

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**August 22, 2023**

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

Committee Members Absent: Andy Boyar

Staff: Laurie Ramie, Stephanie Driscoll

NPS Partners: Lindsey Kurnath

Guests: Freda Eisenberg (Zoom), Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, August 22, 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 July 25, 2023 Meeting Minutes:** A motion by G. Dudko seconded by Robinson to approve the 7/25 meeting minutes carried.

**Resources and Land Use Specialist Update:** Engelhardt is away on vacation. Ramie is filling in with updates given by Engelhardt.

**New York State Projects**

No projects in the river corridor for DRBC consideration.

**Commonwealth of Pennsylvania Projects**

No projects in the river corridor for DRBC consideration.

**Wayne County:**

**Equinunk Creek:** Engelhardt was contacted by engineers working on a bridge replacement project over the Equinunk Creek in Wayne County, PA. Later she found out it is in Manchester and Buckingham Township's, which means the NPS will be reviewing the project directly since neither of those townships are members of the UDC.

**Solar Farm Leasing:** Engelhardt included an article based in Damascus Township featuring Wayne County Commissioner Brian Smith in the Tri-County Independent about the interest of solar farms on the PA side, including Damascus Township. Smith plans to set up meetings for townships to work on their zoning ordinances. Ramie thought it would be helpful if the UDC sent them our position paper, so they can consider it while potentially making or approving any ordinances.

**Lackawaxen Township**

**The Inn at Lackawaxen:** Engelhardt followed up with the owner of The Inn at Lackawaxen who had previously asked about raising the roof on the inn. Engelhardt told him that if that does happen it would be Lackawaxen Townships responsibility to submit the project to the UDC, and it would need to undergo a review.

**Open Substantial Conformance Reviews**

<b>Project ID</b>	<b>Project Name</b>	<b>Municipality</b>	<b>Action</b>	<b>Status</b>
2022-03	Camp FIMFO	Town of Highland, NY	Class II – Special Use Permit	NPS issued a letter dated 7/17/23 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	NPS concurs with our finding of Substantial Conformance, letter dated 8/14. <b>Closed.</b>
2023-04	Narrowsburg Veterinary	Town of Tusten, NY	Class II – Special Use Permit	NPS concurs with our finding of Substantial Conformance, letter dated 8/14. <b>Closed.</b>
2023-06	Advanced Recycling (Zaccari/Dirlam)	Shohola Township, PA	Class II – Conditional Use Permit	NPS concurs with our finding of Substantial Conformance, letter dated 8/14. <b>Closed.</b>
2023-07	Eve Fisher & Andrew McGrath	Town of Highland, NY	Class II – Site Plan Review	NPS concurs with our finding of Substantial Conformance, letter dated 8/14. <b>Closed.</b>
2023-08	Narrowsburg Car and Dog Wash	Town of Tusten, NY	Class II – Site Plan Review	Received application from the Town 7/27. To be discussed tonight.
2023-09	Green Acres Gunsmithing	Town of Tusten, NY	Class II – Site Plan Review	Received application from the Town 7/27. To be discussed tonight.
2023-10	The Loosey Kit, LLC	Town of Highland, NY	Class II – Site Plan Review	Received application from the Town 8/1. To be discussed tonight.

2022-03 Camp FIMFO: The Town of Highland Planning Board did not vote on the application at the July meeting. Ramie will be attending the Planning Board meeting tomorrow, August 23<sup>rd</sup> on Engelhardt's behalf.

2022-11 Lackawaxen Zoning Ordinance Amendment: Engelhardt responded to John McKay of Lackawaxen, explaining the process and how that was handled. She mentioned the Board of Supervisors held a public hearing on that amendment on Monday, August 21<sup>st</sup>.

2023-07 Eve Fisher & Andrew McGrath: On July 26 the Town of Highland Planning Board did approve the special use permit for Cottage Wines in Barryville, NY. The UDC had also recommended conformance.

New Business:

**Town of Tusten FY 2023 Technical Assistance Grant Project Completion Approval:** Ramie reported that August 18<sup>th</sup> was the deadline to complete the Town of Tusten's project. The UDC was provided with documentation of invoices which exceeded the amount of the grant. Engelhardt reviewed them and recommends that the project is complete. It may be subject to substantial conformance review. Ramie asked the committee if they would like to take action to approve the project pending the review. She reminded everyone that the project was to integrate all of the code revisions into one online document for the sake of the general public. The grant amount was \$8,622.50. At this meeting the project completion would be approved, and at the Operations meeting directly following this meeting, the payment would be approved. The recommendation is to do so. A motion by Henry, seconded by Robinson to approve the FY 2023 TAG Grant Project Completion carried.

**Status of Applications for the FY 2024 TAG Program:** Ramie reported August 18<sup>th</sup> was the same deadline to submit applications for the FY 2024 TAG Program. We received two applications. Town of Tusten applied for a grant to create an open space and recreation plan and they've asked for \$25,000. Damascus Township applied for a project to update and distribute an emergency preparedness brochure. They've requested \$2,822. Ahead of our special meeting on September 12<sup>th</sup> Ramie had suggested we should present Damascus Township's project to the NPS to make sure it would be a viable use of Federal funds. They did create the original brochure with a UDC TAG. Ramie said we aren't discussing the specifics of the TAGs tonight since we have the Special Project Review committee meeting on September 12<sup>th</sup> at 6:30pm. At that meeting we will bring the applicants in to provide a description of the project. Ramie mentioned in 2022 the UDC awarded a TAG worth \$4,700 and this year it was about double that with one TAG for \$8,622.50. We will be looking at our budget capacity as well at the 9/12 special meeting.

**2023-08 Substantial Conformance Review – Narrowsburg Car & Dog Wash, Town of Tusten:** A copy of the Substantial Conformance Review was included in the packet. Ramie said this is an existing carwash and they are adding a pre-fabricated building to it that will be called the "All Paws Pet Wash". It is approximately 104 square feet. Richardson asked if it was the car wash in the Pete's Market parking lot, Ramie answered yes, it is the existing 3 bay carwash at 96 Kirks Rd. The dog wash would be adjacent to the existing carwash, adding on a 13x8 ft enclosure. There is no difference in impervious coverage since it will be on existing gravel parking. It is on a .48-acre lot located in a commercial district. Based on the review, Engelhardt recommends there is no adverse environmental impacts. The carwash is already connected to the public sewer and water system. Ramie said that this is subject to a public hearing, taking place across the street tonight at the Town of Tusten Planning Board meeting. This application and the Green Acres Gunsmithing application are both being reviewed at that meeting. The UDC will need to bring it to the full council to make the recommendation to the NPS. A motion by G. Dudko, seconded by Robinson to approve the substantial conformance recommendation to the full council carried.

**2023-09 Substantial Conformance Review – Green Acres Gunsmithing, Town of Tusten:** Ramie reported that this is an existing business and also one that the UDC recommended as a home operation back in 2021. The special use permit request is that the applicant has asked to be licensed as a transfer agent (a fire arms dealer). Currently, he does repairs and gunsmithing work. This is a compatible use in the recreational segment. Steve Miss is the applicant and the business name is “Lock, Stock and Barrel”. The recommendation is there is no adverse environmental impact. A motion to move by Roeder, seconded by Henry to approve the substantial conformance recommendation to the full council carried.

**2023-10 Substantial Conformance Review – The Loosey Kit LLC, Town of Highland:**

Ramie reported The Loosey Kit LLC application will be going before the Town of Highland Planning Board tomorrow night. The location is on Route 97 across from the Yulan Fire Dept. substation in an existing building with no new construction involved. This is for the cultivation of cannabis without a dispensary; there will be no retail sales involved. It is strictly agricultural use which is compatible in the hamlet as it’s in a commercial district. This had come before the Town of Highland Planning Board twice before originally including a sales component, which would have made it a different application but has since been removed. It is on .29 acres with indoor and outdoor growing of cannabis, which is approved for adult recreational use legally in New York. This is considered a micro-business, which has its own rules and regulations. Engelhardt recommends that it does substantially conform with the checklist. G. Dudko commented that .29 acres is not a lot of outdoor space to be growing. Robinson commented that there’s no parking and Ramie responded saying there’s no parking needed as it’s not a retail business. A motion to move by Henry, seconded by Peckham to approve the substantial conformance review carried with two abstentions from Roeder and Robinson.

**Other: (1)** Henry said he had read in a newspaper that they are putting in a pavilion on the flats in Narrowsburg. Ramie said it is in design stage right now and they were asked to give it a smaller footprint and hasn’t come to the review stage yet.

**(2)** Kurnath wanted to mention that the NPS is not getting sign plans. Presumably, these businesses will have signage to let people know that they are. She said that Engelhardt has been doing a good job documenting that no sign plans were received. NPS is not getting the Project Review forms that are supposed to be coming in with each of the projects and the sign plans. We are supposed to be looking at the sign plans to make sure that we’re maintaining the aesthetic of the corridor, which is listed in the guidelines of the River Management Plan. She wanted to share that observation. Robinson said that in Shohola as part of a conditional use review, they ask the applicant if there is signage or not and, in many cases, there is no signage. It’s usually in the conditions that supervisors vote on, and maybe NPS doesn’t get a copy of that since it’s a post action document. The conclusion of approval that is done by the Board of Supervisors packet should be passed on to NPS. It was suggested that signage be added to the application as a check box.

Old Business:

**Reactions to 7/17 NPS Determination on Northgate Resorts Camp FIMFO Application:** Ramie said the reason this is on the agenda is that Henry had asked everyone to read through the 29-page report to see if there were any questions for Kurnath they may have found while we’re waiting for the Town of Highland to take action. Henry said his main concern was the acreage of the river corridor that was listed. Kurnath said she had gone off of documents she’d received as part of her orientation that had an incorrect number and is not sure where the number had come from. Henry said that former Superintendent Kris Heister and Management Assistant Carla Hahn had come in to say they had a new GPS system, and that the acreage had changed, to which they were told you can’t just change it. Kurnath said that when Don Hamilton had pointed out that she should have used the acreage from the RMP, the process was so far down the road she was worried that the change would delay NPS getting it to the Town of Highland for their July Planning Board meeting. Kurnath said it was her mistake, and it was her call to not fix the mistake with the intent of getting the report to the Town of

Highland. She now knows the correct acreage. Henry said that the NPS did a good job of going through the RMP, but two things that need to be looked at are this is not a National Park and the acreage. Henry said it needs to be corrected, not just here but across the board. Kurnath thought it wasn't worth correcting it in order to get the Town of Highland the report by the date they needed it. Richardson said it does need to be corrected; the number is going to be in Town of Highland's files. Henry said a letter of correction should be sent to the Town of Highland and the UDC. Robinson wanted to mention he has heard a lot of public comments on FIMFO while he's in the Town of Highland. He said most of the people who object to FIMFO are giving an emotional response, that it's not grounded in any technical way. People who want to turn the project down on an emotional basis are not only objecting to the UDC findings but are also rejecting the NY DEC, NYS Dept. of Health, and the NY Dept. of Transportation. It's insinuating that each of these agencies are incompetent. He doesn't know how you could ignore that all the infrastructure changes are approved by state agencies that aren't easy to get approval from. Peckham said a lot of people view the River Management Plan as a preservation document but it is a conservation document that allows for growth and change. He thinks that the people don't want change, which they found with the gas drilling. The Upper Delaware isn't like a National Park; change is allowed and people misinterpret what the River Management Plan is. Henry reminded the committee of his suggestion to have the 29-page review looked at by Tom Shepstone. He believes there are issues with the review, including the parked RVs, and the NPS based their decision off speculation. He thinks that getting Shepstone's opinion would be enlightening for the council, if FIMFO decides to reapply or another organization suggested doing the same thing. We should know whether the NPS or the UDC is correct, legally. He doesn't think it's fair for the NPS solicitors to make their ruling and for the UDC to guess what is right and wrong. Tom Shepstone has been involved with this since the beginning, and he would like to get his take on it. He wants to know exactly what a parked RV is versus other items. Robinson said he had read it through, and there are no citations on where NPS gets their definitions, it's their opinion that because the RVs are parked and stationary, they are a permanent structure. A motion by Henry, seconded by Peckham to have Tom Shepstone review the NPS determination on FIMFO carried. Kurnath asked if the review by Shepstone was strictly an "intellectual exercise" since the NPS and the Secretary of Interior have delegated that the regional director has the ultimate determination. Richardson said yes, it's an educational exercise. Kurnath said that a lot of the 29-page report is in agreement with what the UDC determined. The NPS takes the UDC's recommendation into consideration.

**2022 Annual Code Enforcement Report:** Ramie said not all the information is back, so this is still pending. There is no point if all 13 towns and townships are not reflected. Engelhardt will reach out to the missing towns and townships representatives upon her return.

**UDC-NPS Telecommunications Position Paper Next Steps:** Ramie reported there is a staff meeting set up for August 28<sup>th</sup>. She suggested a Telecommunications Subcommittee meeting before the full council meeting on September 7<sup>th</sup> at 6:00pm where staff will report out from the August 28<sup>th</sup> meeting. Robinson asked if staff would have enough time to give an update by that time. Ramie said she wouldn't know until the August 28<sup>th</sup> meeting. Carla Hahn is working on the project as well; she had contacted Ramie to ask for an update on it. Ramie sent Hahn the notes from all the Telecommunications Subcommittee work sessions to bring her up to speed. There is a draft position paper currently, they just need to figure out what needs to be done with it. Ramie said that at the subcommittee meeting on September 7<sup>th</sup> they could talk about procedure. Robinson agreed to schedule the meeting.

**Status of River Corridor Maps Distribution:** Ramie reported that she has no update to offer. She knew that Lumberland was the last to receive maps.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A Motion moved by Robinson, seconded by Henry to adjourn 7:18p.m. carried.

*Minutes prepared by Stephanie Driscoll, 8/25/2023*