

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
April 28, 2026

Committee Members Present: Larry Richardson, Jeff Dexter, Al Henry, Aaron Robinson, Harold Roeder, Ginny Dudko, Christine Martin (Zoom), Cathleen Breen
 Committee Members Absent: None
 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 28, 2026. Chairperson Richardson called the meeting to order at 6:29 p.m. There was no public comment on the agenda.

Approval of March 24, 2026 Meeting Minutes: A motion by Robinson seconded by Breen to approve the 3/24 meeting minutes, carried.

Resources and Land Use Specialist Update:

DRBC Dockets – There were no projects in the State of New York listed on the DRBC’s Notice of Applications Received in April.

Town of Cochecton

97 Sand & Gravel LLC – Engelhardt and Marshall have looked in the archives to find the original substantial conformance review without much luck, though they have unearthed permits going back to the 1990s. Marshall noted that this might be a good opportunity to communicate with the town that their ordinance allows development that is not substantially conforming. Richardson said the town likely won’t change their zoning, but he’d pass on the message.

Town of Fremont

As discussed at the previous (3/24) Project Review Committee meeting, the former Delaware Valley Central School in Callicoon has been sold, but the current owners have no immediate plans for the property. A newspaper article is included at the end of the report.

Commonwealth of Pennsylvania Projects

DRBC Dockets – There were no projects in the Commonwealth of Pennsylvania listed on the DRBC’s Notice of Applications Received in April.

Open Substantial Conformance Reviews

Project ID	Project Name	Municipality	Action	Status
2026-01	Open Space & Recreation Plan, and Natural Resources Inventory	Tusten, NY	Local Plan Review	Letter recommending substantial conformance sent to NPS 3/19.
2026-02	Summer Recreation for Children	Lackawaxen, PA	Class II – Conditional Use Permit	NPS concurs with finding of substantial conformance, 3/24. Closed.
2026-03	Callicoon Riverside Park	Delaware, NY	Class II – Governmental Applicant	NPS concurs with finding of substantial conformance, 4/14. Closed.
2026-04	Highlands Salon	Tusten, NY	Class II – Special Use Permit	NPS concurs with finding of substantial conformance, 4/14. Closed.
2026-05	Keller Williams	Tusten, NY	Class II – Special Use Permit	NPS concurs with finding of substantial conformance, 4/14. Closed.
2026-06	Natural Nail Salon	Shohola, NY	Class II – Conditional Use Permit	NPS concurs with finding of substantial conformance, 4/21. Closed.
2026-07	Lackawaxen ND Ordinance Revision	Lackawaxen, PA	Local Law Review	Letter recommending substantial conformance sent to NPS 4/1
2026-08	Shohola Well Ordinance Revision	Shohola, PA	Local Law Review	To be discussed tonight.

FY 2026 Technical Assistance Grants

Final project completion is due August 21.

Applicant	Project Description	Award	Project Status
2026-01 Town of Tusten	Zoning Revisions	\$3,000	Mid-term progress report submitted
2026-02 Town of Delaware	Callicoon Crosswalk Study	\$3,000	Project Completed and award check issued
2026-03 Damascus Township	ADA Website	\$3,000	Mid-term progress report submitted

Land Use Complaints:

Tower Road, Town of Delaware: The access at this location has deteriorated and there have been complaints. However, most people using that access don't realize that it is owned by the railroad, and technically private property. The NPS is planning to reach out to the railroad to see how they feel about the trespassing/or if they would be interested in leasing that land to the town. It is not possible to unload a trailer at this location without blocking the roadway, which may be an issue.

2025 Code Enforcement Report

Requests for updates have gone out to municipalities.

New Business:

Substantial Conformance Review 2026-08: Well Ordinance Revision (Shohola): Engelhardt said she didn't think the revision technically required UDC review, since it is not a zoning amendment. However, because it involves potable water within the river corridor, she wanted to ensure consistency with the River Management Plan (RMP).

The existing ordinance includes a table of minimum isolation distances for wells, and the proposed revision removes the requirement for a 10-foot setback from property lines. All other setback requirements tied to actual sources of contamination remain unchanged, and the ordinance revision includes new procedures to provide for hearings, waivers, and modifications. The RMP does not include standards for private well locations, focusing instead on septic systems and discharges. Pennsylvania does not regulate property line setbacks for wells at the state level. Engelhardt said she found no conflict with existing policy and recommended a finding of substantial conformance.

Richardson said his brother-in-law ran into a related issue in Cochection, with his neighbor putting livestock on the property too close to his well. Robinson said that Shohola's conditional use process for activities like animal husbandry provides a mechanism to evaluate site-specific impacts and require appropriate setbacks where needed, even without a fixed property line requirement in the well ordinance. Setback requirements are intended to address sources of contamination, and a property boundary itself cannot be considered a pollution source. The change was therefore made to better align the ordinance with that principle. Shohola contains older developments with small, substandard lots, and there had been attempts to use the well ordinance as a tool to limit development on those parcels; this was not the ordinance's intended purpose. The Planning Commission has been asked to review density concerns separately, with potential zoning changes to be considered in the future.

A motion by Henry, seconded by Dexter to recommend that the full Council find the Shohola Township well ordinance revision in substantial conformance with the River Management Plan, carried.

Draft Letter to Town of Lumberland on Land Use Complaints: Engelhardt said these issues have been developing over an extended period, with complaints received over the past several years related to Slumberland, and more recently regarding The Outpost placement of camping-style structures along the river without apparent town approval and without being submitted to UDC for substantial conformance review. There has been prior informal outreach to Lumberland's Code Enforcement Officer Charles Nystrom. There is reportedly pending litigation with one of the properties, limiting the amount of information that can be shared. The Outpost had previously appeared before the Planning Board but did not meet requirements and was expected to return under a different proposal (as a motel), which has not occurred. The structures remain in place and appear to be actively operating, with online advertising for accommodations and indications that some units have been occupied throughout the winter. The draft letter to the Town of Lumberland as a formal letter to be issued on UDC letterhead to the Town Supervisor is included in tonight's packet. Martin said The Outpost has also acquired the old motel portion of River's Edge along Route 97 in Barryville and renamed it "The Drift House", the restaurant portion of the River's Edge has also been re-named "Barryville Roses", but operated by a different person. The Drift House will also operate the river access where Reber's River Trips was located. Martin said the letter should urge the town to investigate the situation and take enforcement action. Richardson said the draft already requests an update and references the importance of maintaining substantial conformance. Martin said we could include a timeline of prior outreach in the letter to demonstrate that this is not a new concern. Richardson said that such details could be incorporated later if needed depending on the town's response.

Martin asked if there were any details about the litigation. Engelhardt said they are in litigation and no details could be shared. Henry asked if Sullivan County may have any role in addressing the violations. Engelhardt said she isn't sure if this came up during her

meeting with Sullivan County Planning. Martin said she thought she remembered Sullivan County Legislative Chair and UDC Lumberland Representative Nadia Rajsz mention it during a meeting. Richardson said this is a local matter currently.

A motion by Martin to send the letter on land complaints regarding Slumberland and The Outpost to the Town of Lumberland, seconded by Roeder, carried.

Other: Richardson said the Cohecton Pump House, a long-standing and well-known site along the river, has recently come under new ownership. The new owners approached the Town's Code Enforcement Officer about continuing or expanding operations, but were advised that the current use, essentially functioning as an eatery or similar establishment, is not permitted within the zoning district where the property is located. As a result, the owners have been directed to seek relief from the Zoning Board of Appeals (ZBA). The matter is now actively before the ZBA, where the applicant is pursuing both a use variance and an area variance. In New York State, use variances are particularly difficult to obtain. Additionally, the property does not meet minimum lot size requirements and existing infrastructure - specifically a well and septic system - has reportedly been installed on New York State Department of Transportation (NYSDOT) property without authorization. This has raised additional legal concerns, including potential trespass, which the applicant has been advised must be resolved before the application can move forward. The applicants have begun engaging with the NYSDOT and have received a preliminary indication that a long-term lease or potential purchase of the affected property could be considered. However, while a lease might be achievable in a shorter timeframe, a purchase would be a much longer process. These issues, along with the need for additional application materials, have delayed progress, and the ZBA has requested further information before proceeding. The use of the space has evolved incrementally over time without full regulatory oversight. What had begun as a small, permitted operation (a food stand) expanded over the years into a more complex use, including structures and parking, without returning for updated approvals. This has contributed to the current situation, where the use is now out of compliance with zoning requirements.

Despite these unresolved issues, the applicants intend to open for the season on May 1 and have already begun advertising. This raised questions about enforcement and whether the town would take action if operations proceed without the necessary approvals. The ZBA expects to revisit the application at its next meeting, with the hope that sufficient information will be provided to move the process forward. If deemed complete, the application would then be referred to the County for General Municipal Law §239-M review. Once the application reaches a more complete stage, it should also be brought to UDC for Substantial Conformance Review.

Ramie said the Upper Delaware Scenic Byway saw this topic at their meeting last night (4/27) which included a letter of support from the Narrowsburg Chamber of Commerce, with a request by the business owner whether the Scenic Byway Committee would consider offering support as well. Richardson said that such support would not influence the ZBA's decision-making process and would be more appropriately directed to the Planning Board stage, should the project advance. The UDSB board tabled it.

Old Business:

4/16 Data Centers Webinar Report: Engelhardt said she attended this webinar hosted by the Delaware River Basin Commission (DRBC) in collaboration with the Susquehanna River Basin Commission (SRBC) and the Interstate Commission on the Potomac River Basin (ICPRB). The webinar focused on emerging water use concerns associated with data center development across large river systems. At present, the majority of water withdrawals in these basins are still tied to thermoelectric power generation, with data centers representing a comparatively smaller share. Advances in cooling technology have reduced water demand at newer, large-scale data centers compared to earlier models. Additional perspective was provided from the SRBC, that current water use by data centers remains below that of other common uses such as golf courses and snowmaking. While this suggests that data centers are not yet a dominant driver of water demand, the consensus was that their growth warrants attention—particularly as siting decisions and cooling methods will significantly influence future impacts. A recurring concern discussed during the webinar is the difficulty in fully tracking water use associated with data centers. Smaller facilities, as well as larger ones that rely on municipal water systems, may not trigger regulatory review thresholds, meaning their withdrawals can go largely unaccounted for at the basin level. Henry raised concern about the cumulative effect of multiple facilities—described as “more straws in the basin”—drawing water without comprehensive oversight.

Engelhardt said while some facilities have shifted toward air cooling to reduce direct water use, this approach can increase energy demand, which in turn shifts water consumption back to power generation. As a result, overall resource use may not be reduced so much as redistributed. Economic and financial factors are driving continued innovation, with operators seeking the most cost-effective balance between energy and water use. Robinson brought up the potential for beneficial reuse of waste heat generated by data centers. Excess heat could support other uses such as greenhouses or industrial processes; an opportunity for more integrated and efficient systems if properly planned. Engelhardt said she read that Damascus Township has adopted a six-month moratorium on data centers, likely to allow time to develop appropriate regulations. Breen mentioned a broader legislative activity, including a proposed three-year moratorium in New York State and efforts in Pennsylvania to increase transparency by limiting the use of non-disclosure agreements that currently obscure data center water usage.

Data Centers Position Paper Discussion: Engelhardt said that the paper is intended to be a UDC position statement, modeled in part on the Council's earlier position paper for large-scale solar facilities. The solar document was used as a structural template, with

terminology and sections adapted to address large-scale data centers, while leaving room to refine content and add issue-specific considerations. The purpose of the document is proactive guidance—both to articulate UDC’s position and to provide towns and townships within the corridor with a framework they can use when developing local zoning or regulations. G. Dudko said it’s important to “get ahead of” the issue, given the rapid emergence of data center development and the lack of clear, consistent local standards.

Discussion focused on how data centers should be categorized from a land use perspective. Unlike solar facilities, which may be considered compatible in scenic or recreational segments, there was general agreement that large-scale data centers are more appropriately classified as industrial uses, which are only compatible in hamlets. Richardson asked how we will define large-scale in this situation. Engelhardt explained that there are accepted categories of scale, and that classification is typically based on a combination of factors, including energy consumption, number of servers, and physical land area, rather than any single metric. The position paper will definitely define the different scales of data center. Establishing thresholds or categories will be important to differentiate between small, low-impact facilities and the larger, more resource-intensive operations that tend to generate public concern. Henry said we should include the issue of non-disclosure agreements, which can limit transparency around water use and operations. This is a growing concern, particularly in Pennsylvania, where such agreements have made it difficult to assess the true scale of data center impacts. Large facilities tend to cluster near energy-producing infrastructure, such as natural gas generation, to avoid the cost of expanding transmission capacity. Engelhardt said no Data Centers in the corridor are known to exist at a large scale within the Upper Delaware corridor, broader basin-level data suggests a mix of facility sizes, including smaller “in-building” operations that may not be readily visible or regulated.

Martin raised a broader comparison to other emerging land uses, such as large-scale detention facilities. While different in function, they can present similar challenges in terms of water use, wastewater generation, and infrastructure demands. These analogies were offered as a way to think more broadly about how to evaluate and regulate high-impact, industrial-scale uses that may not have been anticipated in existing plans. Richardson said that a lot of town/townships have been able to shut down the possibility of these types of centers due to those issues.

Breen said the existing template includes a five-year review cycle, there was consensus that data centers represent a rapidly evolving issue that may require more frequent updates. It was suggested that the document include language allowing for review “every five years or sooner if needed” to ensure the Council can respond to changing conditions.

Other: None.

Public Comment: None.

Adjournment: A motion moved by G. Dudko, seconded by Henry to adjourn at 7:23 p.m. carried.

Minutes prepared by Stephanie Driscoll, 5/1/2026