

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
May 24, 2022

Committee Members Present: Larry Richardson, Susan Sullivan, Bill Dudko, Jim Greier, Harold Roeder, Al Henry, Aaron Robinson, Andy Boyar
 Committee Members Absent: Fred Peckham, Jeff Dexter
 Staff: Laurie Ramie, Kerry Engelhardt
 NPS Partners: Cody Hendrix- Community & Land Use Planner
 Guests: Peter Manning-Planning Consultant (Zoom until 7:40 p.m.), Ben Johnson-Tusten Supervisor (until 7:39 p.m.), Liam Mayo- *The River Reporter*.

The UDC’s Project Review Committee held its monthly meeting on Tuesday, May 24, 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 April 26, 2022 Meeting Minutes (2:04 time on recorded meeting): A motion by Roeder seconded by Robinson to approve the April 26, 2022 meeting minutes carried.

Resources and Land Use Specialist Update (2:20):

New York State Projects

Town of Deerpark: Dragon Springs: Engelhardt said there has been another newspaper article (attached) written about Dragon Springs, as the religious compound has asked a federal judge to dismiss the lawsuit. No further news has appeared since May 3.

Town of Tusten: The Bar Veloce issue has stalled. When we last discussed the issue, the Weidens (owners/proprietors of the neighboring Narrowsburg Union) were challenging the Certificate of Occupancy of Bar Veloce. The owners of Bar Veloce are appealing the Zoning Board of Appeals’ authority to hear the case. Two newspaper articles by Liam Mayo (*River Reporter*) and Derek Kirk (*Sullivan County Democrat*) are attached, which explain the issue in greater detail.

At the April 26 Planning Board meeting (which Engelhardt did not attend as it occurs at the same time as the Project Review meeting), a project came before the board seeking preliminary approval for construction which has already occurred (see attached article). The Board tabled the issue until the May meeting, as they were unsure how to handle the situation. The UDC has yet to receive an application for this project. The project is located on the bank of the Delaware River, off the basement level of the 8 Main Street building that houses the Tusten Cup. The Tusten Town Clerk indicated that the applicants had submitted an application but no further plans or drawing so there will be no decision tonight at the planning board hearing.

There were no Notices of Applications Received by the DRBC in the corridor in New York this month.

Commonwealth of Pennsylvania Projects

There were no Notices of Applications Received by the DRBC in the corridor in Pennsylvania this month.

Open Substantial Conformance Reviews

| Project Id | Project Name | Municipality | Action | Status |
|-------------------|----------------------|---------------------|------------------------|--|
| 2021-010 | Heron Hill Hunt Club | Damascus | Variance review | Awaiting NPS Determination (sent by UDC on 1/10/22) |
| 2022-003 | Camp Fimfo | Highland | To be reviewed | Submission received 5/18/2022 |
| 2022-004 | Big Eddy Brewing | Tusten | Class II – Special Use | UDC recommended a finding of Substantial Conformance to NPS 4/14/22. |

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|----------|--|--------|-------------------------|--|
| 2022-005 | 90 Main Street (former Rasmussen building) | Tusten | Class II – Special Use | UDC recommended a finding of Substantial Conformance to NPS 4/14/22. |
| 2022-006 | Tusten Zoning Changes | Tusten | To be discussed tonight | Submission received 3/16/22 |

Camp Fimfo has submitted a complete application. Hendrix and Engelhardt had a virtual meeting with their engineers earlier today to discuss the submission. They will be heard at the May meeting of the Highland Planning Board on 5/25 (tomorrow). We will be discussing the substantial conformance of their application at the June Project Review Committee meeting.

We will be discussing the Town of Tusten zoning revisions tonight and how they conform to the Principles and Objectives of the River Management Plan.

New Business

2021 Code Enforcement Report (9:30): Engelhardt thanked the various Town/ships. There's a table on page three that sums up all the various building permits and different zoning changes that happened in 2021, and she compared them to the previous two years. Once again, Lackawaxen was the busiest township with 84 building permits. Lackawaxen is broken down on page seven and 19 of them were short-term rentals, 11 sheds, 1 driveway. These were all minor improvements to properties. There are only four new single-family dwellings. Engelhardt reached out to the Town of Highland a few times and spoke with someone today. We are supposed to get a call-back and will update the committee when she gets that information. There were a lot of building permits but not a lot of variances. All of the special use permits were in Tusten last year. All of them were in Narrowsburg in the Downtown Business District, so there were no special use permits in the scenic or recreational river district, and we found them to all substantially conform. Engelhardt said all in all, there is a little bit of activity in the corridor last year, but nothing of concern, no preponderance of variances. She will formally submit the 2021 Code Enforcement Report to the NPS as a required task of the UDC Cooperative Agreement and post it under Publications on the UDC website. Ramie will issue a news release about the report.

Substantial Conformance Review 2022-06 – Tusten Zoning - Town of Tusten (12:48): Engelhardt said this is a revised table from what the committee looked at last month. It also now includes the Roadside Business District and the Downtown Business District that the group did not discuss last month; however, Engelhardt said they look good. All of the proposed revisions go to zoning districts which correspond to segment. They conform with the hamlet classification and the uses are compatible, allowable in the hamlet segment. She doesn't have any concerns in those two zoning districts. Peter Manning is available via Zoom to answer questions as he did last meeting. On page three in the Scenic River District is the camp site tent commercial. If you recall last time, she looked at the definition but did not go further into the zoning regulations to see that campsite density is limited to a maximum of one campsite for 5 acres, which is not very much at all, and more restrictive than the River Management Plan (RMP). Engelhardt said this is a compatible use in the Scenic River District. Henry asked if there are any concerns on any restrictions if you had a platform in the campsite. On page six in the Accessory Uses in the Scenic River District, the committee discussed closed storage. If you look in other districts it's more specific that this refers to the temporary storage pods. She feels that's an acceptable accessory use. Manning was asked what the term "temporary" means? Manning said Engelhardt and he had some productive conversations on several points. On this particular topic when he spoke about it with the zoning committee, they reminded Manning that they deliberately left the PODS out of the Scenic River and Recreational River districts. In terms of the rest of the point that was raised, the committee is working on the revisions now so even though you'll see just a definition, the revisions to reflect that the use is temporary are underway. Manning said it's not in this local law. They are going through the whole zoning regulation, and they are getting near the end. Engelhardt asked if there's a time limit on what temporary means. He said it would be reasonable, maybe 30 days; there's language on exceptions.

On page 8 it noted Campgrounds or RV Park as a special use in the Scenic River District. Manning said referencing the last meeting, it was identified that this use passed Substantial Conformance review in 2017, however it was also noted by Engelhardt that it is incompatible with the RMP. He said it was an interesting situation. Manning noted that, after the last meeting, they reviewed the other parts of §4 2017 which talked about the limitations. However, in their conversations today, they sketched out some further adjustments to this use so that it's more balanced with the

RMP, and there are some local concerns as well. Most notably the Town is willing to remove the RV part from the use so it would only be campgrounds. Further, Engelhardt and he discussed some items following up from the last meeting that would limit use, including density, minimum required acreage, no RV camping, also no RV parking could be added in there. Parking could be added but only 2 cars, for example; it doesn't have to be per site or things of this nature so that the use could exist, but not create disruption in the neighborhood or have been borderline incompatible with the RMP.

Manning said the RMP is a balanced document between environmental protection and economic development. There is a use that's compatible that is called Canoeing Camping and they look to maybe add some language from the guidelines for that use which have to do with distances from dwellings. He thinks going forward some of the things that he's discussing would be mentioned in whatever final documentation you have but also would be reflected in the revised local law.

A long discussion about Communication Towers can be found at (**minute 36:00**) of the meeting recording and is noted on page 18 of the Substantial Conformance Review. The question was whether they can be an appropriate use in the river corridor if they can't be seen from the river surface, particularly to enhance public safety. The Project Review Committee will evaluate whether a Letter of Interpretation could be used to set a standard for review of communication tower projects in the river corridor, given the lack of specificity for this type of land use in the 1986 Guidelines. They will factor in the responsibility for protecting scenic values and providing public safety.

A Motion by Robinson seconded by Henry for Engelhardt to do further research on the compatibility of communication towers in the river corridor based on the Land and Water Use Guidelines and present the Substantial Conformance Review for Project 2022-06 on 6/2. The committee recommended substantial conformance for all zoning that were subject to discussion between Manning and Engelhardt. Further discussion on communication towers will be based on Engelhardt's pending research. The next Tusten Town Board meeting will be 6/14,

5/18 Penn State Extension Land Use Webinar Series Report (65:43): Engelhardt said this was the final webinar in the Land Use PA Webinar series. The topic was "How do Agricultural Practices Relate to Planning in Pennsylvania?" There were two speakers. They talked about agriculture land use and protecting agricultural areas. In the last 50 years in PA, we've gone from 12 million to 7.5 million acres of farmland but the population in PA has gone from 11 million to 13 million, so we have less area in order to feed more people. They also talked about the advances in technology and how for example, they're getting so much more milk per cow than they did 20 years ago. Engelhardt said overall it was a pretty valuable webinar series.

Old Business

River Corridor Maps (68:23): Engelhardt will proceed with printing and framing copies of Upper Delaware Scenic and Recreational River corridor boundary maps for presentation to the 13 UDC member towns and townships. She will also send a letter of appreciation to Sullivan County Planning Commissioner Freda Eisenberg for her division's assistance and fee waiver to produce GIS maps with the river corridor boundaries for the six UDC member towns.

NYS DEC Long Eddy Access Improvements (69:10): Boyar noted that the parking improvements are working out well and it doesn't seem to be as cluttered in town.

Other: None.

Public Comment: None.

Adjournment: A Motion by Roeder, seconded by Robinson, to adjourn the meeting at 7:44 p.m. carried.