal is for a toddler room with 10 children, and a preschool room with 14 children.

The Applicant is seeking a special use permit to allow the proposed additional use. A meeting of the Town of Tusten Planning Board was held on March 22, 2022. The Board heard a presentation from the applicant and named itself lead agency for SEQRA. The public hearing will be held April 26, 2022.

The Land and Water Use Guidelines of the River Management Plan do not have a specific definition for a small daycare facility. The definition of “Institutional Use” is as follows: Any land use, generally serving no less than 25 persons at one time, for the following public or private purposes: educational facilities, including universities, colleges, elementary, secondary and vocational schools, kindergartens and nurseries; cultural facilities such as

libraries, galleries, museums, concert halls, theaters and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; military facilities; law enforcement facilities; and other similar facilities, not including small day care centers, Montessori schools, institutional re-use of existing properties, and similar uses. This definition would not seem to apply, as the proposed use is to serve 24 people (children), and the definition specifically says not including small day care centers. However, since “Institutional Uses” are listed as Compatible Uses in the Schedule of Uses for Hamlets, and the proposed use is a similar, but less intense use than the defined “Institutional Use,” it seems clear that a small daycare is a compatible use in a Hamlet. 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 most of the proposed development is in the renovation of the existing building. The addition of ±685 square feet of impervious coverage is not major, and the use appears to be compatible in a hamlet area. In accordance with the Land and Water Use Guidelines, development is generally encouraged in hamlet areas.

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 special use permit should be granted by the Tusten Planning Board. A Motion by Sullivan seconded by Roeder to move the recommendation to full Council carried.

**Substantial Conformance Review 2022-06 – Tusten Zoning - Town of Tusten (17:00):** Engelhardt said Tusten has been working on revising its zoning laws in part with a Technical Assistance Grant (TAG) from the UDC and they submitted their proposed revisions. There was a public hearing on April 12<sup>th</sup> at which Peter Manning, the planning consultant who is helping to develop the changes, gave a summary and the public was able to make comments. However, the Council just heard them and did not respond to the comments. It’s her understanding that the revisions are ongoing and they will reflect the public’s as well as UDC’s recommendations. When UDC reviews new zoning laws for substantial conformance to the River Management Plan it consists of looking at two parts: conformance with respect to the List of Compatible, Conditional, and Incompatible Land Uses that are set out in the guidelines and conformance with each of the principles and objectives set out in the guidelines so as to carry out the intent of the Upper Delaware legislation.

Engelhardt said the zoning districts correspond to the Scenic and Recreational River Segments in Tusten. Tusten has Scenic, Recreational, and Hamlet segments within its boundaries. There are also Downtown Business and Roadside Business Zoning Districts, which would presumably correspond to Hamlet segment although, as far as she can tell, the boundaries of the Hamlet segment have not been explicitly spelled out in the Tusten zoning law but she understands that’s the case in most of the municipalities, the hamlet corresponds to the zoning. Engelhardt noted there are parcels that are zoned as General Residential, Rural Residential in those 2 zoning districts also, in addition to Scenic River, Recreational River, Downtown Business and Roadside Business that are in the corridor. In theory, we should be reviewing the zoning schedules for general, residential and rural residential also because they do contain lots that are in the corridor, however, that makes everything really complicated because we’re holding those zoning districts to substantially conform to the River Management Plan which Tusten may not want to do. Engelhardt’s recommendation would be to move those parcels into one of the other 4 districts that were just discussed; the two River districts or the two Business districts, so that they better correspond.

Engelhardt said she is not recommending a vote tonight. The committee discussed a comparison of the zoning schedules for the scenic river and the recreational river zoning districts.

(20:38). Peter Manning was available to answer questions and referenced the Town’s 2017 Zoning Law Update <https://ecode360.com/laws/TU3790>. Ramie noted that the proposed zoning changes under discussion are the subject of Tusten’s 2022 Technical Assistance Grant and will need to be approved for substantial conformance before the reimbursement payment is authorized.

Engelhardt will continue reviewing the Town of Tusten Updated Zoning Law and provide the committee’s preliminary comments to planning consultant Peter Manning based on the Schedule of Uses Comparison for the Scenic and Recreational River Districts to incorporate into the document along with public feedback.

**New Business**

**River Corridor Maps (59:30):** Engelhardt gave a rundown of the quotes that she had received from Pike, Delaware, Wayne, and Orange Counties GIS Departments for production of Upper Delaware Scenic and Recreational River boundary maps for their river corridor towns and townships, some of which were at no charge. She has also looked into printing and framing costs. She said Sullivan County Planning Commissioner Freda Eisenberg has offered to waive the \$340 fee for their six UDC towns. Engelhardt will write a letter to Eisenberg copied to County Manager Joshua Potosek and Legislature Chair Robert Doherty, for Project Review Committee Chairperson Larry H. Richardson to sign, expressing the UDC's appreciation for waiving the fees associated with their production of 24 x 36" GIS-based river corridor boundary maps for the six UDC towns in Sullivan County.

**Penn State Extension Land Use Webinar Series Report (63:57):** Engelhardt said this webinar was on NRCS and the USDA Rural Development, which are two different organizations in the USDA. They discussed a lot of grant opportunities and funding that people don't even realize is out there. Engelhardt recommends if residents have projects that they go to their website and search around or go talk to someone.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A Motion by Robinson, seconded by Greier, to adjourn the meeting at 7:36 p.m. carried.

*Minutes prepared by Ashley Hall-Bagdonas, 5/4/2022*