

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
May 25, 2021

Committee Members Present: Larry Richardson, David Dean, Jim Greier, Al Henry, Aaron Robinson, Jeff Dexter, Susan Sullivan
Committee Members Absent: Fred Peckham
Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas
NPS Partners: Cody Hendrix- Community & Land Use Planner
Guests: Heather Jacksy- Sullivan County Planning

The UDC's Project Review Committee held its monthly meeting on Tuesday, May 25, 2021 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

Approval of the April 27, 2021 Meeting Minutes: A motion by Henry seconded by Robinson to approve the April 27th 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 that 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 by the end of the month. A presentation on the plan was given by consultant Creighton Manning and outlined current parking supply, perceptions, as well as potential solutions. It was revealed that 364 parking spaces presently exist; 252 spaces are available when customer/business-exclusive parking spaces are subtracted. The consultant determined that peak demand is 246 spaces (measured during Callicoon Art Walk weekend) and thus the current supply meets the demand. However, the public perception that there isn't enough parking likely stems from lack of effective directional signage, different levels of ability and willingness to walk a certain distance, and uncertainty about private versus public spaces. Several options for creating new parking are given, including striping new spaces on underutilized land or entering into agreements with private property owners for additional parking. Cilento 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 the 4/1 UDC recommendation to find the comprehensive plan update in substantial conformance. Cilento will send the committee the NPS determination letter when it is received.

The Planning Board met on 5/17 and reviewed the following projects which have also been submitted for substantial conformance review: UDC2020-005 Feagles Lake Subdivision. Cilento said this project has evolved slightly with a revised subdivision plan (provided in meeting packet) which the Town of Tusten Planning Board was happier with than previous versions. Cilento attended the Planning Board Zoom meeting on 5/17 as the updated plans were presented. The developer is moving forward with more refined plans now that the Board has given preliminary go-ahead on lot configuration. More finalized plans are anticipated at the June meeting that Cilento will attend, after which UDC will likely receive a formal substantial conformance review submission. The other projects submitted were: UDC2021-006 Miss Home Occupation; UDC2021-007 Narrowsburg Union Signage Plan; and UDC2021-008 Great Pine Weiden. One will come up under New Business while the latter two will be reviewed next month.

The *Sullivan County Democrat* reported in a 5/20 article that they are looking at installing WIFI capabilities on the LED lights they just installed. Cilento said she thinks that would be great for downtown Narrowsburg because it's a cell service desert. That would be good for visitors, businesses and economic development. Ramie wondered if the WIFI on Main Street will help UDC's internet situation. Cilento said the article said it would go up to Tusten Town Hall. A \$16,000 match from the Town would be needed with the other half funded by the Smart Cities Grant. Sullivan said at the Town Board meeting it wasn't wildly embraced. Someone said all merchants on Main Street have WIFI so

why would we spend money to enhance theirs? Sullivan said they didn't vote on it at that meeting. Dexter said he read in the paper that Frontier is being sued in 11 states for selling WIFI they aren't providing.

Town of Highland: 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, such as a rumored tear in the liner, 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. This past month, Cilento sorted through years of UDC files on Barnes Landfill from previous Resource Specialists and compiled a comprehensive inventory of all correspondence and documentation UDC has on the site. Cilento is working with Sullivan County Deputy Planning Commissioner Jill Weyer and UDC Lumberland Rep./Sullivan County District 2 Legislator Nadia Rajsz to fill in data gaps and consolidate repositories of Barnes Landfill files for Phase 1 study. Cilento will continue to work with Weyer and Rajsz to move remediation and studies forward.

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 5/25: 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 Lackawaxen Twp. Supervisors Community Workshop.

Open Substantial Conformance Reviews:

Project ID	Project Name	Municipality	Action
UDC2020-005	Feagles Lake Subdivision	Tusten	Class II – Site Plan Review
UDC2021-006	Miss Home Occupation	Tusten	Class II – Special Use Permit
UDC2021-007	Narrowsburg Union Signage	Tusten	Class II – Special Use Permit
UDC2021-008	Great Pine Weiden	Tusten	Class II – Special Use Permit

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. Cilento has reached out to the Town of Delaware and the Town of Hancock for updates on their projects. A meeting was held on 5/4 at the UDC office with Superintendent Salvatore, Hendrix, Dexter, Richardson, Cilento and Ramie to discuss including cultural projects for Technical Assistance Grants (TAG) eligibility in FY 2022. Ramie compiled some background material of when the scope changed, how, and the UDC's position.

The FY 2021 (10/1/2020-9/30/2021) round has a deadline of Friday, 8/20/2021, by which 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

River Corridor Boundary Delineation Fact Sheet: Ramie said Henry had graciously offered to go through the historic reports borrowed from Robinson. Henry provided a draft River Corridor Boundary Delineation Fact Sheet for the meeting packet. Ramie said this represents the findings from those documents and how they came up with the current boundary delineation. Henry states in the conclusion: "At no time was the proposed acreage for the entire 'valley wide or ridgeline to ridgeline' corridor higher than 86,000 acres. The final Congressionally approved acreage is 55,574.5. How this acreage was determined is still not clear other than the EL [Enabling Legislation] states it was

determined by using the EL map. More research would be necessary to make a factual statement regarding these calculations.” Henry asked Hendrix to look in the NPS archives for the original map and the early planning of the delineation. Henry feels this document he provided will satisfy the Lackawaxen Township Solicitor who had inquired about it. He said if you start looking back at the early history in the 1950’s and 1960’s, the DRBC was very involved. One of DRBC’s first missions on the Upper Delaware was to start coming up with plans and they were potentially going to be the lead agency here. Therefore, they may have an archive of documents as well.

Land Use Complaint 2021-00: The Coop Riverbank Construction, Lumberland-Update: Cilento said this is a carry over from last month and asked if Hendrix had any updates? Hendrix said Bill Rudge from the DEC said The Coop didn’t violate any environmental law. The Army Corps of Engineers hasn’t looked into it but by the photos it’s not any kind of violation. Hendrix said tomorrow NPS will have a Management Meeting and he would forward that information to Law Enforcement to see how to move forward. He will keep Cilento updated.

Hendrix said regarding Land Use Complaint 2021-004: St. Vincent’s Pointe Access, Lackawaxen Township, the Army Corps of Engineers did take pictures but he has yet to see those or get an update. He said it is currently in PA DEP’s court.

Other: None.

New Business

Discuss Applying for a NYS Grant for Ten Mile River Access Boat Ramp Engineering: Ramie said at last week’s Water Use/Resource Management Committee meeting there was ongoing discussion of the Ten Mile River (TMR) Access and the boat ramp UDC proposed after the prohibition on trailered boat launching took place and NPS said to come up with a solution. Ramie said Heather Jacksy made the good point that currently NYS has opened up its 11th round of Consolidated Funding Application (CFA) grants. Jacksy said the Department of State provides funds and they basically told Sullivan County Planning (SCP) not to bring the Local Waterfront Revitalization Plan up to a full program, which means taking the plan and running it through all the legal hurdles to make sure it doesn’t conflict with any state laws and each municipality has to adopt it a certain way. Jacksy said now they are going that direction and the SCP may apply to make their plan a program. She said unfortunately SCP’s program doesn’t qualify right now. Ramie said we hired JHA Companies to do a sketch plan for a feasible boat ramp; it’s not the level of construction drawings. The next phase would be getting the engineering work done so there are specific drawings to pursue. The NYS CFA process offers grants that are a minimum of \$50,000 and a maximum of \$5 million, with applications due by 7/30. There’s a 25% local match required. The thought was that since all of the river accesses were part of Sullivan County’s Upper Delaware River Corridor Local Waterfront Revitalization Plan that perhaps this could be an eligible project to submit. Ramie said if we were to do that, we would have to check with the Greater New York Council, Boy Scouts of America, because they are the property owners, as well as partner with the National Park Service and Sullivan County. Jacksy said there may be other grant programs it could qualify under. Ramie said the CFA process is a portal to every agency in the state. You submit one common application and they put the application in where it makes the most sense. Jacksy asked if JHA Companies did borings or just provide a sketch? Henry said it was a \$5,000 contract and they still owe the permitting information for the DEC and Army Corps of Engineers but they did not do any borings. Henry said JHA Companies changed the location of where the ramp was going to be a few times but the WU/RM Committee has a pretty good idea of where the best location would be. The plan is to build a stable concrete ramp for larger trailered boats to the river from the existing parking area. It would be a 40-foot-long ramp structure, a gravel driveway to a pre-cast concrete ramp system. Henry said discussion on the TMR Access was going well but now there are concerns from the National Wild and Scenic Rivers committee about the profile of ramp being 3ft above grade within the banks of the Ordinary High-Water Mark of the river perpendicular to the flow. It has the potential to interfere with the free-flowing conditions of the river and it may need some revisions. At the WU/RM meeting Henry asked Hamilton when those comments are provided that they provide their credentials. Henry said we need to get the plans from SCP and JHA together and look at what NPS likes so this issue can move forward. Jacksy provided two copies of the SCP document to the Project Review Committee to review. Jacksy said NPS was part of the process of developing these plans. From her recollection of this process, the elevation is probably the problem. She said it’s difficult. With the Highland Access, which they hope to finish the upgrade of this summer, she is currently working on securing 21 permits to get the work done. She said all the accesses are interesting not just from being in a NPS unit but due to their co-management. Henry said in his tenure with the NPS he saw at certain accesses on the PA Fish and Boat Commission side they would come in and take out the old ramp and put in a new one. Jacksy said

maybe a hydrology study would help show what the ramifications would be at the TMR Access. She said this CFA isn't the only funding source out there. There will be other announcements made. The current funding on the Highland Access is from the National Fish and Wildlife Foundation. Jacksy said doing a hydrology study can trigger all of the permitting that she would do for the actual construction so it may be a good next step. She doesn't know if SCP would come up with the match if it was cash but they would be happy to apply. She said if this is important to UDC, let SCP and the Sullivan County Legislature know. Henry said he thinks it's important for everyone involved. TMR is one of the busiest accesses on the river and it really needs this update. He said in light of the fact that NPS is in the process of rescinding the trailered boat launching it makes good sense to find somewhere the access could go and use a ramp and that could help minimize the so-called environmental concern of mud. Jacksy said one of the solutions that was discussed was a mat that gets rolled out, like the Army uses for getting tanks in and out of places. It could be feasible but the instillation and the moving of the mat would have to be arranged. Henry said the TMR Access is in an eddy as well as the Narrowsburg DEC Access and they spent almost \$2 million on that project. Don Hamilton from NPS asked him within the last month if he knew of anyone with a tractor to go down with a loader and move the mud off the ramp. Jacksy said she would look into the other programs but what would help her is if UDC would come to a decision on what the next step is. Robinson said if they are going with an 8-foot, two-vehicle structure, the goal would be coming up with a cheap and simple solution of logging mats that float, are bolted or cabled together and are easy to move. Ramie passed around the sketch from JHA Companies. Sullivan said in terms of getting grants, TMR Access is in the Town of Tusten and the Highway Department maintains the road, the Boy Scouts of America maintain the property. In the Town of Tusten Comprehensive Plan it states going into the future they want to expand access of the river and expand recreational opportunities. Sullivan said the Town of Tusten would write support letters for securing funding for this project. Since the pandemic the use of that access has at least tripled. She's been going there daily for almost 20 years and now you will see 30-40 cars and constant movement on any given weekend. It's heavy use with people sometimes camping there now. Sullivan also asked do the Friends of the Upper Delaware River (FUDR) have any ideas because they are good at securing grants. Henry said PA is taking a real strict approach in that once the visitation limit is reached, they are turning people away and that means they will find other access options like Mongaup and TMR.

Sullivan asked Jacksy is there a chance that the bureaucratic block to grants is going to dissolve as far as the Local Waterfront Revitalization Program? Jacksy said they would need to apply to bring it to the next step but they would have to reach out to all of the Towns in it because it would require them to officially adopt it. They would update it to meet the current expectations. Jacksy said the deadline is the end of July and if SCP is going to be an applicant, they have a very aggressive legislative schedule to meet. Jacksy said she would look into the program and asked for a decision from UDC as soon as possible. The committee thanked Jacksy for attending the meeting as she departed.

Opening of Fiscal Year 2022 Technical Assistance Grants Round: Ramie said we are at the stage now where early June is where we like to start solicitations for applications for the Technical Assistance Grants (TAGs) so the Town/ships have 2-3 months to come up with ideas. There was a debate on whether UDC could expand the eligible projects and we've heard from Superintendent Salvatore to give it a shot and make sure we have defensible positions in place for the projects that tie back to the goals and objectives of the River Management Plan (RMP). Salvatore still requires approval from the Regional NPS Financial Office, which is upsetting because we object to the idea that we can't make these ideas as UDC for the needs of our Town/ships. Ramie said that seems to be out of his control. She said it would behoove us to change the wording when we put out our solicitation and indicate historical, cultural, and educational projects will be considered, and to stress that they need to go into the RMP for justification and that we are always here to help with the process and strengthen the applications. Ramie thinks we should give it a try and see if it's a little more flexible than it has been since 2018. Richardson agrees and said if the TAG is not for planning or zoning specifically, be aware it will be closely scrutinized and must tie into the RMP. Henry said if you also tie in the Wild and Scenic Rivers Act that would help, noting that one of the Outstanding Remarkable Values (ORVs) is Cultural. Robinson said in the Environmental Impact Statement they have a huge section on Cultural and Natural Resources. He said if that is a predicate to consider the law or inaction of the law how could you deny the pursuit of it? Robinson agrees with Henry that it's very generalized in the RMP but UDC can use all of these documents. Sullivan said she would like to get a copy of the booklet "Outstanding Remarkable Values". Ramie said it's featured on the UDC website under "Publications" and Hall-Bagdonas printed her a copy of the document. Sullivan said she wants to utilize it for her Skinners Falls-Milanville Bridge comments. She said that is a perfect example of a Cultural and Historic asset. Ramie said besides Historic and Cultural the other type of project is Educational and that's where websites and pamphlets fall in to. There is no place in the RMP that says create a website because it was written a few decades ago. An example is Berlin Township's hard fight of getting denied by

NPS receiving a TAG for their \$710 website upgrade. Ramie said the schedule for our FY 2022 round is that we will start the solicitations on 6/7 with a due date of 8/20. Our Special Project Review Meeting for the review of the TAGs is 9/14 (the third Tuesday). The awards will be made at the 10/7 full Council meeting.

Special Use Permit Applications Review in Town of Tusten: Cilento said she received this application earlier in the month. It's straight forward as a Special Use Permit for a home occupation for Mr. Miss to have his gunsmithing business out of his home on Skipperene Road. It's a home business and it's not going to have high traffic or other impacts. Cilento said home occupations are allowable in every segment. A Motion by Greier seconded by Sullivan to forward the Special Use Permit Application Review in Town of Tusten to 6/3 full Council carried.

4/27 "Hot Button" Land Uses Presentation: Cilento said Sullivan County Planning hosted a New York Department of State local government training session on 4/27 which was the date of the last Project Review meeting so she watched the recording. They talked about a ton of hot button land uses, things that are very current and we're seeing more of and how to handle them. That includes how NYS would handle them vs. local municipalities' regulation of them. Cilento thought it was interesting to see how barn promotional events are zoned. They talked about manufactured homes, backyard chickens, drones, mining, food trucks, home occupation, and short-term rentals. Of particular note was adult-use cannabis in NYS and how that will impact land uses. Cilento provided her notes in the meeting packet. Hall-Bagdonas provided the Youtube link when emailing the meeting packet: <https://youtu.be/pgzArKlyK3A>. Cilento said it's a 3½ hour training and she watched it over the course of a few days. Richardson asked if they talked about tiny houses? Cilento said they didn't specifically mention them but it did come up briefly when discussing manufactured homes. Hendrix said at his previous job they had an issue with tiny homes and they had to change the zoning to have a minimum square footage requirement. He said if you're under 500 square feet it would be considered a tiny home and wouldn't require a building permit. Richardson said this discussion has come up in the Town of Cochection with campers. He said a lot of those houses are not 500 square feet. Hendrix said it's up to the Town/ships and what they want. Richardson said they may consider not limiting the square footage but looking into the construction details and maybe it requires a permanent foundation. Robinson said they had an issue in Shohola Township when doing their original zoning because they had Trails End which was put in before zoning and they were 1/10 of an acre lots. He said notoriously people would bring in a small trailer under 400 square feet. He said the Federal Government defines 400 square feet or less as not a home or an accessory structure. In Trails End there were 2,000 lots like this. He said the issue becomes if someone buys a 3-acre lot how do you regulate someone's use of a camper if it's registered? If someone has a camper and they maintain plates and tires on it, it's a motor vehicle. Shohola Township has no dominion over that use. He said it's a complicated issue. Sullivan said the Tusten Comprehensive Plan does mention this issue. Cilento said she would look into the issue of tiny homes.

Other: Sullivan said on the Tusten/Cochection line on Rt. 97, if you are on the PA side you will see that the ridgeline is being logged and has brown patches of no trees. She said she was sitting on the shoreline and could see it from the PA side. Sullivan said a complaint hasn't been filed yet. Richardson said they are not clearcutting. Robinson said with all of the disease you have to cut ash trees and hemlock. The Spotted Lanternfly is now being introduced and the new practice is when you cut timber you have to hit it hard. He said people have to adjust their visual aesthetics because it's part of forest management. You will either see managed logging and harvesting or see dead trees. Robinson said he would rather see managed timber because you will get new growth coming up in a relatively short period of time. Cilento asked if she receives a complaint like that, how do you know if it's managed logging? Robinson said most Townships have Timber Harvesting Ordinances. In PA you have to file an Erosion Control Plan with the County Conservation District; in NY each Town has a Logging Ordinance. He said if you would like to see an example go to the Mongaup Reservoir. As you take County Rt. 42 into that valley that was clear-cut in the 1970's. The timber was of poor quality and was reset into a healthier situation. Sullivan said the reason why she encouraged her friend to file a complaint was because of the sedimentation and the erosion, and it was clearly in the corridor. Robinson said the environmental impact of timber harvesting is well studied and the impact is minimal. He's been in the business a long time and the Best Management Practices that are implemented today are little to no impact unless you get a rare event like a hurricane. He said the thing to remember is this is a one in 40-year event where that land will grow and there's no activity vs. people putting in subdivisions and developments where it changes the character of the land use. He said when you think "green" you have to think timber management. It's part and parcel of preserving open space.

Sullivan asked what the status of the Skinners Falls-Milanville Bridge was? Ramie said the annual meeting of the NY-PA Joint Interstate Bridge Commission is tomorrow at 10 a.m. Comments for that bridge's study are due 6/1. Ramie said Lauren Hauptman from NPS contacted her and they will be submitting a comment letter.

Public Comment: None.

Adjournment: A motion by Greier, seconded by Dexter, to adjourn the meeting at 7:46 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 6/2/2021