

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
August 23, 2022

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

Committee Members Absent:

Staff: Laurie Ramie, Kerry Engelhardt (Zoom), Ashley Hall-Bagdonas

NPS Partners: Jessica Weinman- Chief of Facilities (Zoom), Cody Hendrix- Community & Land Use Planner

Guests: Bill Dudko-Deerpark, Liam Mayo- River Reporter, John Pizzolato, Scott Campbell- Northgate Resorts, Project Manager, Rocco Baldassari- Northgate Resorts/Kittatinny General Manager, Nancy Handler, Richard Malenky, Erin West, Stephen Rocco, Jan Poppendieck, Courtney Crangi, Roswell Hamrick, Cristine Martin, Michael Edison, Victoria Henkes, Eve Fisher, Mary Jones, Nonna Hall, Jane Morris, Anie Stanley, Edward Goldberg, Alex Betke – Attorney for Camp Fimfo (Zoom)

The UDC’s Project Review Committee held its monthly meeting on Tuesday, August 23, 2022 at the UDC office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

Approval of the July 26, 2022 Meeting Minutes: A motion by Boyar seconded by Greier to approve the July 26, 2022 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

There have been no posted Notices of Applications Received by the DRBC in the corridor in New York this month.

Town of Highland -Highland Access: Heather Jacksy sent the following email on Monday 8/15: “We rebid the project in July and again had to work through the scope to modify it into something we can afford based on the response. Thank you to our partners who are stepping up to the plate to help us fill the gaps the revised scope created. And this includes our new partner, Friends of the Upper Delaware River, who is working to bring an additional \$100,000 to our budget. Due to the scope modification, we are putting the project out to bid again. The notice will be in the paper this Friday, and the bids will be due September 2nd. Believe it or not, we are still on track to complete most of the work this year. This will allow us to close out our grant without another extension, while completing several of the elements next year. We are still missing several of the pieces to reach the original vision, but I am working on finding partners for those last pieces. Let me know if you have any questions (or ideas about additional funding).”

Town of Cochection: Last month Engelhardt mentioned that there was a Site Plan Review of a Home-Based Business in the corridor that wasn’t sent to us. She reached out to the Cochection Planning Board but didn’t hear back; she will give them a call when she returns from vacation.

Town of Hancock: Engelhardt did receive the application documents for the Minor Subdivision, however not the plat itself. She will be reaching out again when she returns from vacation.

Town of Tusten: A judge has finally made a decision in the Bar Veloce case (*River Reporter* article provided in the meeting packet). The decision is a bit confusing, however it appears that the upshot is that the restaurant is going to be allowed to open. Engelhardt is not sure if the rooftop area will be allowed to be used, since she doesn’t believe that area received a Certificate of Occupancy.

Commonwealth of Pennsylvania Projects

There were no Notices of Applications Received by the DRBC in the corridor in Pennsylvania this month.

Open Substantial Conformance Reviews

Project Id	Project Name	Municipality	Action	Status
2022-003	Camp Fimfo	Highland	Final plans received July 25, 2022	Being reviewed tonight.
2022-006	Tusten Zoning Changes	Tusten	Local Law	UDC recommended a finding of Substantial Conformance to NPS 7/14/22

New Business

Substantial Conformance Review 2022-03: Camp Fimfo, Town of Highland: Engelhardt reported that the property in question is located at 3854 State Route 97 in the Town of Highland, New York. The total property is made up of 11 parcels. It is located in both the HC Hamlet-Commercial Zoning District and the R-2 Residential Agricultural Zoning District. It has frontage on both sides of State Route 97, as well as on Dry Brook Road. The site is approximately 223 acres in area. It has many areas of steep slopes, which are mostly wooded. It has several isolated areas of wetlands, none of which are to be encroached upon by the proposed development. The Beaver Brook flows from the north to the south through the central portion of the site. The property fronts the Delaware River. Part of the project site is located within the 100-year and 500-year floodplains. The subject property has been in operation as a campground and livery since around 1941 (currently known as Kittatinny Canoes). The applicant seeks to replace or renovate some community buildings, construct new amenities (a minigolf course, pools and water play area, a mountain coaster), and improve many of the existing camp sites. A zip line, paint ball area, and hiking trails are to remain. There are currently 342 campsites on the subject property, most of which are tent sites without sewer or water hookups. The Applicant proposes to retain 56 of these campsites as tent campsites. The remaining 279 sites will be “updated.” There will be 146 “park model RV” sites with full bathrooms; 58 sites with water and sewer hookups for campers to bring their own RVs; 9 updated sites for campers to bring their tents; and 64 sites with tents on-site (such as glamping pods and safari tents). In total there will be 335 campsites under proposed conditions (seven fewer than existing). Campsites without utility hookups will use one of three public bathhouses which have been recently renovated. Total anticipated liquid waste generation is estimated at 20,080 gallons per day. The applicant proposes to construct a total of sixteen (16) new septic systems, distributed throughout the project site, in order to treat this wastewater. Soil investigations have been conducted and the locations of the proposed systems have been specified. The project will also create a new demand for water. The total anticipated usage per day is anticipated to be less than 35,000 gallons. The site’s existing 6 public water supply permitted wells will be used. A new treatment building will be installed at each of the well locations.

The Applicant is seeking a Special Use Permit and Site Plan from the Town of Highland Planning Board. “Intensive Recreational Use Facilities” is an Appropriate Special Use in a Recreational Segment of the Upper Delaware River Scenic and Recreational River Corridor. The Project Review forms from the Project Review Workbook are attached to this report. In particular the “Questions to Guide Reviews of Significant Projects” may be helpful in assessing the impact of the proposed development on the river corridor.

Engelhardt reviewed the provided checklist by going over each question. She said there are several outstanding issues regarding the application. The Applicant has not received approval nor a review letter from the NYDOT, and we do not know their concerns. In particular, the applicant uses current usage numbers for trip generation purposes, when it is clear that the improvements are designed to increase usage and visitation numbers, even if the capacity of the campground is not increasing. (The Environmental Assessment states, “The Project will not result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services.”) However, traffic is the concern of the NYDOT and any required mitigation regarding increased traffic would be their concern. There is one proposed septic system location for which soil investigation was not performed (and this location may have the least-well drained soils of all the proposed locations). The plans do not show clearing limits, which must be shown to determine the true impact of the proposed development, and to ensure that

excessive clearing will not occur during construction. The site plans do not indicate the boundary of the Upper Delaware River Corridor (it is shown on the existing conditions plan). The applicant has not received approval from the State Historic Preservation Office. Its intention with the Delaware and Hudson Canal bed has not been officially stated. However, while there are minor outstanding issues, it is the duty of the Town of Highland Planning Board to ensure that all required permits and approvals are in place before construction begins, and Engelhardt does not see any issues that directly conflict with the River Management Plan. At this time she recommends that the UDC finds that this project substantially conforms to the River Management Plan, and passes on that recommendation to the National Park Service. A Motion by Henry seconded Roeder to recommend the project's substantial conformance for presentation to the 8/1 full Council carried with one opposition by Dexter and an abstention by Boyar.

Engelhardt will summarize the UDC comments on the Camp FIMFO Catskills application in a draft cover letter to the National Park Service and Highland Planning Board to accompany the substantial conformance review report attachment for action at the 9/1 UDC meeting. Ramie and he board thanked her for interrupting her vacation to finalize and deliver this report.

TAG 2022-01: Town of Tusten Project Completion: Engelhardt said the Town of Tusten submitted for reimbursement of their Technical Assistance Grant by the 8/19 deadline. The total project cost was \$4,700. A Motion by Boyar seconded by Sullivan to approve the completion of Town of Tusten TAG 2022-01 carried.

9/13 Special Meeting for Fiscal Year 2023 Technical Assistance Grant Applications: Ramie said despite all of our outreach, we've received just one application from the Town of Tusten by the 8/19 deadline. Engelhardt will distribute the application to the Project Review Committee members and to NPS for a simultaneous review ahead of the 6:30 p.m. 9/13 special annual TAG review meeting.

Telecommunications Subcommittee to Meet 9/1; Narrowsburg Union 8/18 Letter: The next work session is scheduled for 6 p.m. on 9/1. Ramie suggested that members review the provided correspondence from the Narrowsburg Union on improving cellular service with sensitivity to the vernacular architecture of the river valley.

Other: None.

Old Business

River Corridor Maps: Engelhardt will proceed with final printing and framing of the river corridor maps. Ramie will issue a news release publicizing the UDC's gift of them to the 13 towns and townships, with photo(s) from their presentation(s).

8/17 Penn State Extension Land Use Webinar Report: Engelhardt will attend the next Penn State Extension Land Use webinar on 9/21 and provide a report at the next Project Review committee.

Other: None

Public Comment (1:35:50 on recorded meeting): Poppendieck of Eldred said she had a concern about Review Criterion 3 Objective 2a. It says, "Gross density is limited to a maximum of 8 sites per acre for recreational vehicles." Poppendieck said it doesn't say an average of 8 sites per acre. She takes that as a maximum of 8 sites on any particular acre, and she would like to know if the information the applicant allows UDC to look at that criterion? Also, the idea of a mountain coaster coming in is scary, considering the issue of noise. Richardson said if the Town has a Noise Ordinance, that would be up to them. Engelhardt said speaking to the first point Poppendieck made, the key word is "gross density" and that's what indicates it means over the whole site. Also, when talking about residential development, cluster development is like that too, where you will group the development in one area of the site, and then the rest is left undeveloped so that your gross density might be low but then the density in a certain area is high but that's desirable because it's better to have a pristine area of woodlands that aren't touched and that is a more contiguous area for wildlife habitat and to have the development clustered in one smaller area.

Boyar complimented Engelhardt, saying she has attended all the Planning Board meetings but one thing said about this project is that this is "Phase I". He asked, "So what is "Phase II?" and that is something UDC should be informed of. Engelhardt said when they first spoke with Camp Fimfo they spoke of phased construction this plan is

everything that is shown on these plans. She's not sure if that's changed but anything new would have to go before the Planning Board. Engelhardt said she'd be surprised if there was very much development on this area because of the steep slopes shown in the topo maps. She doesn't know that it is really practical to put a whole lot of campsites in that rear area where they aren't there already. Morris said looking back at the years of being concerned with the environment and to be here with this group doing the work, she feels honored that people care so much about this beautiful corridor.

Pizzolato from the Town of Highland said he noticed in Engelhardt's review nothing was addressed regarding the waterpark or water recreation area that seemed to be on the riverside. It's a waterpark that is in a known floodplain and all that chlorine and human excrement isn't addressed. There are two purification systems that have been discussed. Pizzolato asked is it advisable to put a pool or water park in a floodplain next to a river with chlorine being pumped in daily. Engelhardt said usually when she thinks of a floodplain, she's thinking about storage volume. You don't want to build structures in a floodplain, because then it takes up volume and removes flood storage volume which will increase flooding downstream. When talking about chlorine, she believes they said they were going to have, a specific individual system that that would be a closed system. She said she's not familiar with how that would be affected by flooding, it's in the 1-2% floodplains. She said she's also not sure of the impact of two swimming pools worth of chlorine going into the river. Pizzolato said in the picture of their Waco location and what he presumes is going to be similar to this location is a mushroom-like sprinkler that is sort of ground level. He's concerned about the sprinkler emitting chlorinated water in a floodplain next to the river. Engelhardt said this is a preliminary site plan. She understood that under regular operations the water was all the same; they are recapturing it and supplementing it with whatever goes away through evaporation. She doesn't think it's going to be draining overland into the river and flood conditions would not happen very often.

Hamrick from the Town of Highland and the Barryville Chamber of Commerce said a lot of their members and businessowners have concerns about this project. He appreciates all the work that's gone into the review. He knows from attending the Planning Board meetings they are looking for the UDC's opinion and will go with UDC's recommendation as it was said in the meeting. Hamrick said there's a big impact on this decision and the recommendations He feels that there are multiple unknowns and none of us know what the impacts will be, or what precedent it sets for future projects. He said with the knowledge of this project and this organization he would hope there would be future recommendation or some kind of impact study other than one paid for by the applicant. Richardson said the Town doesn't have to accept the applicant's contractor; they could suggest their own engineer. Richardson said those are very good comments, he was on the Cocheton Planning Board for 7 years as Chairman and those are questions that should go to the Town Planning Board. They have a checklist when they do a Special Use permit process.

West said this is her first UDC meeting and asked for UDC to explain what they actually do and what this process is. Richardson said the UDC took a long time to get the better legislation that created the River Management Plan (RMP) from which this Council was formed. UDC doesn't have the authority to tell people yes or no. By the legislation, the UDC is only allowed to look at something on how it affects the RMP. Hamrick reiterated asking the UDC to make the recommendation for an Impact Study because there are too many unknowns from what they have proposed.

Edison from the Town of Highland said he agrees that there's a lot missing. He's heard words like crapshoot, potential usage not yet known, etc. Edison said, "As a \$43-million project we're expecting a lot of people to come through here. It's going to impact a lot." He believes it's within the objectives in the mission statement of the UDC to prevent over-development. He said he's not buying this temporary vehicle for RVs and we are being swindled. He's also concerned with the issues of extra sewage and the impact on eagles. He wants to know what's going to happen to Beaver Brook and who is the watchdog for it? He said the question is, "What happens when something happens?" It may happen in 10 years or some but who will be monitoring the water quality? What are the guarantees from Fimfo and Northgate that this is safe?

Stanley from Tusten asked if the park was only accessible for registered campers or will it be open to the public? What is the actual average population going to be there in peak season? Will the pedestrian traffic and vehicular

traffic be increased on the site if people have to go and buy a ticket? Boyar said this is a great point as this is a resort and you also have to take into account the restaurants on site. Stanley also mentioned that they are saying the site has been a campsite since the 1940s but if they got a cabin on one acre, they wouldn't be able to turn it into a multi-family apartment complex. Why aren't there zoning laws impacting this that only fall into them being "grandfathered in"? Stanley also asked what local Township and local EMS are going to be able to manage this resort? Members of UDC said these are excellent points but are Township issues.

Robinson said there seems to be some confusion on what the UDC's role is. The UDC is an organization that only takes a small slice out of this review and the slice we agreed to in the late 1980's in the RMP; which contained Land and Water Use Guidelines. It was a charge of the Upper Delaware Council to review projects to see if they conform with the Land and Water Use Guidelines. It's not intended to interfere with Town zoning. UDC reviews Town Zoning to see if that also conforms with the Land and Water Use Guidelines. Robinson said the UDC has no authority and enforcement to impose what the public is asking. He said the public is here with good hearts and intentions but it falls back on the Town and that was the design of this corridor. Rather than condemning the corridor by eminent domain, the compromise was to get the Town/ships to cooperate and limit the growth through zoning. Through defined criteria of the RMP, the Town/ships could conform their zoning to the RMP which the UDC Project Review Committee then reviews. When a project comes up, it's reviewed in terms of this piece of the RMP. All of the issues addressed, the Town has the authority to regulate. Stanley said UDC has the power of a recommendation. Robinson said UDC took four years to develop the Project Review Workbook and it's a complicated review. There is no doubt this is a huge project and all concerns are valid. The organization that should be dealing with these concerns is the Town. UDC has limits. The Town has the authority. UDC has rejected projects in the past that do not substantially conform and they will go back to the Town. Robinson said Engelhardt is very capable and a licensed engineer, and the Project Review Committee reviewed this in terms of the RMP and what was supplied to her and it substantially conformed. But that doesn't mean the town can't impose criteria and standards that UDC doesn't have. It's a good idea to put them in writing and to get them to the town. Robinson appreciates everyone's concerns as he lived in Barryville most of his life; he picked blueberries where Kittatinny has their campground but the process is rooted in town zoning. Robinson's suggestion is to express these concerns to the Town.

Hall said she is from Eldred with a store in Barryville. She acknowledged it's important to have this type of organization and her concern is the change in river capacity and the protection of eagles in the area. The Upper Delaware offers a pristine and natural environment for those eagles.

Martin said she lives in the Town of Highland in Barryville. She thanked UDC for their hard work and passion. Martin said she needs to say the following for herself and the members of her community addressing Camp Fimfo: "Dear Fimfo, Will you be a good neighbor? Everyone in this community is responsible for each other. We belong to each other. We all volunteer regularly and keep the community strong and healthy and we keep each other safe. How will you give back to the community that lives here? Will you pitch in to clean up the scenic byway, the forest, and the riverbanks, the trash and debris? Will you contribute to the community, youth programs, seniors' health and education? Will you donate time or money to community projects? Will you be a good employer? Will you provide affordable housing for your workers? Do you promise to pay your workers a living wage, health insurance and other benefits? How will you take responsibility to be caretaker of the land and the river? Do you promise to be environmentally sustainable? Will you use sustainable materials in construction and for upkeep and repairs? Do you promise not to pollute or poison the habitat, the birds, animals, and insects with harmful chemicals and pesticides? Do you promise to be mindful of the light pollution and noise pollution? Do you promise to be kind to the wildlife that shares your property? Do you promise to protect the bald eagles nesting near your property? Do you promise not to disturb migrating birds and butterflies? Will you allow for future inspections for signs of environmental damage? Will you be open and honest with the community about all future environmental impacts? Will you openly report your monitoring of the land and water for potential damage to the floodplains, small streams and wildlife, and insects? Do you promise to be safe on the roads and the river? Would you take care of the traffic and make sure it is safe of Rt. 97 for motorists, pedestrians, and traffic wildlife? Will you keep the river safe from accidents and drownings? Will you be a good neighbor? Do you promise to follow all responsible actions that a good neighbor takes?" Richardson mentioned that the previous owners were very supportive of river cleanup projects. He and his wife had the privilege of taking part in one of their 2-day cleanups.

Edison asked if UDC takes into consideration past litigations that Fimfo/Northgate has been involved with? They didn't get some projects passed in some towns in New Hampshire and Massachusetts because of negative impact studies on traffic hazards, environmental problems, and public dissent. The public feels it's relative that they are not good partners and he asks that UDC takes that into consideration for the recommendation. Richardson said they look at the project as it's presented to them. He feels Robinson stated this very clearly but the fact that the Project Review Committee is moving to approve this under its conformance to the RMP in no way is telling the town that they should go ahead with the project. That's solely a town's discretion. As long as they meet this review, which they've done, and the Land and Water Use Guidelines, that's UDC's purpose.

Adjournment: A Motion by Dudko, seconded by Sullivan, to adjourn the meeting at 8:43 p.m. carried.

Minutes prepared by Ashley Hall-Bagdonas, 8/31/2022