

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
July 25, 2023

Committee Members Present: Larry Richardson, Harold Roeder, Dennis Bernitt, Al Henry, Aaron Robinson, Fred Peckham (Zoom), Ginny Dudko

Committee Members Absent: Andy Boyar, Jeff Dexter

Staff: Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll

NPS Partners: Lindsey Kurnath (Zoom), Don Hamilton (Zoom), Ingrid Peterec (Zoom)

Guests: Frieda Eisenberg (Zoom), Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, July 25, 2023 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:31 p.m. There was no public comment on the agenda.

Approval of June 27, 2023 Special Meeting Minutes: A motion by Roeder seconded by Robinson to approve the 6/27 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

Engelhardt said DRBC had not posted the notices of application from July yet.

Town of Tusten:

Narrowsburg Flats Ballfield:

Engelhardt noticed an article in the River Reporter on the Tusten Youth Committee beginning an initiative to revitalize the Narrowsburg Flats Ballfield. That project will not require a formal project review. A copy of the article was included in the handouts.

Commonwealth of Pennsylvania Projects

Lackawaxen Township:

Lackawaxen Inn:

Engelhardt received an inquiry via our website on the Lackawaxen Inn. The owner is considering updating the Inn by increasing the height to 3 or 4 stories, and turning the current deck into a restaurant/bar area. The maximum height allowed in the River Management Plan is 35 feet, Engelhardt said that would definitely be something we'd be reviewing, and she wouldn't know about the deck area without looking at it. She plans to respond to the owner, give him some idea of what the process is, and direct him to the Project Review Workbook and Design Handbook.

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 issued a letter dated July 17, 2023 indicating that the project does not substantially conform to the RMP. A supporting report was also issued.
2022-11	Lackawaxen Zoning Ordinance Amendment	Lackawaxen Township, PA	Zoning Ordinance Amendment	Substantial Conformance recommended to the NPS 7/7/23.
2023-04	Narrowsburg Veterinary	Town of Tusten, NY	Class II – Special Use Permit	Substantial Conformance recommended to the NPS 7/7/23.
2023-06	Advanced Recycling (Zaccari/Dirlam)	Shohola Township, PA	Class II – Conditional Use Permit	Substantial Conformance recommended to the NPS 7/7/23.
2023-07	Eve Fisher	Town of Highland, NY	Class II – Site Plan Review	Substantial Conformance recommended to the NPS 7/7/23.

Engelhardt said in terms of open substantial conformance reviews, there were no new applications since the last meeting. As the council may recall, we had 4 different projects for which substantial conformance was recommended, and those letters were sent to the NPS on July 7.

Camp Fimfo

The letter from the NPS stating that this project does not substantially conform, this will be discussed later on in the agenda. They also included a report to back up the letter. Engelhardt said it was on the agenda on last month's planning board meeting, but there wasn't really much to talk about. The applicant was at the meeting, frustrated with the process, but there was nothing new from that meeting.

Lackawaxen Zoning Ordinance Amendment

Engelhard said this is about the Boat, RV, Golf Cart Storage amendment. She received an email from John McKay of Lackawaxen, asking why the original recommendation was substantial conformance and then we went back on that to require that it not be allowed in the scenic segment. Engelhardt will send him an email explaining how that came about based on discussions with Kurnath and the NPS.

Eve Fisher & Andrew McGrath

Engelhardt said this is the wine shop in Barryville. As the committee may recall she asked if it would be okay with the committee to send an email to the Town of Highland Planning Board, letting them know the UDC recommended substantial conformance and even though that isn't in the final determination, which is from NPS, that the River Management Plan doesn't restrict them from making their own decision, it in fact says that they should be making their decision concurrently. Norm Sutherland, the chairman, did read Engelhardt's email into the record of the meeting, but said because they did take the position in regards to FIMFO that they have to wait for the NPS, Sutherland didn't want to seem like they were treating applicants differently so they declined to vote on it. It became a moot point. They had some comments from a zoning consultant they had. There was a discussion because the comments were only received by the applicant's engineer that day of the meeting, so there was some frustration since he hadn't had time to go over it. That public hearing was left open and will be revisited at the next meeting. Engelhardt reminded everyone of the Town of Highland Planning Board meeting on July 26th, and that both the Eve Fisher & Andrew McGrath application and Camp FIMFO are on the agenda. B. Dudko said that there is a sign out that says 'wine shop' regarding that location. Engelhardt agreed that she had thought she saw that as well.

Technical Assistance Grants

Engelhardt said the final deadline for the Fiscal Year 2023 project is August 18th. She said she will send a reminder to Tusten, and by next month she hopes to have to have completion documentation from them. The announcement for the Fiscal Year 2024 round went out on June 6th. She has yet to receive any applications but we did receive an inquiry for documents from Steve Adams of Damascus Township. Engelhardt said that Roeder had asked for information back in March and if he knew if the Town of Delaware be pursuing it. Roeder responded that he hadn't heard anything, but he could find out.

Mapping Project

Engelhardt said she spoke with Jess Yoder of Pike County Planning at the Homeowners' Resources Fair that they attended. She is going to get on the Lackawaxen, Shohola and Westfall maps, and is in touch with Orange County and Wayne County GIS departments as well.

GIS on UDC Website

It appears that is no longer behind a login. She asked Kurnath if that was true. Kurnath said she didn't know, she hadn't done anything other than what she had done about 4 months ago. Kurnath said she will check, but considered that good news since that's what we had wanted. Engelhardt agreed.

Roeder said that he wanted to remark that he did have in his report to the town about 3 months ago to suggest that they apply for a TAG and if they needed help to call the UDC. G. Dudko asked which towns were up for the map and Engelhardt said Deepark is pending. Engelhardt said she had to get back in touch with Orange County.

New Business:

NPS 7/17 Camp FIMFO Special Use Permit Substantial Conformance Determination:

Richardson asked if there was anything further that needed to be discussed on this topic tonight. Ramie said that that is on the agenda because it did happen since the last meeting and she didn't know if the word had gotten out that the determination had been released. Ramie said that she knows it will at tomorrow's Town of Highland Planning Board meeting, but as Kurnath said "It is what it is." There is a 29 page analysis and Driscoll had made some paper copies if anyone was interested in a print copy as opposed to the electronic copy that was sent. Ramie said it was up the committee if they had any questions or comments on the topic. Peckham said he had a question. His said he had previously asked this question and no one had answered him, and he has mentioned it before that as well. Peckham stated that NPS maintains that the RVs will be permanent, what are they going to do about all of the other "RVs" along the river that are permanent? Peckham said that accordingly the NPS should also find all these non-conformant if that was their point. Kurnath responded that it was one of the points; that it was one of the 3 major problems. Peckham said it was the number 1 point, but that no one has answered his question. Kurnath said no, not right now. This is the first proposal, as far as NPS records show, that came in front of the UDC and the NPS to make a decision. She said they have done the analysis and this is the finding. Peckham said that a lot of the trailers were just put there, they didn't go through town approval or anything. Peckham said he finds it frustrating because it is killing the economy in the valley. Kurnath said to finish the answer, NPS is starting with the proposal that is before them, which is Camp FIMFO. Kurnath said she doesn't believe they are contradicting a previous decision where NPS said that the park model RVs which would be put in place and never moved were not permanent. If the NPS needs to go back and find if there were applications that should have come forward for a substantial conformance review, they will do that next. Right now they are focused on Camp FIMFO and the decision that is before us, and then they can dig in to the other issues. She said the only other ones that she knows of are at Indian Head. Kurnath said that she and Engelhardt will work with Sullivan County to figure out if an application should have come to the UDC for that. Kurnath said they do have more work to do, but right now the biggest challenge is going to be whatever Highland decides they want to do at the meeting, what will they do to resolve the conflicts with Northgate's proposal. Peckham said the problem with that is, they are RVs and you don't really need approval to park an RV. Kurnath said if you put a permanent structure on a campground, you need approval. Peckham said according to the NPS, some of these would be termed "permanent", although they are not and their initial intent is not to be permanent since they are on wheels. Kurnath said the NPS considers them permanent because they do not move. Peckham said there are a lot of trailers and RVs along the river that the NPS will have to look into, not the town, the NPS. Kurnath said she is interested in figuring it out. Richardson said that Peckham needs to give Kurnath a chance to respond. Peckham said that she has responded all he needed to hear. Al Henry recommended that we move to run this by our attorney and Mr. Shepstone, someone who was very involved with the RMP. The main reason he'd like this done is because the NPS letter encouraged Camp FIMFO to submit another application. Henry said that he feels it is pretty substantial as far as conforming. It was only missing 3 out of the 22, according to NPS. Henry would like to see a motion to review it, and to figure out if NPS had made an error or if the UDC had made an error. Robinson seconded it for discussion. Richardson said he accepts Henry's point, that it is possible it would come back for review. Richardson stated that he didn't know how many people on the council had changed their minds, that he had certainly not, but it wouldn't be a bad idea to have Tom Shepstone review it, but he doesn't believe we should spend money on a lawyer to review it. Henry said that Shepstone is not an attorney and he thinks someone with legal status should be involved. Richardson said the issue is interpretation. Henry said he agreed but the 29 page report by the NPS is interpreting, most every other line is interpreting and he believes it is not very firm. Henry believes that if that determination was reviewed by a solicitor, they didn't get their money's worth. Robinson said he is for Henry's proposal, but would like to wait until the Town of Highland makes their determination, and the UDC may learn something from their analysis. Henry withdrew his motion and it will be tabled until the next meeting.

Other : Kurnath to introduced Freda Eisenberg in her new role on the NPS “team”. Eisenberg is coming in as planning help for the NPS for the next 6 months or so. Eisenburg introduced herself and explained she is going to be working with the NPS assisting them with their project review which is consistent with what she did in Sullivan County with the 239s. She said there is a different set of regulations and set of standards. She’s happy to be on board and to get the opportunity to dig a little deeper into projects. Kurnath thanked Eisenberg and wanted the group to know she was listening in tonight and will probably be joining in for some of the other Project Review Committee member meetings, and helping in the background with some of the paperwork. Kurnath mentioned that she is still trying to hire for the community planner position. She recognizes that they don’t have a back log at the moment, but says they are not moving as quickly through the 4 other ones that are waiting to get moved through for the Regional Director’s signature. Kurnath said Eisenberg is going to be some much-needed support. Kurnath said it doesn’t really fall under New Business, but thanked everyone for giving her a minute to introduce Eisenberg and thank her.

Old Business:

2022 Annual Code Enforcement Report:

Engelhardt stated that she hadn’t heard from anyone since last month, and she plans to start putting the report together. It will be pretty thin right now. She’ll try to track down more information. Richardson said to send them a list of which towns and townships still outstanding.

UDC-NPS Telecommunications Position Paper Next Steps:

Ramie said she requests a summer hiatus on this. We have not had a chance to get together as a staff. Ramie said that was the next step, the staff was going to discuss the procedures for the position paper. Engelhardt, Kurnath and she could not coordinate their schedules; there was not a single day or time that would work before the next meeting on August 3rd. She said it just isn’t realistic right now and there is too much happening in the summertime. She had mentioned it to Robinson, and he replied that we don’t have any applications before us that involve telecommunications. Ramie said they are continuing to do their research individually, but they aren’t prepared to meet by August 3rd. G. Dudko said that they are still catching up, too, from the missing staff person. Richardson said the night before at the UDSB meeting the Chairman Richard Lowe III said he is working with a company to build a prototype very similar to the ones the counties wanted to try of a solar operated waste cans with wifi, so that people could get a connection. Richardson commented that it is still quite a ways down the road yet, but it is being worked on. Robinson added that Motorola just came out with a new device that costs \$165 the first year and \$55 after that per year. It allows a cellphone to connect to satellites and you can text endlessly, 911 and emergency texts. Robinson said that the product is unique in that you can use a current version of a cellphone; you don’t need a special satellite enabled phone. He said it is available, and the reviews are fantastic. G. Dudko commented that they almost put a cell tower on their land, back in the early 90s. Her brother had said that was the way technology was going to go. B. Dudko said bag phones did go off of satellite. Richardson asked what the range was, Robinson responded that they can go anywhere. The device looks like a key fob. For anyone who has the device, it will work with their cellphones. Robinson said it works globally. He said eventually this will be embedded in the phones but in the interim this device is available. B. Dudko asked if there was a charge for each text. Robinson said no, it is included in the \$55 for the subscription. Richardson wanted to bring up an incident in Callicoon recently, within the last week or so. A tree had blown down across the railroad track. A young lady who works in Callicoon had seen it, and she called 911. She was concerned a train would come through. 911 could not help the young lady, couldn’t tell her who to call, and they didn’t know who to call. Richardson said that the girl knew his wife and knew they were connected with the railroad somehow, so she emailed Richardson’s wife, Peggy, and asked who could she call. The Richardsons suggested they call Central New York Railroad, but no one could find a phone number for them. Ramie joked that they should have asked her, she keeps it in her rolodex. The Richardsons suggested they call Norfolk Southern and that they would probably have the right numbers, and they did that. Richardson said he was able

to find the phone number for Norfolk Southern online. He said that the girl called Norfolk Southern and they were concerned and helpful and that they would get in touch with New York Central immediately and someone would be out there to take care of it, and it was. Richardson commented that what struck him was that all the time they put into to putting that Emergency Manual together years ago, and then the last they heard that was that the railroad was updating the manual and that the UDC was not part of it. Richardson wants to know who is talking to 911? Why wouldn't 911 have the contact? B. Dudko told Richardson he had checked with their county coordinator and that 911 dropped the ball; that they have those phone numbers. B. Dudko also said that they were trying to find New York Central which doesn't exist anymore, so you look under New York, Susquehanna and Western or if you go to the crossing, there's a phone number right there. Richardson said he knew that, but he was flabbergasted that 911 couldn't handle that call. G. Dudko said that there was a big discussion on this at the WU/RM committee meeting as well. Ramie said one question that came up at WU/RM was that sometimes it doesn't necessarily matter where you're calling from, that it's not that county's call center that takes the call. She asked Henry if that was correct. B. Dudko said that the phone numbers are available to all of the surrounding counties. Henry said that his concern was follow-up with whatever 911 center that got the call. He believes whatever 911 dispatcher that got the call should be retrained. Henry said Ramie recommended reaching out to the Sullivan County Commissioner of Public Safety. B. Dudko said that he and G. Dudko had an incident a while back where G. Dudko's mother needed an ambulance. They are in Orange County and she is in Barryville, NY which is Sullivan County, they had called Orange County dispatch and everything came through, they had an ambulance to her mother's house in Barryville and they knew just what to do. B. Dudko said that is why they are 911, and those numbers should be readily available. Richardson stated that they should be able to find out where that 911 call came from. Peckham said he put the number for New York, Susquehanna and Western Railway (607-547-2555) in the chat of the Zoom room and said that if the UDC wanted, it could be posted on the website.

Status of River Corridor Maps Distribution:

Richardson asked if anything more needed to be discussed about this. He also asked how many townships are still out. Engelhardt answered three in Pike, Deerpark, Berlin and Damascus. Richardson asked if Wayne provided the Pennsylvania map. Engelhardt answered yes and that Berlin should be done. She said that they may still have to be printed. She said that she might not have given them in person, but may have sent it in a PDF for review. Henry asked if it was recent and Engelhardt said no, not recently. Henry asked if Engelhardt to re-send it to him. B. Dudko said that Engelhardt did send a PDF to him and G. Dudko to review.

Other: None.

Public Comment: None.

Adjournment: A Motion moved by G. Dudko, seconded by Roeder to adjourn 7:07p.m. carried.