

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
June 22, 2021

Committee Members Present: Larry Richardson, Fred Peckham, David Dean (Zoom), Jim Greier, Al Henry, Aaron Robinson, Jeff Dexter, Susan Sullivan

Committee Members Absent:

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, June 22, 2021 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:33 p.m. There was no public comment on the agenda.

Approval of the May 25, 2021 Meeting Minutes: A motion by Robinson seconded by Sullivan to approve the May 25th 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 said regarding the Town of Delaware, the *Sullivan County Democrat* had a 6/15 article reporting that a group of business owners in Callicoon has formed the non-profit Catskill Explorer. The mission of this group is to bring passenger train service from Port Jervis to Hancock, with stops in Narrowsburg and Callicoon utilizing the existing railroad and associated infrastructure. The group is only in discussion and outreach phases. Peckham said he's spoken with the Railroad and in order to have a passenger train service they would need to lower the tracks, require a \$100 million insurance policy, and each rail has to be welded - not bolted - together. Ramie said she's had that same conversation Melanie Boyer from New York Central Railroad about prohibitive insurance, challenging terrain that would require slow speeds, and their elase with their parent company not allowing passenger service.

Town of Cochection: During the 6/9 meeting of the Cochection Town Board, Supervisor Gary Maas began the discussion of updating the Town's comprehensive plan. The existing plan was updated and adopted in 2011. Cilento will reach out to the Town to encourage application for a Technical Assistance Grant (TAG) and to offer additional input and guidance on the plan as it concerns the River Management Plan (RMP). Cilento also received an email from a Cochection resident on 6/2 inquiring about a 79-acre farm property for sale along the river in Cochection near her property. The resident said she and several neighbors were interested in fundraising to purchase the property to turn it into a conservation/land trust and/or an art space. Cilento referred her to speak with the staff at Delaware Highlands Conservancy (DHC) to discuss land trusts and conservation easements. DHC Land Protection Coordinator Trey Talley communicated to Cilento that he had a conversation scheduled with the resident the following week and would keep UDC apprised of the progress if the project moves forward.

Town of Tusten: The Planning Board had a meeting on Monday 6/21 and reviewed the following projects which have also been submitted for substantial conformance review: UDC2020-005 Feagles Lake Subdivision — This project has evolved slightly with a revised subdivision plan with which the Town of Tusten Planning Board was happier 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 were anticipated at June meeting but the project did not make the agenda. Cilento will attend next Planning Board meeting for which this project is on the agenda for project presentation and updates, and await submission from the Town for substantial conformance review.

UDC2021-006 Miss Home Occupation - Special use permit application to establish a home occupation (gunsmithing). Cilento submitted review to NPS on 6/4. Town Planning Board approved permit at 6/21 meeting. Cilento will await NPS determination letter and will share with Town and PR committee once received.

Cilento was on the Tusten Town Board Zoom last night and when they got to UDC2021-007 Narrowsburg Union Signage Plan — Special use permit for comprehensive signage plan they said they didn't have anything from UDC or NPS so they must not have a comment. She let them know that's on the Project Review agenda for 6/22 and the Planning Board Deputy Chair said, "Your 30 days is up". Cilento said that she thought he was confusing UDC with the County because they have 30 days for a 239 Review but she received this two days before the last Project Review meeting. They voted to approve both the Narrowsburg Union Signage Plan (UDC2021-007) and Great Pine Weiden (UDC2021-008) because they already scheduled the public hearings and they didn't want to wait for UDC's approval. Cilento said she would bring that concern to the Project Review committee tonight. Ramie said Cilento advised them that UDC has 45 days according the Project Review Workbook. Chairman Ed Jackson has been ill so the Deputy Chairman is Ken Baim. Sullivan said they could have said "Approval contingent upon.". Sullivan said the timeline has worked for a longtime. Jackson would send documents to the County and UDC at the same time knowing the turnaround. Richardson said Jackson was always accommodating. Sullivan suggested Cilento speak with Jackson. Henry said as the Tusten Town Representative for Sullivan should also communicate with the Town Board. Cilento will prepare a letter for Full Council and NPS submission pending PR Committee approval of draft on 6/22.

UDC2021-008 Great Pine Weiden - Special use permit and site plan review for two properties on Erie Ave. in Narrowsburg to convert residential to retail/commercial on the first floor and residential on the second floor. The Town Planning Board approved the permit at their 6/21 meeting, citing UDC/NPS's slow response as reason for moving forward. Cilento will prepare a letter for Full Council and NPS submission pending PR Committee approval of draft on 6/22.

Westfall Township: A 6/10 article in the *Pike County Dispatch* reported that a group of Mill Rift residents attended a recent Township Supervisors meeting to express concern over a new property owner damming a tributary of the Delaware. According to the residents, a new property owner purchased the historic former Glenwood Hotel on Bluestone Blvd. and installed boards along an existing dam to raise the reservoir's water level to accommodate kayaking and other activities for guests. Though the property is just outside of the Upper Delaware Scenic & Recreational River corridor (property lines abut corridor boundary), the Bush Kill which is being dammed is a tributary of the Upper Delaware. Westfall Zoning Officer Jeff Cammerino spoke with DEP about the situation and DEP replied that they had concerns and were meeting with the property owners the following week. Cilento will inquire with the Township about the situation—though it is outside of the corridor, the dam could potentially impact assets and resources within the corridor. Richardson asked if a permit would be required to dam any type of stream in PA? Robinson thought there was an allowance of up to two feet of an elevation change. Cilento said Cammerino is really responsive and she will reach out to him to let him know that UDC is interested in this matter.

Pike County: Brian Snyder of the Pike County Office of Community Planning sent a letter on 6/14 announcing the County's intent to update their Hazard Mitigation Plan. UDC has been invited to a stakeholder virtual kick-off meeting on 7/1. Cilento will attend the 7/1 meeting, provide input where appropriate, and review the plan once drafted.

Commonwealth of Pennsylvania: Representative Fritz announced in a recent newsletter that applications are now being accepted for the Unserved High-Speed Broadband Funding Program (UHSB). According to the Pennsylvania Department of Community & Economic Development, UHSB "provides grants to deploy middle-mile and last-mile high-speed broadband infrastructure to unserved areas in Pennsylvania. An unserved area is defined as a designated geographic area in which households or businesses do not have access to at least 25 megabits per second downstream speeds and 3 megabits per second upstream speeds. A total of \$5 million is available to nongovernmental entities which have the technical, managerial and financial expertise to design, build and operate a high-speed broadband service infrastructure in unserved areas. Proposed projects should offer access to high-speed broadband services that will enhance economic development, education, health care and emergency services." Applications will be due by 9/24.

Land Use Technical Assistance

Tiny Homes and Zoning: At the 5/25 PR Committee meeting, the question of regulating "tiny homes" was brought up. Cilento researched this further; there is not much literature on the topic due to the recent nature of this issue. Some notable findings include: If a tiny home is on wheels, it can be considered an RV and can be regulated as such. If a tiny home has a foundation, it could be considered an accessory dwelling unit and can be regulated as such—e.g. needing a principal structure. Density regulations in zoning can prevent the proliferation of massive tiny home

developments or colonies. Greier said if a Town/ship wanted to add Tiny Homes regulations to their Comprehensive Plan that may be a good idea for a Technical Assistant Grant (TAG).

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 6/22: 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
UDC2021-007	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 just asked for the Final Report paperwork. Cilento met with the Town of Delaware, Tom Shepstone and Friends of the Upper Delaware River (FUDR) who are all working on the Trail Access Project for the Recreational Access Project via Zoom on 6/17. Cilento supplied some changes to the draft. Those changes will be adopted and they will have a new draft going forward. She hasn't heard any updates from Hancock but the last she heard from Delaware County was that project was also on schedule.

Dexter said he was on the river between Milanville and Narrowsburg over the weekend and he was thinking of the clear-cut zone. Cilento said she will be able to provide updates on the logging complaint later on in the meeting.

The FY 2021 (10/1/2020-9/30/2021) Technical Assistance Grant 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

Upper Delaware River Corridor Boundary Report: The report provided and sent out in advance by Ramie builds on Henry's draft that he kindly put together reviewing background documents. Ramie filled in acronyms and went to the reports herself to add supplemental information about how it evolved. As Henry said before in the end it's a "trust us, it started at 86,000 and it ended up at 55,574.5." We can't exactly say how that happened because no one has the map that references it. She said this is not an academic document but it attempts to go through the circumstances of how the numbers changed. Ramie said we did the best we could to address the question. Peckham feels it's time that someone decides what the boundaries are. Robinson said you can request a survey from the Federal Government. Robinson said he recommends sending the report to Lackawaxen Township and establish it as our findings of fact. Henry said Ramie did a stellar job. Henry recommends sending it not only to Lackawaxen Township but all Town/ships. Greier said the Citizens Advisory Council would not agree to 86,000 and they haggled back and forth before finally agreeing on the 55,574.5 acres. Henry told Hendrix if he reached out to the Denver Service Center they may have a copy of that map.

6/9 NPS Letter on Town of Tusten Comprehensive Plan: Cilento said this is the standard letter sent over from NPS Regional that Hendrix forwarded over earlier this month. After two months they replied with an approval for a concurrence.

Fiscal Year 2022 Technical Assistance Grant Round Opens Application due by 8/20: This handout didn't make it into the meeting packets but is in the electronic packet and was previously discussed. This is a reminder that applications are due by 8/20. It is also available on the UDC website.

Other: Ramie asked if Hendrix had any updates on the outstanding Land Use Complaints that NPS brought to our attention. Hendrix said the one in NY, the Army Corps of Engineers said was fine. The complaint in Lackawaxen he has yet to hear back from DEP.

Hendrix said the Historical Virtual Intern is out in the street now and moving forward. It was posted on 6/18 on the Department of States' website. Cilento asked Hendrix to forward UDC the information.

New Business

Five-Year Plan Tasks: There is a 7/20 deadline for members to review the document of tasks and provide comments to Cilento.

Substantial Conformance Review- UDC 2021-007: Narrowsburg Union Signage Plan- Town of Tusten: On the last page of the Narrowsburg Union Signage Plan Substantial Conformance Review it includes the mock-ups of what they are doing. It's just signage; they are not changing the building. They have gooseneck lights that will be illuminating them so it won't be backlight or anything. Cilento said visually aside she compared it against Town of Tusten's sign code and Principle B of the Land and Water Use Guidelines (LWUG). Cilento said the Substantial Conformance Review is straight forward. Town of Tusten's Zoning Law §13.3.3 is their signage regulations. The proposed wall and window signage, directional signage, and neon signage are subject to a planning board review and are allowable forms of signage within the Downtown Business (DB) District, a hamlet area in the Upper Delaware Scenic and Recreational River.

Henry said a long time ago NPS had discussed calling the Visitor Center at the Zane Grey Museum the Upper Delaware Scenic and Recreational River Information Center. The one in Callicoon is the Upper Delaware Visitor Center and the one at Narrowsburg Union is the Upper Delaware Welcome Center. He said someone needs to enlighten the public to where they are going. With three different Visitor Centers it could confuse people. Ramie agreed and also noted that the Narrowsburg Union is a for profit business as opposed to the Upper Delaware Scenic Byway or NPS. Henry said it may be helpful to list them on the UDC website. A Motion by Henry seconded by Sullivan to accept the Executive Summary recommendation and forward draft UDC 2021-007: Narrowsburg Union Signage Plan to the 7/1 full Council carried.

Substantial Conformance Review- UDC 2021-1008: Great Pine LLC- Town of Tusten: Cilento said these are the same people who own Narrowsburg Union but under Great Pine LLC. On the last page of the Substantial Conformance Review a site plan is provided. Across from Narrowsburg Union there is 14 and 26 Erie Avenue, Narrowsburg, NY. They plan to renovate 26 Erie Avenue and turn it into second story residential and first floor large commercial for retail. 14 Erie Avenue is a modest small house on the property next to it. They plan to remove that building and put a new one in there with the footprint listed on the site plan and a crushed stone driveway. Cilento said she's open to comments as this is the first real site plan she had to review. Crushed stone is considered impervious but it was subject to the review of the Town Planning Board. They are also putting in two new garages. The uses are allowable and compatible with accessory use for the garages and retail commercial for the first story. They are not building on the slope behind it. They are just building where existing structures are. She didn't feel it was too obtrusive besides where they are putting impervious sidewalk in, but it's a small lot and they are required half as many spaces by the zoning. She said nothing put up any red flags for her. Richardson asked if the Planning Board had any comments or changes? Cilento said they didn't but the Church Council of St. Paul's located across the street was upset. They just received notice of the public hearing on Thursday so they weren't really sure what was going on. The church was concerned they would use all of the street parking there and they were concerned they wouldn't have street parking for weddings, funerals, etc. She said it's somewhat settled. They can still park on the street, just not in front of the new driveways. Cilento said those buildings are two of the last vacant buildings in Narrowsburg right now and to see them reactivated will be nice. Sullivan asked if it would still be a quiet residential street with all of the improvements? Cilento said she thinks so because they are just commercial on the first floor. She noted the parking calculations on the site plan and said there are only going to be two 900 sq. ft. spaces and there will be room for residential units will be 900 sq. ft. with 216 sq. ft. of common area. Henry said, looking at the railroad tracks, did the right-of-way fence come up at all in regard to them wanting to put up a new fence? Cilento said that didn't come up during the meeting. Henry recommended having someone check into that because even though there is a rock wall where the trains go, they may own beyond that rock wall. A Motion by Robinson seconded by Sullivan to accept the Executive Summary recommendation and forward draft UDC 2021-008: Great Pine LLC to the 7/1 full Council carried.

Land Use Complaint 2021-007: Humphrey Road Clearing, Narrowsburg: Cilento said within the past month UDC has received two calls about clearing on the ridgeline. One was by a River Road resident in Damascus who noticed that there was clearing across the river. It was discussed at the 6/15 Water Use/Resource Management meeting and Cilento and Henry drove by the site and took some photos. Cilento noted in the photos there's a section of ridgeline that's kind of empty. Cilento referenced the second photo of 315 Humphrey Road with excavators. The Code Enforcement Officer (CEO) said nothing was going on at first but when Cilento sent the pictures he said they were putting in a garden. After Henry and Cilento saw the clearing, she thought that was a lot of land to be clearing for a garden and fairly steep so she sent out another email conveying the intensity of what was happening did not line up with what was claimed to be happening. Cilento spoke with the CEO, Jim Crowley again today and said they are done clearing there and intend to have a yard and some landscaping. He doesn't believe the slope is more than 15% and he would be happy to do a site visit with Cilento when he's back in the office. Crowley went over there and measured where it was cleared and it was just under one acre so no permit is needed from the Town. Sullivan said it being under one acre is a critical part but she was concerned about the steepness of the slope and feels that that should have been where the permitting came in. Henry said sometimes in operations like this you will have a forester that comes in and marks a steep slope. It still has undergrowth and stabilization but they take all the trees out. He said you will see a lot more of that because ash trees are dying. He said in the second picture the logs look like ash trees. Henry said when he got to the top of Humphrey Road the road was shaking with an excavator over the bank with huge piles of red shale. Henry said that seems a little excessive for a garden. Henry recommends that Cilento go with CEO Crowley to the site. Cilento invited Hendrix to attend the site visit. Hendrix said he knows a Law Enforcement ranger went to the site and are waiting to hear back. Hendrix said he looked at an email from Don Hamilton from NPS and he believes it's out of the 600 ft. range of the eagle's nest. Robinson said if he remembers correctly if it's a clear-cut over one acre that changes the Environmental Impact Statement (EIS) requirement. He said you have to determine how many sq. ft. has been cleared. Cilento said the Crowley sent her the number of sq. ft. that he measured.

Land Use Complaint 2021-008: Painted Horse Path Clearing, Barryville: Cilento said she will close this Land Use Complaint out because it has been resolved. A resident on River Road in Barryville called UDC to ask about a bald spot on the ridge. Cilento took a drive to view the site off of Painted Horse Path. Cilento spoke with Town of Highland CEO Jim Hanson and confirmed the property is 4 Appaloosa Way, off of Painted Horse Path and they are clearing less than an acre for residential dwelling construction. Hanson forwarded an exact map of the property and measured the cleared land mass and it's 3,900 sq. ft which equals just under an acre. Cilento said what's interesting is that the boundary of the corridor cuts through the actual clear-cut area and the boundary cuts the parcel in half.

Other: None.

Public Comment: None.

Adjournment: A motion by Peckham, seconded by Greier, to adjourn the meeting at 7:47 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 7/7/2021