

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**January 28, 2025**

Committee Members Present:	Larry Richardson, Al Henry, Fred Peckham (Zoom), Aaron Robinson, Christine Martin (Zoom), Ginny Dudko, Harold Roeder, Jeff Dexter, Jim Rodgers
Committee Members Absent:	None
Staff:	Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll
NPS Partners:	Carly Marshall
Guests:	Bill Dudko, Evan Padua (Zoom at 7:06pm), WJFF Radio- Rosie Starr (Zoom), Tom Shepstone (7:08pm)

The UDC’s Project Review Committee held its monthly meeting on Tuesday, January 28, 2025. Chairperson Richardson called the meeting to order at 6:36 p.m. There was no public comment on the agenda.

**Election of Committee Chair and Vice-chair:** A motion by Robinson for Larry Richardson (Town of Cochetton) to remain Project Review Committee Chairperson, seconded by G. Dudko and for Jeff Dexter (Damascus Township) to remain Vice-chair by Henry seconded by G. Dudko, carried.

**Approval of December 17, 2024:** A motion by G. Dudko seconded by Henry to approve the 12/17/24 meeting minutes carried.

**Resources and Land Use Specialist Update:**

**New York State Projects**

There were no docket applications in New York State in the Notice of Applications Received published by the DRBC in December.

**Town of Cochetton**

Heating Oil Spill – Engelhardt reached out to the NYS DEC by way of Ryan Coulter, who forwarded her message to the Spills Department. On January 10, 2025 she received the following message from Dana Ferine, Assistant Public Information Officer:

“On Nov. 24 at 11:18 a.m., the New York State Department of Environmental Conservation’s (DEC) Spill Response team was notified of an oil spill that occurred at 6900 State Rt. 52 (Spill #2407410). A Cochetton Oil and Propane home delivery tanker rolled over and approximately 1,000 to 1,500 gallons of fuel oil spilled onto the roadway and adjacent wetlands. The Cochetton Fire Department diked the area with sand and gravel to prevent further migration of the spilled fuel oil. The oil company’s contractor, Luzon Environmental, sent a crew including a vac truck to assist with remedial efforts. DEC Spill Response experts have visited the site regularly since the spill occurred to assess the situation and provide guidance.

Remedial activities including absorbent maintenance and product recovery via vac truck is being conducted daily until all impacts are removed. As a precautionary measure, a consultant for the responsible party is also scheduling sampling of a potable well located on the property where the spill occurred.

The potential environmental impact of this spill is isolated to the wetland area where the spill occurred. Based upon the usage of absorbents and recovery of product with the assistance of an underflow dam, DEC’s Spill Response experts have determined that no impacts have reached the Ten Mile River and Delaware River. DEC will continue to monitor the cleanup to ensure the protection of public health and the environment.”

Richardson said the wetlands in the area are about twice the size as the UDC meeting room; it’s a small marshy area. He didn’t think there was a well there, but there is a small structure. The structure is also built up since it’s in a marsh area. He thinks the situation is under control. Engelhardt said the initial complaint filed was that it was a “coverup”. The *River Reporter* followed up. B. Dudko asked how far up Route 97 did the spill take place? Richardson said it was across from an old bar. Martin asked if there were any private property or structures where the spill took place? Richardson said it is all private property where it spilled. There is a small structure

on the property, but he doesn't think there was a well. They put a boom across quickly. The water from the ditch there works its way to a small pond. It seems to be pretty contained. They had a machine there taking it off the top of the marsh as well.

**Commonwealth of Pennsylvania Projects**

There were no docket applications in the Commonwealth of Pennsylvania in the Notice of Applications Received published by the DRBC in December.

**Open Substantial Conformance Reviews**

Project ID	Project Name	Municipality	Action	Status
2024-08	The Hamlet Dream	Town of Highland, NY	Class II – Special Use Permit	Letter from NPS confirming UDC's recommendation of substantial conformance received 1/27/25. <b>Closed.</b>
2024-09	Julius Robinson Accessory Garage	Town of Highland, NY	Class II – Special Use Permit	Email sent to Highland PB chair on 11/27 explaining why the project does not substantially conform. To be discussed tonight.
2025-01	Willow Wisp Barn	Damascus Township, PA		To be discussed tonight.
2025-02	Yard Sale Store	Town of Tusten, NY		To be discussed tonight.
2025-03	Skinner's Falls-Milanville Bridge	Cochecton, NY & Damascus Twp, PA	Class II – Special Use Permit	To be discussed tonight.

**Additional Comments:**

**Robinson Garage (Highland)** – The applicant has not submitted a revised application combining his lot with an adjacent lot in order to establish a principal use on the same lot as the proposed accessory lot. Therefore, Engelhardt recommends that the committee recommend that the application **does not substantially conform** to the River Management Plan. The applicant is free to re-apply in the future with a conforming plan. Engelhardt said she received a call from J. Robinson, and he wasn't pleased. He hasn't made any changes or begun the process to combine the lots. She recommends the UDC says the project does not substantially conform so it isn't in limbo. Martin asked if it would be worthwhile to reach out to the applicant again? Engelhardt said the applicant is aware of the situation and what he would have to do. If they want to make those changes he can apply again for a review. Currently, there is no determination. We should recommend that it does not substantially conform so that a response from the UDC is on the record. A. Robinson asked if we would even deal with the applicant? It's his understanding that the UDC deals directly with the town. Engelhardt said yes, typically. The Planning Board doesn't have some of the information we may have, so she tries to be informational if an applicant reaches out to avoid a back and forth. This item is on tonight's agenda and can be discussed further.

**FY 2025 Technical Assistance Grants**

Mid-term progress reports are due February 21, 2025.

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 by August 22, 2025.

Applicant	Project Description	Award	Project Status
2025-01 Town of Tusten	Pt II of Open Space and Recreation Plan Development	\$9,740	Contract <u>signed</u> , mid-term progress report due 2/21/25
2025-02 Town of <u>Deerpark</u>	Town Brochure	\$3,000	same
2025-03 Berlin Township	Tax Maps	\$260	same

**2024 Code Enforcement Report**

Engelhardt said she has updated her contact list of local code enforcement departments. Correspondence will be going out to local clerks and zoning officers later this week to request their data from 2023 and 2024.

**New Business:**

**Substantial Conformance Review 2025-01: Willow Wisp Barn, Damascus Township:** Engelhardt said this property is located at 38 Hickory Lane in Damascus Township and located in the River District (RD) Zoning District. The property is almost 88 acres and contains several buildings associated with the Willow Wisp Organic Farm with most of the property being farmed. The property is surrounded by single family homes and other agricultural uses. It borders the Delaware River and most of the property, including the barn, is located within the AE 1-percent annual chance flood hazard area. In 2016 the applicant applied for a zoning variance to construct a barn for agricultural use in the flood plain. Since agricultural use is compatible use in a recreational segment, a Class II review of the project was completed by the UDC and NPS. The project took many years to complete and construction was finished in 2024. There was a lot of marketing on social media and local newspapers that the barn was being used for workshops, theatre events, and other things in which Farms Arts Collective is involved.

Engelhardt reached out to Zoning Officer Ed Lagarenne who said he was aware it was an additional use but didn't bring it back to the UDC since he didn't think that the project changed enough. In terms of how the township looked at it, it was an educational use as accessory to the agricultural use and did not require a permit. Lagarenne sent Township Code Section 412: Temporary Events and said the project falls under subsection *E. Such events occurring in existing structures such as schools, granges, churches, and other such structures adequately able to handle large congregations of people, shall be exempt from this section.* Because it is a large existing structure, it doesn't need to meet other parts of section 412. He also said that the bathrooms and septic were designed for these types of events. The three things he is most concerned with for projects like this are septic, trash, and parking. He was satisfied that they were sufficient for conditional use. It isn't just a theatre; the building is also used for agricultural storage and processing. She reviewed the documents on the Willow Wisp Organic Farm against the River Management Plan (RMP) and within the Land and Water Use Guidelines. The best definition for what the building is being used for falls under "institutional uses". Institutional uses are listed as an appropriate conditional use in a recreational segment. She went through the checklists in the Project Review Workbook and it appeared to meet all the objectives. The only thing missing is signage. Engelhardt asked Ramie if she had seen any signage while she was there recently for an event? Ramie said it was dark while she was there.

Engelhardt said, given that the local zoning official finds it acceptable on how the accessory use is provided in this building and that the use is an appropriate conditional use in the recreational segment, she recommends a finding of substantial conformance. G. Dudko asked how many people the building is equipped to handle at these events? Engelhardt said maybe 50? No less than 25. The definition for institutional use states it is serving no less than 25 people. Henry asked if there have been any complaints about noise? Engelhardt said not that she knows of; the building is behind an existing building. Roeder asked who the applicant is? Engelhardt said Tannis Kowalchuk and Greg Swartz. A motion by Robinson to send a recommendation of substantial conformance for Willow Wisp Barn to the full council for approval, seconded by Henry, carried.

**Substantial Conformance Review 2025-02: Yard Sale Store, Town of Tusten:** Engelhardt said this building is where the Napa Auto Parts used to be in the Town of Tusten; across from the UDC building and next door to the Town of Tusten Town Hall. The property is located at 216 Bridge St., Narrowsburg, NY. It is located in the Downtown Business Zoning District. The building has historically been a commercial building with a gravel parking lot. The applicant required a Special Use Permit for a retail store. The applicant presented an application for a Special Use Permit on 12/23/24 at the Tusten Planning Board meeting. They are currently holding a public Planning Board meeting at the Tusten Town Hall right now. It is a Class II project. Engelhardt went through the Project Review Workbook checklist and it mostly conforms. The exception is that most of the site is impervious coverage. No new impervious coverage is proposed. Retail establishments are classified as a compatible use in a hamlet. The applicant described the proposed business as a "fine secondhand store featuring unique and high-quality books, art, pottery, clothing, and furniture, promoting creativity community connection." There was no signage with the application. Retail is an appropriate special use in a downtown area and is consistent with neighboring businesses. Engelhardt recommends a finding of substantial conformance. A motion by G. Dudko to send a recommendation of substantial conformance for the Yard Sale Store in the Town of Tusten to the full council for approval, seconded by Henry, carried.

**Substantial Conformance Review 2025-03: Skinners Falls-Milanville Bridge, Town of Cochecton and Damascus Township:** Engelhardt listed a bit of the history on Skinners Falls-Milanville Bridge project on the Substantial Conformance Review. The bridge has been closed since 2019. An expensive PEL Study has been conducted with no conclusions as of yet. In August of 2024 an observer reported that portions of the superstructure were loose and falling into the river. PennDOT did an inspection of the bridge. In October 2024 PennDOT decided they would carefully dismantle and store the bridge until it could be possibly reassembled. On 12/16/24 Governor Shapiro declared an emergency on the bridge since it was falling, expediting a timeline for permits. The UDC didn't rush the Project Review Committee meeting but Kurnath and Marshall with NPS have been working on their Substantial Conformance Review at the same time as other reviews they are doing for the project. Kurnath and Marshall have been keeping Engelhardt in the loop with information and documents NPS receives.

Before the committee tonight is the UDC's Substantial Conformance Review. We will conduct an e-vote after this meeting to expedite the process, so we don't have to wait until the February 6<sup>th</sup> full council meeting. Henry said the project wouldn't meet substantial conformance unless PennDOT agrees to put in a replacement bridge? Engelhardt said she hasn't gotten there in her report yet. After discussing with Kurnath and Marshall, their mindset is that the bridge is already gone. There is nothing we can do to keep it up. One of the most useful documents that Engelhardt found was PennDOT's List of Alternatives Analysis. That document goes through each alternative on what to do with the bridge. One of the alternatives is to leave it up and do nothing, which obviously is not an option. Another is to carefully dismantle the bridge and why that isn't possible (dismantling would take 6-9 months with a much larger causeway needed, disrupting the recreational season). They laid out the reason why demolition is required. The proposal is to construct a stone causeway 120 ft. wide under the bridge, halfway into the river, using backhoes and excavators. Dismantling the bridge would have required a smaller crane to be brought in to build the massive crane needed to lift each truss. They plan to use explosive charges (for one day only) to drop the NY span of the bridge onto the causeway and the PA span into the river. They plan to drag the PA span out of the river onto the causeway. Dexter asked, if the bridge is in that bad of condition, how do they plan to simply pull the bridge onto the causeway? PennDOT had also proposed dropping the bridge into a net, but that wasn't feasible. How will they do this? Richardson said right, if the bridge is so bad, how do they plan to drag a section in one piece? Engelhardt said she imagines both spans will break into pieces. They plan to pull the PA span out of the river, cut it into pieces, load it, and remove it from the area. They plan to remove the central pier in the river and the NY abutment. They will do some repairs to and leave the PA abutment. They will put a small fence around the top of the abutment so you can walk up there. They will dismantle the causeway by removing the cleaned rock to avoid extra sediment in the river. They have done bathymetric surveys to determine how to restore the river bottom to its existing condition when work is finished. They will remove both approaches on the NY and PA side, reseeding the areas back to grass. They are widening the entrance to the NYS DEC parking lot. Dexter said they will probably end up tearing that parking lot apart. Engelhardt said they are avoiding the septic on Lander's property. Marshall said they plan to restore the road approaches to the abutments. Engelhardt said they want to get started as soon as they can, since the superstructure could fall at any moment. They want to be finished by the recreational season. The blasting will be done in just one day, so they won't be storing anything on site. They are also aware that some protestors and curious folks may be at the site during work, so they plan to use appropriate fencing in the area. They are aware of the Dwarf Wedge Mussels and will make sure their habitat isn't disrupted too much.

Removing the bridge can't substantially conform since it is an Outstandingly Remarkable Value (ORV). You can't just get rid of the bridge. The NPS is looking at it as if it's already happened, looking at the procedure and process of removing and restoring the area. Martin said, when they are saying they are looking at it as if it's already happened, is there a way to make that public so people know that the UDC isn't on the side of removal? Richardson agreed. We need to add more to the review before it's finished, recognizing that it wasn't the UDC's intent in the beginning. Dexter said PennDOT has been less than forthcoming. Richardson said we should try to add to the review that our hands are tied. Engelhardt said she doesn't say that PennDOT lied, but the situation is a result of neglect. G. Dudko said the UDC should take a stand that the project does not substantially conform to the River Management Plan (RMP).

Engelhardt said that based on the idea that the bridge is an ORV and registered historic the bridge really can't be removed. You also need to have a crossing there. There are supposed to be ten bridges across the Delaware River; without this one, there are only nine. For that reason, we are presenting the condition that PennDOT completes the

evaluation of crossing with public involvement, finishing the PEL Study and resulting in a bridge that, while it is a modern bridge, has some aesthetic connection to the bridge that is gone.

Henry asked how can you have a condition to substantially conform? Do they have to substantially conform to ruin the bridge? Engelhardt said we understand that this is an emergency situation and it needs to move forward. Henry said you can't put conditions in a review. Richardson said aren't we just looking at the conditions for the proposal to remove the situation? Engelhardt said they are trying to get some commitment from PennDOT to not just walk away after the demolition. Henry said we are looking at the substantial conformance to remove the bridge. We don't need to have conditions there. Martin said this is an important condition. Maybe there is some re-phrasing to be done. The UDC is trying to encourage and represent the long-term vision here. Our issue is not emergency action. Our vision is broader. It's really important. There is no guarantee that PennDOT will do anything, but it's important that we state it. How many people have been protesting this for so long? If we don't state that, then we aren't representing everyone's interest and what the public is saying. There has been so much action around this with people who love this bridge and want to keep the communities connected there. Peckham said you should look at the Lordville and Pond Eddy bridges. If they are going to build a bridge there it's going to be for long-term use. That's what most bridges on the Delaware River are. We can complain and say whatever we want, but it won't matter. Richardson said when we talk about the Pond Eddy Bridge, while it wasn't the original design, they did take into some consideration the design. Robinson said Federal law dictates military specifications on these bridges. He was talking to a bridge engineer who said all bridges need to be built for certain capabilities. If the military needs them, they must be able to use them.

G. Dudko said it's a shame they can't do something if they are keeping the PA abutment like at Roebling Bridge where they have that building for historic reasons. Dexter said he gets the question: Is it possible for the bridge to be repurposed as a foot bridge or something similar? Engelhardt said no, it's too late for that. PennDOT has indicated is that the bridge is already falling down. Henry said if you look at the crack on the NY abutment, you can see it's growing. That crack is significant and a scary sight.

Richardson said the review needs to be doctored a bit. Martin said if we are dealing with the two options, long term demolition that would take longer, haven't we been waiting for over six years? Does it have to be done so fast? Engelhardt said they didn't think the dismantling could be done safely at this point, in addition to it taking too long. It isn't safe for anyone to be on the bridge. It's a safety concern and they waited too long. Dexter said there is a letter from SHPO stating that because of the timeframe, the situation is not an emergency. Henry said PA issued the emergency declaration, not NYS.

A motion by Henry, seconded by Roeder, to send a recommendation of substantial conformance on the Skinners Falls-Milanville Bridge project to the full council after edits are made, carried with Dexter opposed and Martin abstaining. Martin said she thinks the bridge has been neglected and now there is no time to consider the damage being done by demolition. This could have been considered six or more years ago. She feels it's being rushed. She doesn't want anyone to get hurt, but feels there could be a more thoughtful analysis done.

Ramie said there is a mitigation meeting scheduled for the Section 106 parties on 2/11. They will be looking at all the options. Martin asked if PennDOT will be at that meeting too? Ramie said it isn't a public meeting. The UDC will be there.

**Other:** Henry asked Engelhardt if she had noticed on the NY side of Skinners Falls that it looks like there is a house going up there. Engelhardt said she was just there early last week and hadn't noticed anything. Henry said there is a lot of construction happening there; it might be worth taking a look at. Dexter said that backhoe has been there for a long time. Henry said there are obvious signs of construction. Engelhardt said she will reach out to the Town of Cohecton Code Enforcement Officer.

Henry said there is a vehicle illegally parking in the UDC's parking lot. The vehicle has been there for a few days now. He recommends that the UDC staff call the NYS Police about it. Robinson suggested putting a polite note on the car, letting the person know that the UDC parking lot is private property and that it's for UDC functions and not public parking. Henry said if we call the State Police they can at least tell us who owns the car. Engelhardt said she thinks the person may rent an apartment above Captain Bluddes store next door.

**Old Business:**

**Substantial Conformance Review 2024-08: Robinson Garage, Town of Highland:** Engelhardt recommends at this time that the project does not substantially conform with the River Management Plan (RMP). The applicant can come back in the future. Martin said she understands that we are not in a negotiation with this, but maybe it would be nice to remind the Planning Board that there are other options, so the applicant doesn't have to start all over again. Engelhardt said the Planning Board is aware of the situation. She spoke to the chair Jeff Spitz at last week's meeting about it. Consolidating the lots will be more of a pain than coming back to the UDC. Ramie said the reasons for a denial will be spelled out in the letter that the applicant and town receives. A motion by G. Dudko, seconded by Henry, to deny substantial conformance for the Robinson Garage in the Town of Highland carried.

**1/10 NPS Letter to Highland Planning Board: Camp FIMFO DEIS Comments:** Engelhardt said there is a letter in tonight's packet prepared by Marshall and signed off on by Kurnath of the NPS comments on the Draft Environmental Impact Statement (DEIS) for Camp FIMFO. Originally comments on the DEIS were due by 1/10, however at last week's Planning Board meeting the Town of Highland extended the written comment period to 3/11. Engelhardt believes Secretary Helene Hoffman said they have received about 180 letters all together. They planned to post the letters on their website after the meeting. They had extensive comments from Delaware Riverkeeper to go through. The applicant had no issues with the extension. The topic was brief at the last meeting.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A Motion moved by Henry, seconded by Roeder to adjourn at 7:32 p.m. carried.

*Minutes prepared by Stephanie Driscoll, 1/31/2025*