

Section III : Forms for Reviewing Significant Projects

How to Review Significant Projects

This review process includes private land development as well as public projects (e.g. municipal buildings, parks, bridges, roads, utilities, etc.). Public projects may include infrastructure projects owned by county, state, or federal government agencies, public utility companies, or private entities, including natural gas or hydroelectric facilities subject to the approval of the Federal Energy Regulatory Commission for environmental impact.

As the first step in the project review process, municipalities and other government agencies will use the checklists⁽¹⁾ below to determine whether the application is for a development within the Upper Delaware Scenic and Recreational River corridor boundary that is subject to review by the Upper Delaware Council and/or the National Park Service. Submit the completed project review checklists with the complete development application package received by the municipality, the completed cover form (if applicable) and the completed project review form (if applicable) to the UDC (for UDC member towns and townships) or NPS (for non-UDC member towns and townships).

Checklist I : Does the Project Require Review?

Place a check next to all that apply. Project Review is **NOT** required if:

- 1. The parcel on which the project is located is not within the Upper Delaware Scenic and Recreational River corridor boundary
- 2. The project is a single family home on an existing, pre-approved lot; AND:
 - a. The height of all proposed structures is 35 feet or less; AND
 - b. All construction and improvements are located 100 feet or more from the mean high water mark of the Delaware River.⁽²⁾
- 3. The project is a customary accessory use or structure, or other minor improvement such as a residential fence, deck, driveway, wall or patio
- 4. The project is a subdivision of single family detached dwelling units involving four or fewer dwelling units or lots, including all planned phases; AND:
 - a. The height of all proposed structures is 35 feet or less; AND
 - b. All construction and improvements are located 100 feet or more from the mean high water mark of the Delaware River; AND
 - c. No new roads and other improvements are proposed to be constructed; AND
 - d. All lots are at least 2 acres in size; AND
 - e. A conditional use approval, special use permit or site plan review are not required by the municipality; AND
 - f. The project does not involve stream discharge of sewage effluent or the use of central sewer and water services; AND
 - g. The project does not involve a facility to be constructed or operated by a governmental agency or agencies.

1 The checklists are based on the descriptions of Class I and Class II projects on pages 44-45 of the River Management Plan.

2 As defined in the Land and Water Use Guidelines, "High Water Setback—The required distance between the mean high water line of the Upper Delaware River and the building line of any lot" (p. 128).

- _____ 5. The project is a non-residential development in a hamlet, involving sewage flows equaling an equivalent dwelling unit⁽³⁾ of four or fewer dwelling units, including all planned phases; AND:
 - a. The proposed use is compatible within the river corridor classification as described in the Schedule of Compatible, Conditional, and Incompatible Uses (in Appendix A of this Workbook); AND
 - b. No more than 20 acres are used for the construction; AND
 - c. Clearing for building purposes does not exceed 10% of any lot; AND
 - d. No lot contains slopes exceeding 15% in grade; AND
 - e. The height of all proposed structures is 35 feet or less; AND
 - f. All construction and improvements are located 100 feet or more from the mean high water mark of the Delaware River; AND
 - g. No new roads and other improvements are proposed to be constructed; AND
 - h. All lots are at least 2 acres in size; AND
 - i. A conditional use approval, special use permit or site plan review are not required by the municipality; AND
 - j. The project does not involve a river related recreational use project; AND
 - k. The project does not involve stream discharge of sewage effluent or the use of central sewer and water services; AND
 - l. The project does not involve a facility to be constructed or operated by a governmental agency or agencies.
- _____ 6. The project involves construction or improvements to agricultural and related structures:
 - a. Within 100 feet of the mean high water mark of the Delaware River; or
 - b. That exceed 35 feet in height.

NO, Project Review **IS NOT REQUIRED** if the application is any one of the types listed above. If NO, **STOP** here.

YES, Project Review **IS REQUIRED** if the application is not among the types listed above. If YES, **CONTINUE** with the checklists on the following pages.

Reviewer: _____ Date: _____

3 As defined in the Land and Water Use Guidelines, "Equivalent Dwelling Unit: The amount of non-residential development necessary to generate a sewage flow equal to that of a typical dwelling unit" (p. 127).

Checklist II : Review Type – Is the Project a Class I Project?

Place a check next to **ALL** that apply.

If the project is located within the *Upper Delaware Scenic and Recreational River Corridor Boundary* and any of the following apply, **THE PROJECT IS A CLASS I PROJECT:**

- 1. The project is a subdivision of single family detached dwelling units involving between five and twenty-four dwelling units, and no more than 24 lots, including all planned phases; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 2. The project is a non-residential development involving sewage flows equaling an equivalent dwelling unit⁴ of five to twenty-four dwelling units, including all planned phases; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 3. The project involves construction of multi-family residential units, which may include, but are not limited to garden apartments and townhouses; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 4. The project is a subdivision involving the construction of new roads and other improvements; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 5. The project is NOT made up exclusively of single family detached dwelling units AND any of the following are true: more than 20 acres will be used for the construction, OR more than 10% of any lot will be cleared for building purposes, OR any lot is on slopes exceeding 15% in grade; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 6. The project is a subdivision (other than a land transfer for lot improvement purposes) involving lots of less than 2 acres in size; and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 7. The project is an off-premises advertising sign.
- 8. The project involves construction or improvements within 100 feet of the mean high water mark of the Delaware River (excluding agricultural and related structures); and meets all the Supplementary Criteria for Class I Projects listed on this checklist.
- 9. The project involves construction of a structure with a height exceeding 35 feet (excluding agricultural and related structures); and meets all the Supplementary Criteria for Class I Projects listed on this checklist.

Supplementary Criteria for Class I Projects

All Supplementary Criteria must be met for a project to be considered a Class I Project.

- a. No more than 24 lots or equivalent dwelling units are proposed, including all planned phases; AND
- b. A conditional use approval, special use permit or site plan review are not required by the municipality; AND
- c. The proposed use is compatible within the river corridor classification as described in the Schedule of Compatible, Conditional and Incompatible Land Uses (Appendix A in this Workbook); AND
- d. The project does not involve a river related recreational use; AND

⁴ As defined in the Land and Water Use Guidelines, “Equivalent Dwelling Unit: The amount of non-residential development necessary to generate a sewage flow equal to that of a typical dwelling unit” (p. 127).

- _____ e. The project does not involve stream discharge of sewage effluent or the use of central sewer and water services; AND
- _____ f. The project does not involve a facility to be constructed or operated by a governmental agency or agencies.

YES, the application **IS FOR A CLASS I PROJECT**.

- **For municipalities that are in substantial conformance:** IF YES, no further action is required.
- **For municipalities that are NOT in substantial conformance:** IF YES, submit this completed checklist along with the **COMPLETE** development application package received by the municipality and a completed Project Cover Form to the UDC (for UDC member towns and townships) or NPS (for non-UDC member towns and townships).

NO, the application is **NOT FOR A CLASS I PROJECT**, if the application is not among the types listed above. If NO, **CONTINUE** with the checklist on the following pages.

Reviewer: _____ Date: _____

Checklist III : Review Type – Is the Project a Class II Project?

PLACE A CHECK NEXT TO ALL THAT APPLY.

If the project is located within the *Upper Delaware Scenic and Recreational River Corridor Boundary* and any of the following apply, **THE PROJECT IS A CLASS II PROJECT**:

- 1. The project requires a conditional use approval under local ordinances
- 2. The project requires a special use permit under local ordinances
- 3. The project requires site plan review under local ordinances
- 4. If approved, the project would take the municipality out of substantial conformance with the Guidelines BECAUSE:
 - a. The proposed use is incompatible within the river corridor classification as described in the Schedule of Compatible, Conditional and Incompatible Land Uses (Appendix A in this Workbook), OR
 - b. The proposed use would require special use/conditional use approval within the given river corridor classification as described in the Schedule of Compatible, Conditional and Incompatible Land Uses (Appendix A in this Workbook), but the municipality is not requiring a conditional use/special use permit application
- 5. 25 or more lots or equivalent dwelling units⁽⁵⁾ are proposed, including all planned phases
- 6. The project involves a river related recreational use
- 7. The project involves stream discharge of sewage effluent or the use of central sewer and water services
- 8. The project involves a facility to be constructed or operated by a governmental agency or agencies
- 9. The project was found to require project review under Checklist I, and is not a Class I Project according to Checklist II.

YES, the application **IS FOR A CLASS II PROJECT**.

- **For all municipalities:** IF YES, submit this completed checklist along with the **COMPLETE** development application package received by the municipality and a completed Project Cover Form to the UDC (for UDC member towns and townships) or NPS (for non-UDC member towns and townships).

NO, the application is **NOT AMONG** the application types listed in **Checklist I, II, or III**.

- **For all municipalities:** IF NO, submit this completed checklist along with the **COMPLETE** development application package received by the municipality, a completed Project Cover Form, **AND** the “Questions to Guide Review of Significant Projects,” found in this Workbook to the UDC (for UDC member towns and townships) or NPS (for non-UDC member towns and townships).

Reviewer: _____ Date: _____

5 As defined in the Land and Water Use Guidelines, “Equivalent Dwelling Unit: The amount of non-residential development necessary to generate a sewage flow equal to that of a typical dwelling unit” (p. 127).