

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
June 25, 2024

Committee Members Present: Larry Richardson, Harold Roeder Jr., Al Henry, Fred Peckham (Zoom), Jeff Dexter, Aaron Robinson, Ginny Dudko
Committee Members Absent: Christine Martin
Staff: Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll
NPS Partners: Carly Marshall
Guests: Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, June 25, 2024. Chairperson Richardson called the meeting to order at 6:30 p.m. There was no public comment on the agenda.

Approval of May 28, 2024: A motion by Robinson seconded by G. Dudko to approve the 5/28 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

Town of Highland

Short Term Rentals – Engelhardt has not heard back from Supervisor John Pizzolato regarding the renewal process and fees for short term rental permits. She reached out to the new Planning and Zoning Board Secretary Helene Hoffman for more information on short term rentals. Hoffman said there is an initial fee of \$500 and an additional \$100 fee for the fire inspection. Each short-term rental needs to get an initial approval from the Planning Board after two meetings. As for renewal, they need to pay the \$500 fee and the additional \$100 fire inspection fee every year, but do not need to present to the Planning Board every year.

Camp FIMFO – The applicants have submitted their Draft Environmental Impact Statement. They are on the agenda for tomorrow night's Planning Board meeting, Engelhardt said that it is for informational purposes only and no decision will be made until next month at the earliest. Engelhardt plans to attend. She asked Marshall if she had any comments. Marshall said NPS is working through the paperwork.

Art Billboard – A two-sided sign has been installed next to the Barryville-Shohola Bridge that does not appear to conform to current sign regulations in the Town of Highland zoning code. It also seems to be larger than the maximum sign allowed in the River Management Plan and is illuminated, which is not permitted for off-premises signs. It's not clear whether this sign went through any sort of approval process. Engelhardt will reach out to Supervisor Pizzolato and the zoning board secretary for more information. Robinson asked where the billboard is located? Driscoll said it is across the street from the new River's Edge restaurant. B. Dudko said they presented an application at last night's Upper Delaware Scenic Byway meeting seeking a signage grant that was denied. Richardson said that the byway offers those grants for businesses, non-profits, churches, and things of that nature to update signage if they do not have the funds. Engelhardt asked if there have ever been any signage grants granted? Ramie said yes, the sign at Fort Delaware, signage at the Barryville Farmers' Market, a welcome sign in the Town of Tusten, and a few others have been done through signage grants from the UDSB. She said there was some competition for the billboard in Barryville, a smoke shop in Shohola also wanted to advertise there.

Town of Delaware

Callicoon Water Project – This project was listed as a Notification of Applications Received by the DRBC for June: Town of Delaware, D-2011-012 CP-2: An application to approve a withdrawal of up to 7.37 million gallons per month of groundwater from two new wells known as Callicoon-1 and Callicoon-2 for use in the docket holder's public water system serving the Hamet of Callicoon Water District. The new wells will replace the previously approved wells and spring sources. The project wells are screened in unconsolidated glaciofluvial sand and gravel deposits in the Callicoon Creek and Delaware River Watersheds in the Town of

Delaware, Sullivan County, New York within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has designated as Special Protection Waters.

Town of Tusten

Pavilion at the Flats – No updates.

The Shops at Narrowsburg – This is the project in the former Rasmussen building, which was known as “90 Main Street” when the UDC reviewed the project for Substantial Conformance in March 2022. Engelhardt attended the Town of Tusten Planning Board meeting last month for the public hearing for the Nectar Juice Bar, and this project was on the agenda as well. The applicants for this project were told they needed to obtain another special use permit; the one that was issued in 2022 was very specific about which mixed uses were to be located in the building. The prospective tenants have changed since then, and the applicants will not be able to obtain a Certificate of Occupancy unless they get a new special use permit reflecting these changes.

She reviewed her report from March 2022. Our original finding of substantial conformance was based on consideration of the following uses: eating and drinking establishments, mixed uses (garden apartments), professional offices, and retail shops. The current listing of uses provided by the applicant consists of eating and drinking establishments, professional offices, retail shops, and S-2 storage (on the upper two floors which was previously approved as residential). “S-2 Storage” is a reference to the Building Code of New York State, which is “low-hazard storage.” If this is accessory storage for the other uses in the building, she thinks that our original finding stands and does not need to be revisited. If this is some other significant or commercial storage space, we would need to review for Substantial Conformance again. The committee agreed. Due to today’s primary election, the public hearing at the Town of Tusten Planning Board is scheduled for tomorrow (Wednesday June 26). She will try to find out more information before July’s full council meeting.

Commonwealth of Pennsylvania Projects

There were two projects in the Notice of Applications Received in Pennsylvania posted by the DRBC for June that are in the Upper Delaware River watershed. Both are located in non-member townships:

Camp Ramah in the Poconos, D-2005-030-5.

An application to renew the approval of the existing 0.030 mgd Camp Ramah WWTP and its discharge: Treated effluent will continue to be discharged to an unnamed tributary (UNT) of Equinunk Creek at River Mile 322 - 8.5 - 0.5 (Delaware River – Equinunk Creek - UNT Equinunk Creek), via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Buckingham Township, Wayne County, Pennsylvania.

Manchester Township Sewer and Water Authority, Inc., D-2014-015 CP-2.

An application to approve the applicant's existing 0.045 mgd Reflection Lakes WWTP and its discharge: Treated effluent will continue to be land discharged via a spray field in the Equinunk Creek Watershed, within the drainage area of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Manchester Township, Wayne County, Pennsylvania.

Damascus Township

Willow Wisp Organic Farm – Engelhardt spoke with Ed Lagarenne about this project. He indicated that the proposed use of the building evolved over time, however he did not feel it changed enough to warrant a return to the Zoning Board. He was satisfied that the sanitation, garbage, and parking was sufficient for this new proposed use. The UDC Project Review Committee recommended a finding of substantial conformance in July 2016. At that time the use was described as a “steel frame agricultural barn and produce processing and storage facility.” Though the building as constructed does still contain these uses, it is also very clearly an event space for Farm Arts Collective, at which many events are planned. This may be considered a Customary Accessory Use to the Agricultural Use on site. She asked the committee if they felt this project needs to be reviewed again? Richardson said it’s a definite change since it was last reviewed. Robinson

asked what the primary use is? Engelhardt said it will be mainly an organic farm. Robinson said he would decide whether it needs additional review depending on what the majority use is; if it's 51% non-agricultural then it would need additional review. There could also be structural issues if there will be a lot of people attending events there. Engelhardt said that Lagarenne was aware of the updates and additions happening to the building, conducting regular inspections. He made sure there was ample parking, garbage disposal would be taken care of, and sanitation was addressed. Henry said there could be a lot of noise coming from there now, which wouldn't normally happen if it was strictly agricultural. Richardson said it might be worth taking another look. Marshall said she feels it's more of a judgement call of the township; if they don't see any of the additions as a big enough change to bring it back to the UDC. Robinson said it should be left to the local zoning officer. Marshall said if the Pavilion at the Flats project would warrant a re-review for added bathrooms, then this project would probably need a re-review if they are adding events, etc.

Hotel Darby – There is a large amount of earth movement in the back of the Hotel Darby and it's unclear whether this is the result of action that would require UDC review. Engelhardt plans to talk to Ed Lagarenne about it. Henry asked how much earth is being moved? Engelhardt said it's hard to see from the road, so it's hard to say. You can clearly see they are doing something and it may be just septic repair. But if they are looking to add on to the building, we need to know. Henry asked if Engelhardt was aware of work going on at an abandoned building just past the Darbytown Access? Dexter said he saw they had put a new roof on. Engelhardt will ask Lagarenne about it and make sure he's aware.

Open Substantial Conformance Reviews from May

Project ID	Project Name	Municipality	Action	Status
2024-02	Smith Flood Plain Variance	Damascus Township, PA	Variance Review	Letter to NPS recommending Substantial Conformance 5/3/24
2024-03	Nectar Juice Bar	Town of Tusten, NY	Class II – Special Use Permit	To be reviewed at our June PR meeting (received 5/20/24)
2024-04	Robinson Convenience Store	Lackawaxen Township, PA	Class II – Conditional Use Permit	To be reviewed at our June PR meeting (received 5/21/24)

FY 2024 Technical Assistance Grants

The project completions for FY2024 grants are due August 16, 2024.

The memo announcing the availability of FY2025 grants went out to our member towns and townships and county governments on June 7th.

Land Use Complaints

The complaint about illegal dumping at Ten Mile River near Brook Road in Tusten was referred to the National Park Service, and they are investigating the situation.

New Business:

Substantial Conformance Review 2024-03: Nectar Juice Bar, Town of Tusten: Engelhardt said this would be located in the building across the street from the Narrowsburg Veterinary. The building was previously a law office, and other types of professional businesses. The applicants wish to open a fresh juice, smoothie, and acai drink bar; a food business providing acai bowls, fresh fruit juices, and smoothies with no gas or stovetop cooking. The location is located within the RB Roadside Business zoning district and they will need a special use permit to operate. The public hearing was held last month where the Town of Tusten Town Board approved the special use permit. There wasn't too much comment from the public. The gentleman who owns the building where Bev and Jerry's is located said he didn't want any direct competition with the businesses in his building. The landlord of the building where Nectar Juice Bar would go said he takes that into consideration when deciding on tenants and he feels a juice bar would fill a niche in the community. Parking was discussed and the applicant said once approved, they planned to pave the

parking area. Proposed signage and the height of the existing building has not been submitted yet. Engelhardt feels that the property being used as a food business seems appropriate, being located in an area with other food businesses, and that the building has an appropriate amount of parking. There are also six apartments located on the upper floors of the building, with parking in the rear of the building. Engelhardt recommends that the project substantially conforms to the River Management Plan. There is no increase in impervious coverage and no changes to the actual site. B. Dudko asked if they are on the public sewage system? Engelhardt said yes, they have a private well but are on the public sewage system. A motion by Robinson, seconded by Henry, to recommend to the full Council on 7/11 that the Nectar Juice Bar project substantially conforms to the River Management Plan carried.

Substantial Conformance Review 2024-04: Robinson Convenience Store, Lackawaxen Township:

Engelhardt said that Jules Robinson is seeking a conditional use permit to put a convenience store on the ground level of an existing building next door to the New Inn at Lackawaxen. The building currently houses the Lackawaxen Post Office as well. The part of the building they would like to put a convenience store used to be a bank, but hasn't been for some time. The building is located in the ND Neighborhood Development zoning district on the east side of Scenic Drive, bordering land owned by the US Government/National Park Service. There are apartments on the upper floors of the building. They would like to renovate the building and provide retail sales and possibly prepared food, with nothing to be cooked on site. She attended the public hearing for this project where the proposed tenant was present to answer questions. For the UDC the project is within what is considered a hamlet, making in an appropriate use for the location. Engelhardt completed the checklist. The signage and building height were not given. Lackawaxen Township granted approval of conditional use at the public hearing. She believes this is an appropriate use for the location and recommends substantial conformance. A motion by Henry to recommend to the full Council on 7/11 that Robinson Convenience Store substantially conforms to the River Management Plan, seconded by G. Dudko, carried. Engelhardt would like to see the signage as well.

FY 2025 Technical Assistance Grant Applications Due by August 23: The press release is included in the packet. Engelhardt sent the memo and press release to her email list, but asked all members to remind their towns and townships that this is available. She said that she has been mentioning it during the "Road Shows" and towns and townships have commented that they've used them in the past. Someone had asked about Comprehensive Plans and she replied that is an eligible project. Sometimes we opt to fund a partial amount for what is located within the corridor.

Other: Ramie reminded everyone that tomorrow (6/26) the NYS DEC is holding a ribbon cutting celebration event at the new Long Eddy Access. DEC Regional Director Kelly Turturro will be there. She will be attending to gather information for the summer newsletter.

Henry said someone named Christopher Thompson from a company affiliated with AT&T has been contacting him about putting a cell tower on his property. AT&T is currently disgruntled with the person/company they currently lease with for the cell tower in that area and are looking to decommission that one and erect a new one. Henry commented that he can't believe they would go through the process of decommissioning a current working tower. Richardson said Verizon has proposed putting a tower in the middle of Lake Huntington. They would need a variance for the location they are interested in, but have not gone through any of the processes. Henry said he would pass along the Berlin project information to Engelhardt.

Old Business:

UDC/NPS Project Review "Road Show" Update: Marshall commented that the "Road Shows" have been going very well. They recently attended the Town of Lumberland and the Town of Highland meetings. They still haven't heard from Cohecton, Berlin, Damascus, Lackawaxen, Buckingham or Manchester. Henry asked Marshall to reach out to Berlin Township again; he has reminded them several times. Richardson said the Cohecton Planning Board is very busy, but he's been reminding them.

Other: Peckham said the Hancock/Deposit Girls Softball team has taken the state title for the third year in a row. Ramie said there was a special insert about it in the *Hancock Herald*. Everyone congratulated the girls softball team.

Public Comment: None.

Adjournment: A Motion moved by Roeder, seconded by Henry to adjourn at 7:22 p.m. carried.

Minutes prepared by Stephanie Driscoll, 6/27/2024