

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**July 28, 2020**

Committee Members Present: David Dean, Larry Richardson, Thomas Dent, Jim Greier (6:55), Fred Peckham (via phone), Al Henry, Aaron Robinson, Jeff Dexter (via phone 7:05), Susan Sullivan, Dan Paparella

Committee Members Absent: None.

Staff : Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas

NPS Partner: Acting Superintendent Darren Boch (via phone), Jennifer Cluster (via phone)

Guests: None.

The UDC's Project Review Committee held its monthly meeting on Tuesday, July 28, 2020. Dean called the meeting to order at 6:38 p.m. There was no public comment on the agenda.

**Approval of June 23, 2020 Meeting Minutes:** A motion by Richardson seconded by Henry to approve the June 23, 2020 Meeting Minutes was carried. There was no public comment on the agenda.

**Resources and Land Use Specialist Update:**

New York State Town Projects

**Town of Tusten:** On 7/20, UDC received by mail a notice of intent to serve as lead agency under SEQRA from Delaware Engineering on behalf of the Town of Tusten for their proposed Narrowsburg Water System Improvement Project. Comments are requested by 8/15 in advance of a special board meeting on 8/25. The letter states "the project will involve limited ground disturbance to support the construction of a new water storage tank and a new booster pump station, as well as the installation of new emergency power generators at the existing well houses, installation of new water mains to eliminate dead-end lines throughout the system, and replacement of aging, undersized, or abnormally deep water mains, aging fire hydrants, and aging water valves." The project is planned at widespread locations throughout the hamlet of Narrowsburg.

Additionally, on 7/14 the Tusten Town Board issued a new local law banning parking on Bridge Street from the Delaware River Bridge to the railroad bridge. This will allow for better traffic circulation and less vehicular congestion on Bridge Street. Cilento said unauthorized use of the UDC parking lot due to lack of parking on Bridge Street will need to be addressed if it becomes a consequence of the ban.

On 7/21, UDC also received 2 special use permit applications from the Town. One application was submitted by Narrowsburg Motor Sales, Inc. to add a café into their existing automobile showroom at 174 Bridge Street. The other is an application from Roseanna McKeegan to change the use of the storefront at 25 Main Street (formerly the Tusten Cup) from restaurant to retail, which will be discussed under New Business.

**Town of Highland:** On 7/16, the Town of Highland Zoning Board of Appeals held a public hearing for a side setback variance at 19 Whalen Rd. (SBL 26.-1-16.5). According to the Town Attorney Michael Davidoff, the variance was granted, but the Town has yet to provide any more detail as requested on the project. Cilento will follow up with the Town for more information.

**Town of Lumberland:** The Lumberland Town Board cancelled a scheduled Zoom meeting on 7/22 at 7 p.m. with a public hearing for the demolition/removal of an unsafe structure owned by Rasmus Holdings LLC at 1148 State Route 97, SBL 25.-2-14. The legal notice narrative said, "The structure is unsafe, dangerous and unfit for use as a dwelling because the structure has not been lived in and is uninhabitable. The whole structure is in danger of a full collapse. The weak foundation is possibly the only thing holding the building up. The front deck and deck roof has collapsed. The only things left standing are the deck posts that are secured from the building's frame with two ratchet straps. All ingress and egress are compromised in some way, i.e. fallen decks; no stairs attached. Clear and apparent rot and decay of the structural members is present from the outside of the structure. The building has not

been maintained properly in years.” (Source: Sullivan County Democrat). The Town cancelled the hearing but intends to reschedule at the 8/5 meeting. Cilento will follow up again with Town after 8/5 to find out a new hearing date and any more information.

**Town of Deepark:** On 7/1, the UDC received a plan for a proposed 20-lot residential subdivision in the Town of Deepark (SBL 50.-1-38.22). The project site is located on Route 209 in the hamlet of Huguenot and adjacent to the Neversink River. The letter was received from the project engineer, who was advised by the Town of Deepark Planning Board to submit the plan to UDC for its review and comment. The project is not located within the river corridor and thus is outside of our review jurisdiction. Cilento sent a response to the engineer, planning board chair, and town supervisor informing them as such, and thanking them for their diligence in the referral and review process. A copy of the letter was provided in the meeting packet.

#### Pennsylvania Township Projects

**Shohola Township:** On 6/18 the Shohola Township Planning Commission completed reviewing and updating the Township’s 2016 Zoning Ordinance No. 79 in ongoing consultation with NPS Upper Delaware Community and Land Use Planner Jennifer Claster. After final formatting of the contents by Planning Commission Secretary Diana Blume (received by the UDC on 6/25), consultant Tom Shepstone completed a Substantial Conformance Review for the ordinance and finds it to be in Substantial Conformance with several caveats. The full report will be under New Business.

**2020 Technical Assistance Grants:** The deadline for project completions is 8/28, by which date sponsors must submit supporting documentation and seek the determination of substantial conformance (where necessary) in order to request reimbursement payment. If this presents an unavoidable hardship, the Towns have until 7/24 to seek relief through an extension request. As of 7/20, no Towns have requested an extension.

**2021 Technical Assistance Grants:** The FY 2021 (Oct. 1, 2020-Sept. 30, 2021) round will observe the following schedule: Friday, August 28, 2020 – Completed applications must be postmarked, delivered, or emailed to the UDC by 4:30 p.m. on this date. Tuesday, September 8, 2020 – A special meeting of the UDC’s Project Review Committee will be convened at 6:30 p.m. at the Council’s office in Narrowsburg to meet with applicants and review their proposals. Thursday, October 1, 2020 – A vote on the awarding of Technical Assistance Grants is expected at the UDC’s monthly meeting to be held at 7:00 p.m. at the Council’s office. Friday, February 26, 2021 – Grantees must submit a Mid-Term Progress Report to the UDC by this date to outline the project’s status. Friday, August 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.

**Annual Code Enforcement Program Report:** On 1/3/20, former Resources Specialist Pete Golod submitted letters to all 13 UDC municipal members’ Code Enforcement Officers and Planning Board/Commission Chairs requesting that they provide all building permits, special/conditional use permits, and variances issued within the designated river corridor from January 1 to December 31, 2019, as well as any modifications made to their laws, plans, ordinances, and zoning map changes. The materials were requested by 3/2. As of 6/10, all municipalities had submitted the requested information. On 7/16, Cilento compiled the 2019 data received from the municipalities in a 2019 report. Provided in the Discussion Items Report is a chart summarizing the number of permits and zoning changes in 2019. Between 2016 and 2019, the number of permits issued more than doubled in the river corridor. A decline between permits issued in 2020 compared to 2019 is predicted due to the coronavirus pandemic and subsequent shutdowns, but it will remain to be seen in the 2020 data submitted in January 2021.

Ramie wanted to go back to the Tusten situation. Henry pointed out the *River Reporter* article to us in which Town Supervisor Ben Johnson was asked by an individual what can people do that have any sort of mobility issues regarding the parking ban on Bridge Street? The quote specifically says: “Johnson replied there is generally availability at the Upper Delaware Council parking lot and also at the Town Hall library lot.” She said it’s a bit problematic to have that invitation put out there given that our parking lot is a privately owned space and needed frequently. Her suggestion is a Letter to the Editor; if people want to use the lot for short-term it would be nice to ask UDC first. The Town of Tusten is a good neighbor to us and let us use their facility for our full council meeting. Sullivan said she was part of that call and the people weighing in were elderly people with mobility issues asking for options. Sullivan said the Auto Supply shop has a big parking lot perhaps someone should consider leasing or renting it. Henry recommends also contacting the Supervisor directly.

**Old Business:**

**Project Review Workbook Version 2.0 and Virtual Presentation Update:** Ramie said we now have our 100 print copies of the Project Review Workbook Version 2.0. Hall-Bagdonas picked them up on 7/8. They are still figuring out the strategy of rolling it out in a formal way. As Cilento starts making appointments with Town and Planning boards she will deliver copies. They are simultaneously working on the instructional video. They signed a contract with videographer Quiet Light Films from the Bushkill, PA area. They are the same company that put together the virtual tour for the Upper Delaware Scenic and Recreational River on the NPS website. Their quote was \$2,000. Claster filmed her segment yesterday at the Zane Grey Museum as she is leaving this week. Claster's is the majority of the video at 30 minutes. The next segment will be the introduction an Chairperson Richardson, and Tom Shepstone will provide a historical review of the Land and Water Use Guidelines. Ramie said it's great for Cilento to have this at her disposal to streamline explanation of the project review procedures.

Henry asked if we have a tracking system for Substantial Conformance Reviews. Cilento agreed that would be valuable and said that she could prepare it for everyone to follow. Claster said that would be so helpful and may be something UDC could have on the website.

**UDC 6/5 Memo: Proposed Minor Amendment to Add Utility-Scale Solar Guidance- Voting Member**

**Comments Requested by 8/3:** Ramie said we are still accepting comments about our Minor Amendment to the Land and Water Use Guidelines to add the Utility-Scale Solar through 8/3. She has heard back from 5 out of 13 municipalities: Fremont, Delaware, Cochection, Hancock, and Shohola. The memo has three questions asking for the municipalities' position on this straw poll non-binding vote. We will share a list of the positions at the 8/6 UDC meeting and then see what our next steps will be. Richardson said if your Town/ship is confused or not sure how to answer this; they can take a look at Cochection's Resolution to share with their Supervisors.

**Other:** Ramie said Richardson asked to keep a tally going of what we paid the Planning Consultant; this will be discussed under Operations but it's relevant here as well. We had asked Shepstone Management Company to do four reviews for us during this six-month period. Shepstone submitted three different invoices. The total to date has been \$5,775. That covered the Highland Access Improvements review, Damascus Zoning, the Holbert Quarry issue, and the Shohola Report. Ramie told Shepstone that we have now filled our vacancy but they essentially agreed to keep it opened-ended because it's an at-will basis contract. He said if Cilento needs any consultation he would be happy to provide it with all the experience he has with the writing of the River Management Plan (RMP) and Land and Water Use Guidelines. Ramie said we are fortunate to have him as a resource.

**New Business:**

**Substantial Conformance Review: Shohola Township Zoning Amendments and TAG 2019-02 Project**

**Completion:** Ramie said a report from Tom Shepstone was provided in the meeting packet. Ramie said we are happy to say they completed their 2019 TAG project. Both Shepstone and Claster went through the draft Zoning Ordinance, as it was provided to them. Since Shepstone did this report on 7/20 that draft was shared with Shohola Planning Commission in their desire to make any final updates by today's date so that we could try to close that out. A couple of Shepstone's and Claster's comments were already addressed. Ramie said Shepstone's conclusion says that this format substantially conforms and that is the recommendation we would like to make to the committee. At this point, we are addressing the grant project specifically to say by producing this document they satisfied the criteria for our Technical Assistance Grant; therefore we can release the funds we've been holding since 2019. Ramie said the Substantial Conformance will continue after the Township takes action on it. She asked Robinson if he knew what the schedule was for that? Robinson said the next step is the Supervisors will hold a public hearing and that is usually announced 30 days ahead of the hearing date. He anticipates they want to get moving on it. He believes it could be put up to vote the night of the meeting if there are no issues. A Motion by Henry seconded by Dean to approve the completion of Shohola Township TAG 2019-02 carried. Robinson said for the record, the Planning Commission would like to thank Claster, Golod, and Shepstone for their help. They were all instrumental in getting the subtle changes that needed to be addressed. Ramie thanked the Shohola planners in return in doing such a diligent job as volunteers. She knows Robinson personally put a lot of time into it after the ordinance was just finished in 2016.

**Substantial Conformance Review: Town of Tusten Special Use Permit – Tess Retail:** Cilento said this is the former Tusten Cup storefront on Main Street. The applicant has applied for a Special Use Permit to operate that as a retail establishment. She hopes that the Project Cover Form will be filled out by the municipality in the future so that Cilento receives it as an overview. She filled out this one to get acquainted with the forms and the project. It is the Narrowsburg Downtown Business District. A Hamlet Commercial Development is a Conforming Use there. Cilento included a Use Comparison in the Index. It is a Class II Project. Most of the objectives are “Other” because they are utilizing an existing storefront, there’s no new construction and the building footprint is going to remain unchanged. No structures or lots are proposed, it’s just filling a vacant storefront. In her conclusion she included that she felt it was not only compatible with the Land and Water Use Guidelines for a Hamlet Area, it will utilize an existing vacant storefront and contribute to the economic vitality of Narrowsburg’s Main Street. She felt it was very straightforward and told Cluster she was glad it was her first foray into the review process. A Motion by Richardson seconded by Greier to accept the recommendation and send it to the full council carried.

Dent asked what makes it a Special Use Permit? Cilento said Retail Establishment Use is considered a Special Use in Narrowsburg’s Downtown Business District Zoning so they need a Special Use Permit to operate. In the Land and Water Use Guidelines per the UDC, commercial development such as retail and eating and drinking establishments is a compatible use in Hamlets.

**Substantial Conformance Review: Town of Tusten Special Use Permit – Narrowsburg Motors Café:** Cilento said this is very similar to the last Special Use Permit. It is not changing the footprint of the building at all, just implementing a small café into their existing showroom. There’s no new construction or ground disturbance on the property. It is a Class II Project and as discussed eating and drinking establishments are Compatible Use in the Hamlet and in Tusten’s Hamlet Business District Zoning. It is not located in the erosion hazard area. Cilento found it to substantially conform and meet all of the project objectives for the Land and Water Use Guidelines.

Ramie said this too is a Bridge Street business although the parking ban ends at the railroad bridge, but they are pretty landlocked. She asked if they had been asked the question about parking for this New Use? Cilento said she doesn’t believe it was addressed. It was noted there is a parking area behind the business. A Motion by Henry seconded by Sullivan to accept the recommendation and send it to full council the carried.

Ramie said both of these will go to the full council on 8/6 and that is when this committee makes the recommendation to the full council for conformance and we pass it along to the NPS for the final determination. Cilento said Cluster requested she sends the documents to Boch and team.

**Narrowsburg Water System Improvement Project – Lead Agency Request:** On 7/21 UDC received a letter from Delaware Engineering who has been retained by the town of Tusten to update their water system in Narrowsburg which serves just over 300 residences. It was a Notice of Intent to serve as lead agency under SEQRA and they’ve requested any comments by 8/15 From UDC as an interested party. Cilento said there was an article in the *Sullivan County Democrat* that offered a summary if anyone would like a copy for more information. The water system is old and in need of repairs. Estimated costs are about \$7.5 million but they anticipate requesting Water Improvement Grants. There will be an increase for residents but upgrades need to happen and equipment, generators, hydrants, and water mains need to be updated or replaced. Cilento asked the committee if they would like to submit a letter? A Motion by Sullivan seconded by Henry to send a letter in response to Narrowsburg’s Water System Improvement Project lead agency status carried. Ramie said a similar letter was written for the Town of Tusten being the Lead Agency for the Anaerobic Digester which was outside the corridor and in the letter, we expressed our support.

**Annual Code Enforcement Report for Calendar Year 2019:** Ramie said she is thrilled that she didn’t have to compile this report. It took until mid-June to get the final information from Lackawaxen Township. All three UDC staff looked extensively for when the last Annual Report like this was done and couldn’t find any except for Pete Golod’s first year here in 2016. Which Ramie said that was odd but her explanation for that was he was debating with Superintendent Kris Heister at the time about the formatting for the Report and she’s under the impression that it just passed by. Ramie said we won’t let that happen again because Cilento is on it. It does make for an interesting comparison to look at the number of permits issued. We hope people will be submitting all of those to us as they happen rather than us having to re-create it. She feels when we bring the Workbook around we will be reinforcing that message and making it easier for people to comply with our requests. Cilento did a fabulous job and it’s very

impressive. Cluster agreed. Henry recommends when doing presentations to take the Annual Code Enforcement Report to all of the Town/ships. Cilento said she wanted to make sure all Town/ship projects were in the corridor so she cross-referenced them. Ramie said this is a report that we owe to the NPS as part of our Cooperative Agreement and with the committee's approval we can send it along. A Motion by Henry seconded by Richardson to approve the Annual Code Enforcement Report for Calendar Year 2019 carried. Cilento said the River Management Plan (RMP) addresses that there be some level of analysis to the report but as she said, she doesn't have much to compare it to currently. She will be able to implement more analysis into the 2020 review.

**Draft Land Use Complaints Check List:** Ramie said this is a carryover item from last month where the committee discussed what we would do with the memo that NPS provided us. It was decided to try to reduce that to a checklist that our Resources and Land Use Specialist or anyone can follow when we get complaints. Ramie said the point of the memo was that not everything falls neatly into: it significant project or an ordinance, etc. Ramie said she ran out of time to do it for this month but we will try next month. Richardson said now that we have a Resources and Land Use Specialist on staff it would be good for her to work on this.

**Other:** Henry said he would like to thank and congratulate Cilento for doing a great job for only being here a week and a half and completing these projects in short order.

**Public Comment:** None.

**Adjournment:** A motion by Richardson, seconded by Henry, to adjourn the meeting at 7:27 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 8/5/2020*