

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**April 27, 2021**

Committee Members Present: Larry Richardson, David Dean, Fred Peckham (phone), Jim Greier,  
Al Henry, Aaron Robinson, Jeff Dexter  
Committee Members Absent: Susan Sullivan  
Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas  
NPS Partners: Cody Hendrix- Community & Land Use Planner  
Guests: Roger Saumure- Shohola Township- Alternate

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 27, 2021 at the Council 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 revised March 23, 2021 Meeting Minutes:** A motion by Robinson seconded by Henry to approve the March 23<sup>rd</sup> minutes carried. There was no public comment on the agenda.

**Resources and Land Use Specialist Update:**

**New York State Town Projects**

**Town of Delaware:** Cilento reported the Town commissioned a hamlet-wide parking study as an outgrowth of the Callicoon Depot project. It is currently being reviewed internally and should be ready in a month. She will request a copy of the parking study once results are released.

**Town of Tusten:** After multiple public hearings over the last month, the Town of Tusten awaits NPS concurrence with 4/1 UDC recommendation to find the comprehensive plan update in substantial conformance. Cilento will send the committee the NPS determination letter when received.

The former Rasmussen's Furniture Store building on Main Street in Narrowsburg was recently purchased by new owners; the new owners are the same family that owns the Narrowsburg Mews building on the corner of Main and Bridge Streets. The owners intend to repair and stabilize the historic building, which was ravaged by fire in 2017. Cilento will follow up with the project should special use permit or site plan review be necessary.

**Town of Highland:** Following an 4/5 NPS letter of concurrence with the UDC's substantial conformance recommendation, the Town of Highland Town Board adopted the rewritten zoning law on 4/13. The Town of Highland now substantially conforms with the River Management Plan again.

The Barnes Landfill property is being considered for environmental remediation by a partnership of officials from Sullivan County, NYS DEC, and the Environmental Protection Agency (EPA). Sullivan County has passed a resolution to move forward with EPA-approved Phase 1 environmental testing. A Phase 1 study consists of a history of the property, exploration of potential contaminants or issues, but no physical testing. The Phase 1 study will be used to develop a remediation plan for future sale and redevelopment of the property. The site has sat in limbo for years due to the lack of a responsible party as determined by the NYS Attorney General's Office. In order for Sullivan County officials to get on the site to initiate the Phase 1 study, the County needs indemnification from the DEC and a court order. As present, the site is on an 1138 tax parcel list which means it is not on the tax rolls, but the County seeks to return the site to taxable and productive use. Hendrix asked how long you have to wait before you develop on a landfill? Cilento said she thinks it will depend on the results of the Phase 1 study results. She said there is a rumored tear in the liner but that depends on physical testing. Sullivan County just passed a Resolution to move forward with DEC site access on that property to go in and be able to do the Phase 1 study with the EPA. That should be able to provide more answers. Jill Weyer from Sullivan County Planning had mentioned there was one interested party who was a Hemp farmer. There is a property in hemp that decontaminates soil or cleanses the soil and it seems like a promising reuse. Weyer also invited Cilento to go on a site visit. Richardson asked if the site still produces leachate? Cilento said she believes it does. Richardson said DEC used to go there and pump it out. Robinson asked if

the tear in the liner would be repairable? Cilento said she didn't think so. There's no proof of the tear in the liner so they have to find out if that's true. Cilento said she's optimistic that after thirty years of not being active they can start moving forward. Saumure said Black Locust is really known for its soiling cleaning properties. Richardson said when UDC was pressing DEC about this years ago he believes they said it wasn't at a level that was considered dangerous. Cilento found a large binder on Barnes Landfill from former UDC Resource Specialist Pete Golod which she will be able to utilize. It contains all the correspondence between UDC and DEC.

**Orange County:** The Orange County Planning Department is starting the process of updating the County's Open Space Plan. The Orange County Land Trust is helping with preliminary outreach and organization, and is planning on supporting the County's work over the next 18 months. UDC was asked at which of 3 levels would the UDC like to participate, if any, and Cilento requested the second level, a partner interview level, which involves organizational input on relevant parts of the plan without a major time commitment, such as the project advisory committee level. Hendrix has committed NPS to the same level. Cilento will await next steps from Orange County Land Trust and County Planning later in the spring as stakeholder levels are confirmed.

### Pennsylvania Township Projects

**Lackawaxen Township:** The Board of Supervisors unanimously adopted a short-term rental ordinance on 4/19, implementing a fee schedule and landlord short-term rental license protocol. The ordinance requires landlords to obtain the license and adhere to certain requirements, such as parking, occupancy limits, and noise.

**Project Review Workbook Rollout:** Since the Project Review Workbook 2.0 has been completed and posted on the UDC website, Cilento continues to attend municipal meetings to announce its release and implementation.

**Town/ship meetings attended as of 4/27:** Town of Tusten Planning Board; Town of Delaware Town Board; Damascus Township Board of Supervisors; Town of Hancock Town Board; Town of Lumberland Planning Board; Westfall Township Planning Commission, Shohola Twp. Planning Commission; and most recently, Lackawaxen Twp. Supervisors Community Workshop 4/19 at 6:30 PM.

**FY 2021 Technical Assistance Grants:** Cilento said the Technical Assistance Grants are moving forward. The Town of Tusten Comprehensive Plan is in the process of being adopted. No recent updates from the Town of Delaware but it's moving forward as is the Town of Hancock project. Ramie set up a meeting on 5/4 at 10 a.m. at the UDC office with Superintendent Salvatore, Hendrix, Dexter, Richardson, Cilento and herself to discuss including Cultural Projects for Technical Assistance Grants (TAG) eligibility in FY 2022. Ramie said if anyone else would like to attend they are welcome. Ramie compiled some background material of when the scope changed and how and what UDC's position is. Richardson said every TAG was approved by superintendents over the years. There were also a lot of projects that were important but were denied as appropriate for TAGs such as Town of Lumberland's Glen Spey Cemetery FAQ Brochure.

The FY 2021 (10/1/2020-9/30/2021) round will observe the following schedule: Friday, 8/20/2021, Grantees must complete their projects to the satisfaction of the Contract Criteria and submit a payment request to the UDC for reimbursement of allowable expenses.

### **Old Business**

**3/23 NPS Determination re: Tinker & Nidge LLC Special Use Permit:** Cilento said under Old Business A and B we received two Concurrence Letters from NPS Regional Director that Hendrix forwarded over for Tinker & Nidge LLC Special Use Permit and the Town of Highland's Zoning amendment. Both of those were found to be in substantial conformance. Cilento said the Town of Highland did a lot of work to get back into conformance which is great. Richardson said we also thank former NPS Land Use Planner Jennifer Claster who had a lot to do with that. Cilento said Claster left her lots of notes on the Highland project and that was very helpful.

**4/5 NPS Determination re: Town of Highland Zoning Rewrite:** Discussed above.

**UDC/NPS 4/12 GIS Mapping Tool Training Workshop Outcome:** Cilento said we had the Training Workshop on Monday 4/12, with almost 50 participants registered. She uploaded it to the UDC YouTube: <https://youtu.be/k23GfwYrB-A> It was an expanded version of the presentation Dr. Jantz gave at this Committee on 2/23. There were a lot of planning and zoning officials in attendance. Also participating was a commercial realtor

who told Cilento they were interested in learning about the GIS mapping tool to utilize the zoning when showing people properties. She thought that was a great practical application of the tool. Cilento thought it was a successful workshop with a lot of great questions. Ramie said that Hendrix is putting together a How-To document with data sources as a companion piece to the tool. They also developed a protocol to make regular updates. NPS plans to issue a news release and provide a link on their website regarding the rollout. Richardson said he participated in the workshop and has some knowledge with computers but couldn't utilize the tool. He's not sure what he was doing wrong. He suggested dedicating 15 minutes in one of these committee meetings to review the GIS mapping tool again. Cilento suggested he bring his laptop so he can follow along while it's up on the bigger screen as well. She said she learns best that way. Richardson said when Hendrix puts the How-To document together it should be pretty basic. Robinson said he found the Third-Party Overlays very valuable. There is an immense library of overlays and datasets you can look at such as forest types, wind speeds, etc.

**River Corridor Boundary Delineation Report:** Ramie said this is the Report we promised to Lackawaxen Township after the meeting about Holbert Quarry. A question had come up about how was this corridor mapped out and how the acreage number was decided. It was explained that it was in the River Management Plan (RMP) but they were looking for a more in depth answer as to the rationales of how it started as one amount of acreage and ended up something other ultimately in the RMP. The group agreed it would good for everyone to collectively know the history and that means going back into the old records. Fortunately, Robinson has kept 40+ years of records and he brought UDC the 3/26/1987 Final Environmental Impact Statement for the Upper Delaware Scenic and Recreational River for New York and Pennsylvania along with Upper Delaware River Studies from various years. Henry has borrowed those documents and is making notes for our knowledge as well as passing it on to Lackawaxen Township and anyone else that wants the information. Henry thanked Robinson for the documents. Henry said in some of the documents there were supposed to be 86,000 acres but nowhere in the Enabling Legislation does it cite 86,000 acres specifically. It just says "on a map" but then the plan reduced it down to 55,575 acres. Henry will be reducing the information down to a Fact Sheet. Even though 86,000 is not in the Enabling Legislation it is referred to in a lot of the plans as the approximate acreage if you went ridge-to-ridge. One of the things that surprised Robinson was that one of the proposals was eminent domain condemnation of 14,000 acres. He said here, the Federal Government thought there were 14,000 acres of important land that needed protection but when the move went more towards the cooperative management method, that we have now, the acreage starts to change. Robinson said you wonder if 14,000 acres was governed by finances? The end result was 55,575 acres being protected. Henry said for historical purposes if anyone is interested you can google search: DRBC Final Report and Environmental Level B Study May 1981. Ramie said staff appreciates Henry taking on this project. Cilento said when she visited Lackawaxen on 4/19 they were grateful we were still looking into it. Henry said on page 59 on the River Management Plan (RMP) under the Description of the Boundary is where they start talking about 86,000 acres and what it is now.

**Other:** None.

### **New Business**

**Draft Annual Code Enforcement Report:** A copy of the draft Annual Code Enforcement Report was provided in the meeting packets. Cilento received all of the requested reports from all the Town/ships. She said looking towards next year for consistency and a more in-depth analysis it would be useful for her to make a simple template they could put the information into. She receives very different sets of information or levels of detail from the Town/ships. In the 2019 Permit Report she did last August she made a prediction that due to COVID building permits may be lower. If you remove Lackawaxen Township which is the outlier we have less than half of the permits we had in 2020. In all municipalities there were decreases besides Lackawaxen. Saumure said Lackawaxen is primarily Masthope Mountain Community. Cilento said because of the pandemic Town Halls were closed, contractors were not working, etc. Looking at the activity that was happening you can see the pandemic impacted that. For example, Town of Tusten and Town of Lumberland had some single-family home constructions on vacant lots. The permits provided to Cilento had Brooklyn or Manhattan addresses. That showed people wanting to get out of the city and establish permanent residence here. Cilento said with a lot of activity in Masthope and other areas that may have been weekend or seasonal residences there are a ton of garages, porches, sheds, septic and electrical updates and additions. What she is thinking is people were turning their seasonal residence into a more permanent residence and with remote work they realize they can stay here fulltime. She said it will be interesting to see over the next few years how land use, especially residential land use, changes. Will people be migrating back to the city or will more people be moving here? Cilento marked "draft" on the Annual Code Enforcement Report until the

Committee reviewed it. Richardson said a plus of the Upper Delaware Litter Sweep was that he got to meet two new families. One younger family has owned a property for five-years and within the last year they decided to stay here permanently. They learned they can work from home. The other couple has that same objective. They have eight acres and in the next few years plan to stay here permanently. Richardson said the Town of Cochection, unlike so many communities, does not have a hub to meet new community members or a farmers' market and that was a great opportunity. Ramie said as a reminder it says there were no reports done between 2016-2019. That was the time period when former UDC Resource Specialist Pete Golod was debating with Superintendent Kris Heister about the contents and formatting for the Report and she's under the impression that it just passed by which is unfortunate. Hendrix said at his previous job the Permit Clerk would upload the permit type and update that into their GIS. Every month you could click on the layers tab to see where within the city or the corridor was being done. Cilento said that's worth looking into because substantial reviews could also be attached.

Robinson said when he got in the lumber business in 1976, he subscribed to a service he thinks was called DRW and he would put the property assessments and maps on microfiche. It was very valuable to him because he could identify large land holdings that could potentially have timber for purchase. This technology phased out but he kept all of the old books, machine, and photographic negatives. A few years ago, he was curious to compare what was online vs. 1976 and just visually looking at the maps the acreage in our area has been split in half. If the average acreage in 1976 was 220 acres the average acreage is less than 100 acres now per parcel. He said that data is readily available. He would like to see a study done in the changes of local economy and how it reflects on the demographics. Richardson said wouldn't that be an awfully good project to seek funding for?

**Land Use Complaint 2021-004: St. Vincent's Pointe Access, Lackawaxen Township:** Cilento said we have three Land Use Complaints that were forwarded to us by Hendrix this month. Cilento attached a photo of the St. Vincent's Pointe Access complaint in Lackawaxen Township taken by Kevin Reish from NPS. They asked UDC to look into seeing if it was permitted with the Township. The Township didn't think it was something that needed to be permitted. Cilento asked if anyone had specific thoughts. Hendrix said the Army Corps of Engineers, Michael Leggiero emailed Don Hamilton this afternoon and the email was forwarded to Hendrix. He read the email from Leggiero: "The owner offered to remove the stone steps and the decorative stone next to it to avoid the violation. 95% of the work is in the floodway. I've informed DEP so the ball is in their court. The owner wants to keep the little stone patio that he built and the DEP believes he gets a permit since it's essentially at grade a non-issue as far as displacing flood storage." Hendrix said the owner is supposed to send pictures in the next few days. Cilento asked Hendrix to forward that email to her. Henry said in NYS and PA there is a 50-ft rule if you degrade or dig in riverbanks. Cilento will keep the committee updated.

**Land Use Complaint 2021-005: The Coop Riverbank Construction, Town of Lumberland:** Hendrix informed Cilento of this Land Use Complaint. The Coop property is adjacent to the NPS Cowen Farm. Hendrix let her know that the owners hired a contractor to use an excavator to remove debris from the river that floated onto their yard. The contractor went into the river and removed earth from the riverbank. The response from the Town Code Enforcement Officer was that it's not related to the building which is his area of jurisdiction. Machinery digging into the river is "above his paygrade" and would not require a Town permit. It would be an area of advisement for NYS DEC instead. She referred this to Bill Rudge at NYS DEC and is awaiting a reply. Hendrix said he reached out to the Army Corps of Engineers and they are going out to the location. He doesn't have an exact date yet but he will update Cilento on that information as he gets it.

**Land Use Complaint 2021-006: Ascalona Campground Ditch Digging, Town of Highland:** Cilento provided a photo in the meeting packet. She said this was referred by Hendrix from NPS Law Enforcement. The Ascalona Campground in the Town of Highland was digging some kind of ditch or trenching and it seemed to be draining into the river. Cilento forwarded this to Bill Rudge as well. Jim Hanson, the Code Enforcement Officer for the Town of Highland, stopped by the campground and engaged with the owner. The ditch line is from a box spring that comes of the east side of Rt. 97 rockface. The owner cleans the box out every spring. Owner is cleaning ditch line as well. No permits or DEC application are required. The owner believes he's being harassed as he's had a few people stop by. Hanson told the owner everything looked good and it was a non-issue. Cilento said she doesn't know who stopped by but that is a similar tone we heard with Kittatinny. Hendrix said Army Corps of Engineers is also supposed to go out in the next few days to that site. Both Cilento and Hendrix let Rudge know of the issue.

**Other:** Ramie said Ed Wesley appreciates UDC's position on the Historic Rehabilitation of the Skinners Falls-Milanville Bridge and provided notecards with his beautiful bridge photos to our members.

**Public Comment:** None.

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

*Minutes prepared by Ashley Hall-Bagdonas, 5/5/2021*