

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
April 23, 2024

Committee Members Present: Larry Richardson, Harold Roeder Jr., Al Henry, Fred Peckham (Zoom), Ginny Dudko, Christine Martin (Zoom), Aaron Robinson

Committee Members Absent: Jeff Dexter

Staff: Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll

NPS Partners: Carly Marshall (Zoom)

Guests: Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 23, 2024. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

Approval of March 26, 2024: A motion by Henry seconded by Dudko to approve the 3/26 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

There were no posted Notices of Applications Received by the DRBC for April in the river corridor in NYS.

Town of Highland

Short Term Rentals (STR) – The Town of Highland will be requiring special use permits for all short-term rental applicants who do not live on-site going forward. The town law has not changed; however, this requirement was not enforced under the previous supervisor (and previous town attorney). Engelhardt has spoken with Supervisor John Pizzolato and informed him that the UDC will need to do a formal Project Review of any STR that is required to obtain a special use permit. Pizzolato agreed, and Highland will send us any future STRs located in the corridor.

Dudko asked if each STR will need to go through the same process every year? Engelhardt isn't sure; she will follow up about that. There is an annual renewal. Richardson said there are several STRs along the river and some towns don't want to know about them. Engelhardt said there are mixed opinions on STRs in the towns and townships. Richardson said if there are several STRs that need to be inspected regularly, a whole new position within the town would be needed. Some towns can't afford to take on that responsibility. Right now, the county is making a large amount of money off STRs; why not see if the county will inspect STRs county-wide and work with towns and townships? Richardson said there was a recent situation that a homeowner rented their STRs during the winter and the renters left the door open, so the heat ran constantly and ruined the home from condensation. Engelhardt said the Town of Highland asks who will be local to the STRs, to keep situations like that from happening. Robinson said Shohola's Planning Commission spent about six months reviewing the options and decided to let the Home Owners Associations (HOA) deal with STRs. They have leverage under the HOA deed. It's too costly to have the townships regulate STRs. Richardson said he read in the paper that Forestburgh has raised their permit fee for STRs to \$500. Martin said she had sat in on some Town of Highland meetings when STRs were a topic. The town had legitimate concerns about fire alarms, emergency service markings on the house, and making sure the house is up to code. There is such a large amount of money going through STRs; it's worth looking at and making sure they are compliant through the town and with the River Management Plan (RMP).

Peckham asked what this topic has to do with the UDC? If it's a new building or an expansion, what is the UDC going to do after that? It doesn't have anything to do with the UDC. Richardson said the town is saying that if a STR requires a special use permit, the UDC is required to look at it. Robinson asked how you apply the guidelines if it's a residence? Engelhardt said she and Marshall were

speaking about it and in some instances, you may have a home being rented out with 5 bedrooms and there could be more than 5 cars there. Most of the STRs will probably be fine, but because it's a special use permit, the UDC will look at each one in the river corridor. Dudko said that the special use permits for STRs wouldn't need to comply with the RMP. Marshall said she was recently at a Buckingham Township meeting where they were reviewing a STR (not within the corridor) with 5 or 6 bedrooms that was being advertised as able to sleep 60 people. That has a big impact septic wise, parking, etc. In those unique, probably rare situations there are probably some standards in the RMP that would apply.

Henry said private property rights are something the UDC advocates for. He has two STRs on either side of his own property; the guests aren't the easiest to deal with. There may not be anything in the RMP, but private property owners will be impacted. Richardson said if you set up a permitting process it gives you some control; if the owner violates it, the permit can be pulled. Dudko said this is a great topic to discuss at the UDC/NPS "Road Show". Martin asked Engelhardt if this will be too much work added for her and the UDC staff? Engelhardt said there aren't many within the corridor, so it doesn't add an undoable amount of work. Henry said the UDC may need to have a meeting with the towns and townships if STRs start getting out of control. Engelhardt said we'll see how it goes. Peckham said people have been running Airbnb's for years with nothing going "wrong". There are no special regulations for STRs around there. It's ridiculous to manage private property owners like that.

Camp Tel Yehudah – The camp is reconstructing a building that was burned to the ground. Engelhardt spoke with Supervisor Pizzolato about this issue, and he says that the building is being constructed in the footprint of the original building. It is located more than 100 feet from the river. Therefore, it does not require a formal Project Review.

The Kate Project – This project is the construction of a hiking path that will connect the parking lot of Eagle Observation 2 River Access with the NPS's existing towpath hiking trail. Since the Town of Highland is the applicant, a formal Project Review will be required.

Town of Delaware

Callicoon Water Project – There was another update on the Callicoon Water Project in the *Sullivan County Democrat*. The water quality tests have been completed and "everything came back clean." They will now put the project out to bid. They will also require sign-offs from the NY Department of Health, as well as the Delaware River Basin Commission, to get their approval in order for the water to be used as a water source. The article is included at the end of the report in the packet.

Town of Lumberland

Cahnmann Lot Line Adjustment – On Friday April 19th the Planning Board Engineer for the Town of Lumberland forwarded an application for a proposed lot line change, ~~Engelhardt~~ Engelhardt is not sure it meets the threshold of a Significant Project. If necessary, the committee will review it at the next meeting.

NY Route 97 Pavement Maintenance – Engelhardt received a notice that the NYDOT will be conducting chip sealing along seven miles of Route 97 from the Orange County line to just north of Newman Road in the Town of Lumberland. The project is expected to start as early as mid-May and be completed by September. The notice is included in the packet.

Commonwealth of Pennsylvania Projects

There were no posted Notices of Applications Received by the DRBC for April in the river corridor in the Commonwealth of Pennsylvania.

Pike County

The Pike County Comprehensive Plan is being updated, and there is a meeting being held Wednesday April 24th from 6:30-8:30 pm for community members to discuss the final draft.

Open Substantial Conformance Reviews

Project ID	Project Name	Municipality	Action	Status
2024-01	Pavilion at the Flats	Town of Tusten, NY	Class II – facility to be constructed or operated by a governmental agency	NPS issued letter concurring with UDC's recommendation of Substantial Conformance dated April 9, 2024. Closed.
2024-02	Smith Flood Plain Variance	Damascus Township, PA	Variance Review	To be discussed tonight

FY 2024 Technical Assistance Grants

Engelhardt reported on the Mid-term Progress Reports from both the grant applicants at the February Project Review meeting. Project completions are due by August 16, 2024.

New Business:

Substantial Conformance Review 2024-02: Smith Flood Plain Variance (Damascus): Engelhardt said this is an existing one family dwelling located within the flood plain, not the floodway. The lot is located along the Upper Delaware River in Damascus Township. In order to make improvements within the flood plain you must obtain a variance, and that is what the applicant is seeking. The public hearing is occurring now at the Damascus Township Zoning Board. She included maps in her report in the packet. The lot is 4.35 acres, containing the existing the 1-story dwelling with a well and on-site septic. There are some out-buildings closer to the river, including a seasonal cabin. Prior to 2020 the lot only had the out-buildings and after 2020 some of the adjacent property was moved to this lot through a lot line adjustment. Willow Wisp Organic Farm is to the west of the lot. The site is cleared and mowed aside from some trees along the banks of the river. In terms of the requirements of the Land and Water Use Guidelines: they met all the principles and objectives. It's under 35-feet in height, with no clearing to be done and little additional impervious surface and no construction on any slopes. It meets the requirements of the Land and Water Use Guidelines. She took a look at the application with regards to the Damacus Township Flood Plain Development Standards. There were a few items that she and Marshall noticed; there is some information that wasn't submitted, the standards are a little different depending on whether the improvements are considered substantial. She quoted from the standards: "Any modification, alteration, reconstruction or improvement of any kind to an existing structure to the extent or amount of 50% or more of its market value." The applicant didn't submit a cost estimate for the improvements or the existing market value of the home, so it can't be determined whether or not the improvements are substantial. She suspects they probably are not substantial; they are proposing an attached 2-car garage, 2 bedrooms, a deck, and an enclosed porch. The garage will be fitted with flood vents, the other portions of the additions will be constructed on helical piles so potential flood water can go under the structure and be able to recede. There should be no storage of hazardous materials or adhesives in the garage below the base flood elevation. All of the utilities are pre-existing in the home. As long as there are no substantial improvements, the applicant just needs to make sure they meet the requirements of the code. If it is substantial, the whole structure needs to be brought up to code for the flood plain. There was no document certified by a registered engineer or architect to demonstrate that adequate drainage will be provided or that the structures will be designed to prevent floatation, collapse or lateral movement. The application will need to be submitted to the Wayne County Conservation District for their review and approval as well. Engelhardt finds that the project does substantially conform to the Land and Water Use Guidelines of the River Management Plan. There are some requirements of the Damascus Township Zoning Ordinance that were not addressed by the submitted application. She hopes those items are being addressed now at the Damacus Township Zoning Board hearing and that the administrator makes sure the project conforms to their ordinances. The application package is included in the packet for review.

Henry asked if that house flooded in 2004 and 2006. Engelhardt said she doesn't know. Henry said isn't that important? There were a bunch of houses along the river that were ruined in the 2004/2006 floods. Engelhardt said she goes by the FEMA maps, as that is the process. Henry said it would be good to know if

the worst floods on record flooded this lot. Richardson asked who makes the determination on whether the new work is substantial or not? We shouldn't make a determination until we hear how the Damascus Township Zoning Board hearing goes. Peckham said there is a breaker wall in East Branch to protect the town against flooding. Someone wanted to build in the flood plain, and they needed to get a special permit from the Army Corps of Engineers engineer to determine how high the piers had to be to get off of the flood plain. In that situation, the Army Corps of Engineers made the determination since it was a FEMA map. He asked when the latest flood maps were done? Engelhart said 2013. Peckham said they have to update their flood maps every 15 or 20 years. Engelhardt said she thinks the Army Corps of Engineers reviews the application if the lot is in the flood-way; not the flood plain. This application is not in the flood way. Martin said if there is a public hearing at Damacus tonight, we should wait until we hear what happened there to make the determination. Marshall clarified that the Flood Plain Ordinance for Damacus Township specifies that it's the flood plain administrator that makes the determination on whether or not it's a substantial improvement based on the construction costs and market assessment of the structure itself that would be provided by the applicant.

Richardson asked if it should be approved contingent on the information that comes from the Damascus Township Zoning Board hearing? Engelhardt said Damascus Zoning Board Enforcement Officer Ed Lagarenne said that the public hearing (taking place tonight) was the last opportunity for public comment. She replied that the UDC and NPS have 45 days to review it. We have to go through a procedure and the way the meetings fell we wouldn't be able to give a comment by the meeting tonight. Henry asked when the 45 days are up. Engelhardt said in a couple of weeks. Henry suggested that we should hold off taking any action until the full council meeting on May 2nd. Everyone agreed.

Other: None.

Old Business:

UDC/NPS Project Review "Road Show" Invitations: Marshall said the invitations went out this week. All municipalities have received an invitation. There is one confirmed, with the rest still pending. Each UDC representative for their town/township was copied on the email for the invitations. Richardson asked if the invitation went to the town board and planning boards? Marshall said if the town provided an email contact for the Chair of the Board of Supervisors it was sent to them, the town/township secretary/clerk, Engelhardt, UDC representative, and herself. It clarified in the invitation that it is up to the Board of Supervisors whether they want the UDC and NPS to come to the planning board meeting. One town thought it would be best for the UDC and NPS to come to the Board of Supervisors meeting and invite the Planning Commission. Dudko asked who they've heard back from? Marshall said Westfall has confirmed for May 6th and they have heard back from Lumberland, Highland, and Hancock. She expects to hear from everyone by the end of next week. Martin said the Town of Highland should be confirming for the June meeting.

4/25 Skinners Falls-Milanville Bridge Public Meeting and 5/26 Comment Deadline: Ramie said this is a reminder about the informational public meeting on Thursday (April 25) at the Narrowsburg Union at 5pm. PennDOT and AECOM will be there to answer questions. Comments are being accepted until May 26th. Ramie will attend this hearing and is reviewing the PEL study before preparing comments on behalf of the UDC. She will have comments ready by the May 2nd UDC meeting for review.

Other: Peckham said there were 4 canoers that camped on his island (Frisbee Island) this past weekend. They had fires, despite the NYS fire-ban. He tried to find emergency numbers for NPS and NYS DEC on the UDC website, but they aren't listed. He asked if they can be put on the UDC website? Ramie agreed that adding the NPS 24-hour dispatch number could be useful to many.

Public Comment: None.

Adjournment: A Motion moved by Robinson, seconded by Roeder to adjourn at 7:24 p.m. carried.