

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**June 27, 2023**

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

Committee Members Absent: None

Staff: Laurie Ramie, Kerry Engelhardt

NPS Partners: Lindsey Kurnath, Don Hamilton (Zoom), Alex Garcia-Maldonado (Zoom)

Guests: Joseph Krist, Liam Mayo-River Reporter, Derek Kirk-Sullivan County Democrat (Zoom)

The UDC's Project Review Committee held its monthly meeting on Tuesday, June 27, 2023 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m. There was no public comment on the agenda.

**Approval of May 23, 2023 and June 13, 2023 Special Meeting Minutes:** A motion by Greier seconded by B. Dudko to approve the 5/23 and 6/13 meeting minutes carried.

**Resources and Land Use Specialist Update:**

**New York State Projects**

**There was one Notice of Application Received posted by the DRBC in the Upper Delaware watershed in New York in June, however it is not located within the river corridor:**

Town of Rockland, D-1963-004 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 5.0 million gallons per month (mgm) from Wells 1 and 2 for public water supply in the Roscoe-Rockland Water District and up to 12.0 mgm of groundwater from Wells 1 and 2 for public water supply in the Livingston Manor Water District. The requested allocations are reductions in the previously approved allocations of 8.928 mgm and 21.39 mgm for the Roscoe-Rockland Water District and the Livingston Manor Water District, respectively. The existing wells are screened in the glacial outwash deposits that overly the Upper Walton Formation in the Beaver Kill and Little Beaver Kill Watersheds, within the drainage area of the Upper Delaware, which the Commission has classified as Special Protection Waters, in in the Town of Rockland, Sullivan County, New York.

**Town of Highland:**

**Highland Access**

As of Monday June 26, paving has begun at Highland Access. They were paving under clear skies when Engelhardt drove by a little before noon, and work had paused after an intense downpour as she returned about 45 minutes later. She's not sure whether they'll have to re-do that work, but hopefully the paving will be complete this week. B. Dudko confirmed that he had observed the paving was finished when he drove past earlier today. Engelhardt said she will check with Heather Jacksy from Sullivan County Planning on the next steps for the improvement project.

**Town of Tusten:**

**UDC2020-01 Bar Veloce**

Engelhardt attended the public hearing (via Zoom) of the Town of Tusten Zoning Board of Appeals on Monday, June 12 regarding an Appeal of a Building Permit issued for 174 Bridge Street, Narrowsburg. There was a very large turnout, and most who spoke were in favor of Bar Veloce. The board ultimately voted to approve a resolution that stated that the appeal by the Weidens was "denied and dismissed," as they do not have standing to appeal the building permit for Bar Veloce. The representatives for Bar Veloce indicated that they were aware that the rooftop area was not approved by the Planning Board, and that they would come before that board seeking approval before it was opened to the public. She will be in touch with Tusten to make sure we're made aware of any such application, though it doesn't appear that it would be a reviewable project for the UDC at that point.

**Commonwealth of Pennsylvania Projects**

There was one **Notice of Application Received** posted by the DRBC in the Upper Delaware watershed in Pennsylvania in June, however it is not located within the river corridor:

**PA Fish and Boat Commission, D-1980-032 CP-5.** An application to renew the approval of an existing groundwater withdrawal of up to 21.39 mgm and an existing surface water withdrawal of up to 43.92 mgm from February 15 to June 15 to supply the Pleasant Mount Fish Cultural Station from existing Wells Nos. 1, 2, 3 and an intake on the West Branch Lackawaxen River. The project wells are completed in the Catskill Formation. The requested allocation is not an increase from the previous allocation. The project is located in the West Branch Lackawaxen River Watershed in Mount Pleasant Township, Wayne County, Pennsylvania, within the drainage area to section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters.

**Open Substantial Conformance Reviews**

Project ID	Project Name	Municipality	Action	Status
2022-03	Camp FIMFO	Town of Highland, NY	Class II – Special Use Permit	NPS has indicated that the project does not substantially conform. We await a formal letter on the subject.
2022-11	Lackawaxen Zoning Ordinance Amendment	Lackawaxen Township, PA	Zoning Ordinance Amendment	To be discussed tonight.
2023-03	Lackawaxen Ridgeline Zoning	Lackawaxen Township, PA	Zoning Ordinance Amendment	NPS responded 6/9/23 that they agree with our finding of Substantial Conformance. <b>Closed.</b>
2023-04	Narrowsburg Veterinary	Town of Tusten, NY	Class II – Special Use Permit	To be discussed tonight.
2023-06	Advanced Recycling (Zaccari/Dirlam)	Shohola Township, PA	Class II – Conditional Use Permit	To be reviewed tonight.
2023-07	Eve Fisher	Town of Highland, NY	Class II – Site Plan Review	To be reviewed tonight.

Regarding the Camp FIMFO project, Engelhardt reported that the meeting of the four parties that NPS had asked the UDC to organize in a May 25 letter is now “off the table” since two of the parties (the town and applicant) did not express interest in participating.

**FY 2023 Technical Assistance Grant**

The most recent update is that the Town of Tusten submitted their mid-term report, which was reviewed at the February meeting. The final deadline for the project is August 18, 2023.

The announcement for the FY 2024 round of applications was released June 6, 2023. Engelhardt said we have yet to receive any applications and she plans to reach out with a reminder about the August 18 deadline.

**Mapping Project**

Engelhardt did not have a chance to follow up with anyone as it was quite a busy month. She will be sure to do so before next month’s meeting.

**Old Business:**

**Town of Highland Special Use Permit: Camp FIMFO Project:** The meeting packets included four handouts on this subject: “Analysis of NPS Review of FIMFO Project” prepared by Aaron Robinson, June 27, 2023; a letter from Virginia Dudko, delegate, Town of Deepark and vice-chair, UDC, dated June 20, 2023; a letter to NPS Superintendent Lindsey Kurnath with a cc: to Upper Delaware Council and the Town of Highland Planning Commission from Maya van Rossum, the Delaware Riverkeeper, dated June 26, 2023; and a collection of recent

publicity including articles and editorial pieces from the River Reporter and Sullivan County Democrat. Engelhardt noted that the Riverkeeper letter was sent with a database of 415 individuals and organizations that signed on to it, which had been included in the electronic packet that all members received but was not hard copied in the paper handouts.

Richardson requested that Robinson make his presentation. Robinson said after the last meeting, he had more questions than answers and decided to do his own analysis of the NPS review of the FIMFO project, without bias or prejudice. His first question was, What is the definition of Recreational Vehicles (RVs) in New York State, are they considered a permanent structure and are they taxed as a permanent structure? He researched New York: Home Volume A (Title 10) Part 7, Subpart 7-3 Campgrounds, Section 7-3.1 – Definitions: (i) Recreational Vehicle – A vehicular camping unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicles include, but are not limited to, camping trailers, fifth wheel trailers, motor homes, park trailers, travel trailers, and truck campers. (m) Self-contained recreational vehicle – A recreational vehicle equipped with at a minimum a toilet, a holding tank for storage, a holding tank for drinking water and/or a connection through which the vehicle can be connected to the campground’s water supply. These vehicles may also have electrical connections, showers, or other appliances. He then looked at definitions for Manufactured and Mobile Homes (New York ¶20-260) and the Federal Emergency Management Agency definition of Recreational Vehicle ([www.fema.gov/glossary/recreational-vehicle](http://www.fema.gov/glossary/recreational-vehicle)). These sources reported that mobile and manufactured homes that are adaptable to motivation are taxable as real property unless they: 1) have been located within the boundaries of an assessing unit for less than 60 days; 2) are unoccupied and for sale; or 3) are recreational vehicles that are 400 square feet or less in size, self-propelled or towable by an automobile or light duty truck, are designed primarily to be used as temporarily living quarters for recreational, camping, travel or seasonal use. Manufactured homes attached to a foundation are taxable as real property since they are not adaptable to motivation. The FEMA definition finds that RVs are: a) built on a single chassis; b) 400 square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by light duty truck; or d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Robinson looked up what the New York Tax Bulletin says in ST-590 (TB-ST-590): Generally, the sale of tangible personal property in New York State is subject to sales tax at the rate in effect where the property is delivered to the purchaser, However, a special rule applies to sales (including leases) of motor vehicles, vessels, and trailers, which provides that the sales tax is imposed based on the tax rate in effect where the purchaser resides. The term motor vehicle includes cars, trucks, vans and motorcycles. A trailer is any vehicle not propelled by its own power that is drawn on the public highways by a motor vehicle. Manufactured homes attached to a foundation are taxable as real property since they are not adaptable to motivation. The value of the mobile or manufactured home is included in the assessment of the land upon which it is located. The property tax is an ad valorem tax, meaning that it is based on the value of real property. Real property (commonly known as “real estate”) is land and any permanent structures on it. There is no personal property tax in New York. Rather than taxing items such as jewelry and vehicles, only real property is taxed.

The conclusion he drew from this research is that “RVs as defined by New York’s governmental agencies are considered tangible personal property. They are not considered permanent structures and are not included in the assessment of real estate for the purposes of real property taxation.” Robinson said that by all approaches including taxation and building code, New York does not define an RV under 400 square feet or less as a permanent structure. They must be mobile-ready and don’t even have to be registered.

The second question that keeps popping up, almost in an emotional way he said, is: Should the recreational facilities in the corridor adapt their accommodations to the changing demographics? Will the local economy benefit from upgraded facilities? This gets to whether this recreational facility should be built and permitted, as well as how the Land and Water Use Guidelines and the River Management Plan (RMP) deal with the private sector. He’s been around a long time and has personally seen a lot of changes in the area. When he grew up, you barely saw a boat on the river. By his high school years, there were some boats but not on the scale that we see today. We saw canoes first, then rafts started which was a radical change since they could accommodate a larger number of people per vessel. He brings this up because the market demands what the liveries offer. He feels this coincides with the RMP objectives and Principle G of the LWUG (page 125): Maintain the private sector as the major provider of needed recreational facilities; Objective 1: Encourage and assist the private sector as the major provider of recreation

facilities and services; Objective 2: Use outdoor recreation to strengthen the local economy; Objective 3: Encourage local towns, townships and counties to provide close-to-home recreational facilities as needed. It also pertains to the Water Use Program which discusses how recreation provides a major source of jobs and tax revenue to the Upper Delaware area. In turn, this income is passed on to create many more jobs. The National Park Service's current role in providing recreation areas and facilities on and along the Upper Delaware is minimal. This goal is intended to underscore the importance of relying on the private sector, such as private landowners and the existing commercial liveries, to provide needed recreation activities and facilities and to avoid federal acquisition of land for recreation. Objective 2 states, "Use outdoor recreation to strengthen the local economy. Efforts should be made by the private sector to diversify the types of recreation providing employment, within the framework of the management plan. Activities during the off-season should be encouraged to provide year-round employment. A greater variety of leisure uses should be stressed, including more activities that will attract families and mature individuals. Week-long vacations to the Upper Delaware might be encouraged." (pg.102) Robinson noted that, in 2021, 269,810 visitors came to the Upper Delaware Scenic and Recreational River corridor for recreation. \$13.3 million was expended that supported 128 jobs with a \$6.9 million payroll. Recreation is a major source of economic activity in the corridor. Those are National Park Service statistics.

Robinson said he then looked at the demographics. Baby boomers born between 1946 and 1964 control 70% of all disposable income in the United States. 70% of boomers plan on taking an overnight vacation in the next 12 months. Baby boomers are the original backpackers, and their generation embodies the spirit of traditional camping. As a result, they have influenced their families of subsequent generations to camp with them. "Gramping and Glamping" is a new trend in which grandparents – baby boomers – go camping with their children and grandchildren and when people want to have an outdoor experience without sacrificing any creature comforts. He's not a "salesman" for Camp FIMFO but was trying to look at this from Council members' perspective. These trends are proliferating. Based on current wealth demographics and recreational trends, if we limit the type of camping here to tent type camping, could this significantly limit local economic growth and benefits associated with upgraded facilities? Are we compromising economic prosperity?

His next question is, Are the environmental impacts of the proposed facilities greater than the current operations? The UDC can only focus on items in our purview, not the town's. Specifically, do the proposed wastewater and water supply systems have a greater impact than the current systems, and does the proposed project deteriorate the visual landscape from what current exists as seen from public property? He is leaving these as questions.

One topic totally omitted from this discussion is how this all impacts upon private property rights. He hasn't seen that in any of these exchanges. It's broader than Camp FIMFO; it could affect adjoining property owners and similar businesses.

The last thing that troubled him relates to onsite sewage and water. It concerns the terminology used in the LWUG Principle C, Objective 2 (a) Campgrounds and Recreational Vehicle Parks – "Independent onsite sewage disposal or water supply systems should not be permitted for individual recreational vehicle campsites." (pg.122) Robinson said these Guidelines were written in 1981 so this may not be relevant today. However, he noted that the term "should" implies a suggestion or advice and not "shall", which implies a strong intention or assertion about an action that will occur in the future. The term "should" does not infer an absolute requirement. "Should" opens the door to a lot more flexibility. Therefore, it is problematic to declare that an element of a project is not substantially conforming when the term "should" is incorporated in the language of the associated principle or objective. If that is used as a rationale to disallow a project, that is troubling.

Robinson said that the UDC and NPS arrived at different conclusions after reviewing this project. Based on his analysis, he feels that the UDC's outcome was defensible, and the process was correct.

Richardson thanked Robinson and asked whether everybody had read G. Dudko's letter? Dudko said there's no need to read it out loud since everybody received it in the packets. She was responding to hearing how the audience appeared ready to give up our private property rights and let an agency decide. If that is done for one private property owner - which this campground is - who or what would be next? We need to be very cautious. This is the first time we came up against something with the NPS without being able to work through it. She included a lot of history in her letter from growing up in the area where Kittatinny is located, and she has seen a different type of population come here with new development occurring and expectations of services. One part of the RMP was

written to protect the environment but, just as important, it was written to protect the rights of private property owners. The people who are against this project are clamoring for the NPS to be the “heavy” to shut down this project but is this not a partnership? The local town and its planning board is the entity that should be making decisions in this matter to retain local control based on what people want for their future.

Henry offered these thoughts as his opinion. 1. The NPS UPDE has three main functions according to the RMP and the Regional Director at the time of plan implantation: a) Regulate the recreational use of the river; b) minor landowners (We the People own the land!); and c) assist the towns and townships. 2. Assist the town (Highland) does not mean they can take independent/unilateral actions. 3. Question: Can the federal government REGULATE or ZONE private lands under the Wild and Scenic Rivers Act? The Wild and Scenic Rivers Act Questions and Answers, furnished by the primary federal agencies managing WSRA rivers, states: NO, under the Wild and Scenic Rivers Act, the federal government HAS NO AUTHORITY to REGULATE OR ZONE private lands. Land use controls on private land ARE SOLELY A MATTER OF STATE OR LOCAL ZONING. Although the Act includes provisions encouraging the protection of river values through state and local governmental land use planning, THERE ARE NO BINDING PROVISIONS ON LOCAL GOVERNMENTS. In the absence of state or local river protection provisions, the federal government may seek to protect values by technical assistance, entering into agreements with landowners and/or through purchase of easements, exchanges or acquisition of private lands. (This is not the case in Highland.) 4. The NPS/UPDE has committed EXECUTIVE BRANCH OVERREACH in regards to FIMFO. They have no authority or jurisdiction over private property. That is the role of the Town, County, and State. 5. Unless the Town of Highland has an ordinance or zoning restricting the use of parked RVs, the NPS is on a very slippery slope. This is also disparate treatment: if parked RVs are a concern at FIMFO, they should be a concern corridor wide. What is the hidden agenda of the NPS UPDE? Is the real concern debris in the river from highwater? 6. The NPS review of the FIMFO application has exceeded any/all of the LWUG and has taken actions with the applicant and Town that has set an unprecedented and dangerous action. 7. UDC needs to review the NPS UPDE solicitor comments regarding this matter. If they cannot be given to the UDC, we need to be very concerned. Why is this not transparent? Why secret meetings? We should all be guided by The Sunshine Act. Henry concluded that it’s definitely unusual to have this kind of disparity between the NPS and UDC. Roeder clarified with Kurnath that the type of recreation vehicles we are talking about are park model RVs, not travel trailers.

Peckham said that the New York State Department of Health has a definition of recreational vehicles. He doesn’t see much of a difference with how the RMP regards them and feels like state law would have precedence.

Boyar said he is dissenting. Regarding the concern mentioned over private property rights by Robinson and Dudko, there are hundreds of adjoining who want their property rights protected too. They suggest that the size of this project would significantly impact the character of the community. He reflects their unhappiness. Yes, the RV park units can be mobile. They can also become permanent structures. These are small homes with electricity, sewage, bedrooms, and kitchens. In his opinion, it’s a major subdivision. Everybody is torturing these definitions. Property owners turned out by the hundreds, but they haven’t been heard and he is speaking for them. Peckham said NPS better start going up and down the river now because there are a lot of trailers that haven’t moved in a long time.

With all due respect to Boyar, Robinson said he tried to correlate between these RVs and a permanent structure. It’s about their size and being mobile-ready. They’re personal property then. Over 400 square feet, it’s different. It’s the applicant’s and the town’s burden to look into this. He would like to know, how did NPS arrive at this conclusion? Kurnath said it wasn’t by looking at New York State law. Just because it can move doesn’t mean it will move. Robinson continued asking, what are the laws behind it? Where’s the source of the NPS information? Kurnath said the NPS determination was reviewed by their solicitor. Greier said the final description should be written into the town’s zoning law. In Fremont, they had a problem of not being able to tax RVs on wheels even though they use services. Once they jack it up, put it on a foundation, and put in sewer and water, it’s a different story. Then it’s a dwelling. It depends on how the town laws perceive this. Robinson said if it’s still on a chassis and has a hitch, it’s considered a motor vehicle. If you can’t move it, it becomes a permanent structure. Richardson said, ultimately, if the people of Highland don’t want this kind of development, they need to go the town board and ask to change their zoning or comprehensive plan. He doesn’t look at this as to whether he likes this development or not. Objectively, it’s a question of whether this is buildable under the LWUG. If so, we must approve it. Robinson said he bets 90% of the facilities along the corridor wouldn’t exist if we went through this same process. There are a lot of RVs “stuffed in the woods of this river corridor.” Kurnath said she did ask the general manager at Kittatinny Canoes whether these park model RVs will be moved and he said no, although that’s not in writing. The point is, the

question was asked. Henry said that when past superintendents contacted solicitors, they never shared that data with the UDC. That should not be privileged information. The public should know exactly what's going on. That might answer a lot of concerns. Keep in mind though that these solicitors don't always have the local knowledge base that exists in this Council.

Richardson said we need to end this discussion. The NPS has made a determination. Let the chips fall where they may and we will see what happens. This is a first for NPS to not agree with the UDC but it doesn't sound like the UDC is ready to vote this down. Ramie said we have heard a description of what the NPS decision will be, but nobody has seen it yet. What happens next? Kurnath said, based on feedback from the town and the applicant, they want to see a written report. It's been sent "up the chain" for approval which can take a little while. She will transmit that determination to the UDC with the NPS analyses when she receives it. She wants it to be clear that the NPS makes its determination but the town can take its own action. She doesn't want any misunderstanding that the NPS has authority to shut down this project. This determination is not a stamp of approval for or against the project. Richardson said everyone who reads the RMP knows what option NPS would have if the town approves it. Henry asked Kurnath, would you consider this a clear and direct threat? That's the standard that eminent domain requires. Kurnath replied, "That's not where we are right now."

**2022-11: New Substantial Conformance Review: Lackawaxen Township Proposed Zoning Ordinance**

**Amendment re: Boat, Golf Cart, and RV Storage:** Engelhardt said the UDC is revisiting this substantial conformance review. The Project Review Committee had questions, so she went to the Planning Commission meeting to get answers. At the 1/24/23 meeting, the committee voted to make a recommendation to the full Council that the proposed zoning amendment substantially conformed with the LWUG, allowing the new use as a conditional use in all segments of the river corridor, and the Council concurred at their 2/2 meeting. NPS Superintendent Kurnath issued a letter dated 3/16 indicating that the NPS lacked enough information to make a determination. Engelhardt organized a 4/18 meeting with the UDC, NPS and township. They all came to an agreement that, rather than a recreational use, the proposed use was simply a commercial use and that the most appropriate definition was Minor Commercial Development which is listed as an appropriate conditional use in Recreational segments and a compatible use in Hamlets. Commercial uses are incompatible in Scenic segments. Kurnath issued a letter to that effect on 5/4. On 6/13, the UDC received a revised zoning ordinance amendment from Lackawaxen Township that was changed as they had discussed. The portion of the amendment now reads: "Boat, golf cart and RV Storage/Winterization Businesses shall be considered Conditional Uses in the RU, RV, and ND Districts. BGRV Storage/Winterization Businesses shall be prohibited in the R-1 District *and the Scenic segment of the DRC Overlay District as determined in the River Management Plan.*" [Emphasis indicates new language.] A motion by Roeder seconded by B. Dudko for the Project Review Committee to recommend to the full Council that this latest revision of the proposed zoning ordinance amendment for Substantial Conformance Review 2022-11: BGRV Storage, Lackawaxen Township, substantially conforms to the RMP carried. This recommendation will appear on the 7/6 UDC meeting agenda.

**2023-05: Substantial Conformance Review Addendum for Narrowsburg Veterinary, Town of Tusten:**

Engelhardt prepared an addendum to her Substantial Conformance Review for this Special Use Permit. She had found that the proposed use as a veterinary office was compatible but had some concerns about construction activity since it was not clear whether additional impervious coverage could be added to the site and the existing amount of impervious coverage appears to be more than the RMP allows. She made several site visits to the property since the 5/23 report and spoke with the landscaper as well as Town of Tusten Code Enforcement Officer Jim Crowley. He indicated that the shrubs that were removed at the driveway perimeter were Japanese barberry, which is an invasive species and an ideal home for ticks. He also said that any work done outside the building is beyond his purview in that it does not require a permit or submitted plans. Engelhardt observed in a site visit today that the retaining wall is mostly installed. She asked the contractor about the area alongside the perimeter of the driveway, which he said will be seeded. When she compares the area currently under construction with an aerial photo showing the extent of the pre-existing parking lot, it appears to have the same footprint. She displayed photos in her addendum report. She is now satisfied that no additional impervious coverage is proposed and advises that the Project Review Committee make a recommendation of substantial conformance. A motion by Roeder seconded by Robinson to recommend that Substantial Conformance Review 2023-05: Narrowsburg Veterinary, Town of Tusten, substantially conforms to the RMP carried. This recommendation will appear on the 7/6 UDC meeting agenda.

**2022 Annual Code Enforcement Report:** Engelhardt received a few more submissions of 2022 river corridor activities from the UDC's 13 town and township members since last month. Reports are still pending from the Towns of Hancock, Cochecton, Tusten, Highland and Deerpark; and Berlin and Lackawaxen Townships.

**UDC-NPS Telecommunications Position Paper Next Steps:** Ramie said that the subcommittee took a pause for staff from NPS and UDC to meet and discuss procedures for advancing a telecommunications position paper. Asked whether the new Community and Land Use Planner is on board, Kurnath said the individual she announced at the 6/1 UDC meeting had declined the position so they must readvertise. Richardson said it would make sense to have that person be part of this process. Kurnath added that they are seeking help and it's true that the Camp FIMFO project has been taking up a lot of their time, but she doesn't want that to hold up the process. Ramie said that the UDC has also been short-staffed since 5/31 without time to devote to this research. UDC-NPS Telecommunications Subcommittee Chairperson Robinson suggested pausing another month during this exceptionally busy time.

**Other:** None.

**New Business:**

**2023-06: Substantial Conformance Review for Advanced Recycling, Shohola Township:** Engelhardt reported that the property in question is located at 108 Stone Dock Road in Shohola in a General Commercial (GC) zoning district. The property contains eight separate buildings that were formerly used as a lumberyard. Roger Dirlam is the site owner; the company owner/applicant is Paul Zaccari. He proposes to use the existing buildings as an "E-Waste" recycling facility. They will collect items of electronic waste (e.g. computers, telephones, printers, screens, TVs) from events like municipal e-waste days as well as from individual drop-offs by appointment only. Then they package and ship the items to a certified recycler. There will be no long-term storage or disassembly of this product onsite. The owner and one additional employee will be on site. Traffic will consist of box trucks inbound(to drop off material and a tractor trailer outbound. The applicant estimates that there will be a maximum of 25 trips in an average week, and that the outbound tractor trailer will be about 2 trips per month. Traffic will be significantly less than it was during the site's operation as a lumber yard. Engelhardt attended two Shohola Planning Commission meetings on 1/19 and 5/18. The commission voted to recommend the application to the Shohola Board of Supervisors for approval with four conditions: 1. Business classified as a collection, storage and transfer facility of E-Waste as defined by the Environmental Protection Agency; 2. No outdoor storage of E-Waste; 3. No storage of vehicles or other materials; and 4. Hours of operation from 8 a.m. to 5 p.m. Engelhardt said that the proposed use requires a conditional use permit from the township. Additionally, the proposed use is not listed as a Compatible Use in a Hamlet; rather, it is an Appropriate Conditional Use. For both reasons, it is reviewable by the UDC as a Class II project. Kurnath asked whether it is located in the Hamlet, to which Engelhardt replied yes, next to Rohman's Pub. The buildings are about 200 feet from the edge of the river. The most applicable definition she found in the LWUG is Light Industrial Use. No new development is proposed on the property since existing buildings would be used. No new impervious coverage or signage is proposed. If the applicant wishes to accept tenants in the future, they will need to come before the Planning Commission for approval. Engelhardt said she does not object to the use being located in the river corridor and finds it an appropriate conditional use in this area, consistent with the prior use. A motion by B. Dudko seconded by Henry for the Project Review Committee to recommend that Substantial Conformance Review 2023-06: Advanced Recycling, Shohola Township, substantially conforms to the RMP carried. This recommendation will appear on the 7/6 UDC meeting agenda.

**2023-07: Substantial Conformance Review for Eve Fisher & Andrew McGrath, Town of Highland:**

Engelhardt reported that the property in question is located at 3432 State Route 97 in the hamlet of Barryville within the Hamlet Commercial (HC) zoning district. The parcel contains an existing two-story storage building to the rear, and an existing cottage closer to the front of the property. There is an existing gravel driveway and parking area. The applicants, Eve Fisher and Andrew McGrath, propose to convert the existing cottage to a retail wine shop. The rear building will continue to be used for storage and will not be open to the public. The parking area will be expanded to provide seven spaces, including one handicapped-accessible space. Within the context of the Highland Zoning Code, the proposed use is a Retail store, which is permitted in the HC district. In the LWUG, it is categorized as Retail Establishment, which is a Compatible Use in a Hamlet. The application was required to undergo a site plan review from the Highland Planning Board. For this reason, it is considered a Class II project and is therefore reviewable by the UDC and NPS. Engelhardt said the applicants provided survey and engineering plans among other documentation, which was very helpful to her project review. There is no new construction proposed other than the driveway expansion with a slight increase in impervious coverage but it still appears to be less than

12,000 square feet. Any signage proposed will need to adhere to the town zoning code. A motion by Robinson seconded by Dexter to recommend that Substantial Conformance Review 2023-07: Eve Fisher & Andrew McGrath, Town of Highland, substantially conforms to the RMP carried. This recommendation will appear on the 7/6 UDC meeting agenda. Engelhardt said this application is just for a small business and they have been going through the town review process for a few months while hoping to open this season. She asked the committee whether she could inform the Town of Highland Planning Board about the Project Review Committee's positive recommendation and that they are not obliged to wait for the formal decision by the UDC and a final determination by NPS to act? That board meets tomorrow, 6/28. Robinson said he sees no problem with that, and the rest of the members concurred.

**Project Review Workbook Checklists Discussion:** Engelhardt said that the UDC and NPS had developed the Project Review Workbook Version 2.0 in June 2020 to make this information pulled from the RMP and LWUG easier to digest. It includes the checklists intended for those submitting projects and for the reviewers to use. Towns and townships with projects in the river corridor are supposed to fill out a cover form with basic information about the proposal and a form to determine whether it is a Class I or Class II project, or not reviewable. If a project is Class I and the town or township is in substantial conformance, the UDC doesn't have to review it. (The Town of Hancock and Berlin Township do not substantially conform to the RMP because they do not have traditional zoning.) When this updated workbook was released, former Resources and Land Use Specialist Shannon Cilento visited each board to bring them copies, and the UDC and NPS held training sessions to introduce it. However, nobody on the submission side has apparently ever used these forms. Engelhardt has been routinely filling them out. In an effort to get back to the intended process, which NPS had requested, and because it would also be helpful when she doesn't have the requested information available, Engelhardt sent these two forms to the board secretaries in Shohola and Highland for the two most recent applications. They are fillable PDFs to make it easier to complete them. She got no response from Shohola and protests from Highland, where various officials referred to them as an "application" that wasn't their role to fill out, though they are not applications. Engelhardt would like some direction from the committee on this since she is getting so much pushback. Robinson said he can see where towns and townships don't have the human resources to do this. They're all volunteers and generally meet once a month. He's not sure the secretaries would have the knowledge to fill them out. Richardson said he could see planning board chairpersons resisting this but when it was introduced, we did say these forms were part of it. Maybe a letter needs to go out. Kurnath said the original workbook was created in 1988 and the 2020 version is not any new information. Richardson agreed that the new document consolidated it into this new format. There were many meetings over a long period of time to streamline this process for people. Kurnath said it definitely would be helpful for submitters to use these forms so that the UDC can more quickly determine what this project is and why it's being submitted. Richardson said it takes more of Engelhardt's time otherwise, when she doesn't have this information in front of her. The benefits of doing this could be explained in a letter. Henry said with such turnover in the towns and townships, she may find it takes more time helping them to fill it out than just doing it. Robinson said the Advanced Recycling application was the first project that the Shohola Planning Commission has seen in about five years, so they don't necessarily have the continuity in how to handle these. They've had two Code Enforcement Officers come and go during that time. Engelhardt assured everyone that the forms really are not that complicated. She will write the letter as suggested.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A Motion by Henry, seconded by B. Dudko to adjourn the meeting at 8:02 p.m. carried.