

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**February 25, 2020**

Committee Members Present: David Dean, Larry Richardson, Jim Greier, Fred Peckham, Al Henry, Sue Sullivan, Aaron Robinson, Jeff Dexter  
Committee Members Absent: Harold Roeder, Jr.  
Staff : Laurie Ramie, Ashley Hall-Bagdonas  
NPS Partner: Acting Superintendent Jessica Weinman, Jennifer Claster  
Guests: Roger Saumure (Shohola alternate), Dan Paparella- Town of Tusten alternate, Dorene Warner- W Design Group, Heather Jacksy, AICP, Sullivan County Planning-Associate Planner, Cheryl Korotky

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 25, 2020 at the Council office in Narrowsburg, NY. Chairperson Dean called the meeting to order at 6:33 p.m. There was no public comment on the agenda.

**Approval of January 28, 2020 Meeting Minutes:** A motion by Peckham seconded Robinson to approve the January 28, 2020 Meeting Minutes was carried. There was no public comment on the agenda.

**Resource Specialist's Update:** Ramie provided a report due to the vacancy of the Resources and Land Use Specialist since January.

New York

**Town of Cochection:** An informational inquiry was made on 2/5/20 by a realtor representing a client with interest in purchasing a 71.6-acre property in the Town of Cochection to site an anaerobic digestion system for agricultural usage to convert waste into energy. The potential property is located in an Agricultural Conservation (AC) District. After consultation with Jennifer Claster, Ramie advised that discussion of this project should be directed to the Town since the plan would have to conform with the permitted uses of the local zoning code, and the UDC cannot prejudge a hypothetical scenario without an actual site plan as submitted by the town for review. Ramie clarified that the UDC has no authority to approve or deny any proposal.

**Town of Tusten:** An article in the 2/6/20 issue of *The River Reporter* stated that the Tusten Zoning Board of Appeals on 1/28/20 denied the Town of Tusten's request for three variances regarding set-back, lot-size, and driveway-width for the parking lot behind Wayne Bank located at 93 Main St., Narrowsburg (SBL 10-1-19). Tusten Code Enforcement Officer Jim Crowley advised that the town can't apply for variances because it does not own the property in question. Instead, the town leases it for \$1/year. If there was a contract of sale between Wayne Bank and the Town, the application could be eligible. The article states that the town is exploring the purchase of the 12,212 sq. ft. property to retain its use as a parking lot.

**Town of Highland:** The Town of Highland Zoning Re-Write Committee has had productive meetings with UPDE Community and Land Use Planner Jennifer Claster as a follow-up to the National Park Service's 12/27/19 determination that the Town's adopted 2019 Zoning Law does not substantially conform to the Land and Water Use Guidelines. Claster said they have met twice; on 2/14 and 2/24. They went through all of the Principles and Objectives that did not conform, as well as all of the uses that did not conform with the Schedule. They used the summary that UDC had sent them as a supplement to the initial review. She said it sounds like conceptually they agreed to make all of the changes. They have work they need to do on their end such as contacting their code enforcement officer and Planning Board. She said she believes they will be working on a draft and to expect that in the next month. NPS will then review that draft. Claster said they are most likely going to have to get their consultant reengaged to help with some of the changes. Ramie said that is positive news and thanked Claster for facilitating progress.

A Substantial Conformance review report dated 2/17 from Shepstone Management Co. for the Highland River Access Class II Significant Project will be discussed under New Business, following submission of the following

materials by the Sullivan County Division of Planning on 1/23/20: 1) Cover letter and Significant Projects Report Form; 2) A "No Adverse Effect" determination letter dated 3/14/2018 by the NYS Parks, Recreation and Historic Preservation; 3) Sullivan County Resolution 281-18 dated 6/14/2018 Issuing a Negative Declaration under SEQRA with a Full Environmental Assessment Form and Attachments; and 4) Highland River Access Construction Drawings, 90% submission by HAA Landscape Architects, dated 8/16/2017. The Town of Highland Planning Board is scheduled to review the project at its next meeting on 2/26. The project also requires approval by the U.S. Army Corps of Engineers, with sign-off by the NYS Department of Transportation as a property owner. The goal as stated by project coordinator Heather Jacksy is to be ready for a ribbon-cutting ceremony by the end of October 2020.

### Pennsylvania

**Damascus Township:** The National Park Service issued a substantial conformance determination letter on 2/13 regarding the proposed adaptive reuse of the former Wayne Delaware Manor (Methodist Home) at 9 Manor Dr. in Beach Lake into a 28-room Damascus Hotel within the township's River District. The letter was provided in the meeting packet.

Claster met with Damascus Township officials on 2/19 to provide information on the procedure to designate hamlets. Claster met with Damascus Township Zoning and Code Enforcement Officer Ed Lagarenne, Steve Adams, and Jeff Dexter to talk about the idea of designating hamlets which would be done through their zoning process. Unlike some of our river Town/ships, Damascus has not zoned any hamlets. They do have hamlets that are mentioned in the River Management Plan (RMP). Claster made some maps for them that look at parcel size and where the smaller parcels are concentrated in the corridor. They also looked at floodplains and their historic districts that have been designated giving them something to start with. She said they will be thinking about how the RMP discusses hamlets, what areas in their Township are suited for hamlets, and what uses they would want to allow there. Ramie said if pursued, this action would be subject to local hearings and a substantial conformance review.

On 2/10 Ed Lagarenne submitted a building permit application and site plan for a 14' x 56' manufactured home at 134 River Road, Beach Lake. Laurie forwarded the materials to interim planning consultant Tom Shepstone and Jennifer Claster to review and facilitated getting responses to questions about the height of the proposed structure and whether all construction would be 100 feet from the mean high water mark of the Delaware River to determine whether it is a Class I or II project. A 2/17 report from Shepstone Management Co. is provided for New Business discussion.

**Shohola Township:** Finalization of the Township's Zoning Ordinance update is needed to complete the Fiscal Year 2019 Technical Assistance Grant project by conducting a substantial conformance review.

**2020 Technical Assistance Grants:** Reminders were sent on 2/12 as needed about the 2/28 deadline to submit Mid-Term Progress Reports. Projects must be completed by 8/28 with supporting documentation submitted to request reimbursement payment. Copies of the Progress Reports were attached.

Grant Recipient	Grant ID	Amount	Status
Town of Delaware	2020-01: Guide to Permits Brochure	\$1,127	Mid-Term Progress Report submitted 2/13/20
Town of Hancock	2020-02: Recreational Access Study	\$5,000	Mid-Term Progress Report submitted 2/21/20
Town of Tusten	2020-03: Comprehensive Plan Update	\$10,000	Mid-Term Progress Report submitted 2/11/20
Town of Tusten	2020-04: Zoning Ordinance Update	\$7,250	Mid-Term Progress Report submitted 2/19/20

**Annual Code Enforcement Program Report:** On 1/3 Resource Specialist Pete Golod submitted letters to all 13 UDC municipal members' Code Enforcement Officers and Planning Board/Commission Chairs requesting they provide all building permits, special/conditional use permits, and variances issued within the designated river corridor from January 1 to December 31, 2019, as well as any modifications made to their laws, plans, ordinances, and zoning map changes. The materials were requested by Monday, March 2<sup>nd</sup>. As of 2/25/2020, we have received them from: Hancock, Fremont, Delaware, Cochection, Lumberland, Deerpark, Damascus, Berlin, Westfall. They are still pending from Tusten, Highland, Lackawaxen, and Shohola.

**Land and Water Use Guidelines Training:** A training session on the RMP and Land and Water Use Guidelines with the Orange County Planning Department was rescheduled for tomorrow afternoon, Claster reported, then all five river valley counties will have completed the training.

**Project Review Workbook Update:** Dorene Warner of W Design, Barryville, provided a new cost estimate on 1/28/20 for production services and printing quotes since the 2016 estimate expired and the project details changed, such as opting for a single booklet format for the print copy and requiring compliance with Section 508 ADA regulations for the online version. The final step will be to discuss the Project Review Workbook's rollout and orientation training sessions. Warner said Claster, Ramie and Pete Golod met to discuss how they would move forward with the new Workbook. Warner presented a mock-up of the first portion of the Workbook. They have been working on type size and formatting. She shared with the group three different covers and all pictures were by David Soete. She will reach out to Soete for permission to use his photograph. The concept is a booklet with a combed edge to hold all of the pages together. The booklet opens up to a full map. Claster had worked out color variations for the table of contents for breaking up the different sections. Warner took those colors and highlighted them on the table of contents for that color of section of the book. We will have continuity in referencing what section you are interested in. They haven't discussed what would go on the back of the Workbook. Warner said they will be reworking the flow charts; in the original document the type size is fairly small and they want to make sure it is legible. Ramie said while Warner is showing the print version, she is also working on the online version that will be posted on the UDC website. Warner said once we have a final Workbook, each of the forms within the document will be separated and made into fillable Acrobat files. That means any hyperlinks or emails in the document will link to the corresponding location or person. They also spoke about adding submission buttons to each of the forms whether the user fills it out in their browser window or they download it to their computer. Once they hit that button they add to each of the pages it will open into their own email protocol. If they have additional forms they can attach those as well to be sent to the predesignated email that is synced with the form itself. Ramie said you can see what an advancement that will be over people ignoring the present book we have from 1988. The group relayed to Warner they were in favor of the Callicoon photograph looking down river as the Workbook cover. Warner said she would consider all comments, continue with the formatting, and will be in touch with Claster and Ramie as it progresses. Warner said they should be on target for a spring roll-out. Project Review Committee thanked members Warner for showing the progress of the Workbook.

#### **New Business:**

**Highland River Access Substantial Conformance Review:** This was the first project that we asked our interim Planning Consultant, Tom Shepstone to take a look at. A copy was provided in the meeting packet. Ramie asked Heather Jacksy, from Sullivan County Planning, to describe the project. Jacksy said this is the DEC access that's right on Route 97 in the Town of Highland called the "Highland access". It's a property that's owned by the NYS DOT; it's leased by the DEC and the county has been working with them, the NPS, and the Town to make improvements. Right now it's a dirt path down to the river. They want to see that pulled back to make it ADA compliant. They want to add more greens for more infrastructure. They would like to change some of the messaging on the site to talk about how you can better manage stormwater, plant natives, etc. They are going to add a boat rack and bike rack. She said while four miles on a river is a nice day and four miles on a bicycle is easy, they can replace some of the car traffic there. They have money to implement this now from the National Fish and Wildlife Foundation through the Delaware River Watershed Initiative. It is federal money dedicated to the entire Delaware River Watershed. She said they have money from the County and in-kind money from NYS DOT, and NYS DEC. They have help coming from the NPS, Sullivan Renaissance, and from the Town. They are coordinating a lot of people and permits right now. She said she is also going through the National Environmental Protection Act which involves the Army Corps of Engineers. Jacksy said as a County employee they don't own the property, DOT does. They have signed off on her application and the County has to as well. There are many moving pieces and Jacksy is not sure about the October date anymore. It's going to be something that complements the beauty of this area and it's going to be a showcase as you go along Route 97. Ramie said she sent the report out in advance. She knows that Shepstone consulted with Claster and they talked through this Class II Review. Sullivan said she has a suggestion with all of the permits Jacksy is dealing with, to ask someone from Rep. Delgado's office to advocate for you. Henry said he just asks them to remember the floods and ice-outs. He said he would hate to potentially see damage one year later below the parking lot. The flood water of 2004 was on top of the parking lot and in 2006 it was about

two feet on top of the parking lot. Jacksy said that's good information. A Motion by Henry seconded by Peckham to make a recommendation to full Council to seek determination on substantial conformance by NPS on 3/5 carried.

**Damascus Township Mobile Home Permit:** Ramie said this was the second item that came in from Shepstone. Ultimately, it was judged not to be reviewable because it is a Class I project and Damascus Township is in substantial conformance. Ramie said nevertheless, it was probably a good exercise for our consultant to go through it and file this report. This also went out to committee members in advance. Ramie said if you agree with its conclusions it says it doesn't require a review. Robinson said he thought the model that Shepstone used for his analysis is good. As someone new comes in this might be a good study for them. A Motion by Richardson seconded by Henry to accept the report on the Damascus Township Mobile Home Permit carried. Claster clarified that it is not a Class I project nor a Class II project. It did not rise to the level of a Class I, although the report was labeled as that to review that question.

**Other:** Henry said this is relative to the Town of Highland. On the discussion of why they went astray on their recent rewrite, they heard that they had possibly followed the UDC's Design Handbook vs. the RMP. He looked at the Town of Highland's website, and on the website it says the Town of Highland will not follow the UDC Design Handbook but they will follow the RMP. Richardson asked if that could have been updated since the meeting? Sullivan said she was corresponding with the Tusten Zoning Rewrite Committee Chairperson and she there was confusion between the Project Review Handbook and RMP. Sullivan told her to refocus on the RMP. Claster said when she met with the Town of Highland, they had a suggestion when a Town/ship gets a Technical Assistance Grant that they also receive a copy of the River Management Plan (RMP) with the acceptance letter.

**Old Business:**

**Draft Position Paper on Utility-Scale Solar Energy Systems:** Ramie provided this document also in the meeting packet in advance. It is the draft Position Paper on Utility-Scale Solar Energy Systems as of 2/19/2020. This was the version where we took out the references to the other three types of renewable energies and exclusively focused on Solar. We decided to put an Executive Summary at the top for a quick explanation. This still allows flexibility among Town/ships to be the determining factors of whether Utility-Scale Solar would be appropriate under special or conditional uses within the segments identified. This doesn't include the guidance of what to do with it after this becomes our Position; that's its own discussion. Ramie said we hope you can take this on its own merits and decide whether this is something you can support which in this case would just require a majority vote. Ramie said Harold Roeder, Jr. called today and relayed he had the flu and bronchitis but that the Delaware Town Board instructed him that they vote in favor of this draft. Richardson said prior to this meeting he did review the Town of Cocheton's Zoning and the Town of Delaware's Zoning. Both codes already address Utility-Scale Solar and require a substantial site plan review. In Cocheton's case, they additionally require a SEQR review as well. Ramie's answer to Peckham's prior question about what the conditions are is that it's up to the Town or Township to decide. They are the ones to impose those special circumstances to fit the character of their municipality. Claster said the RMP says the Town/ships can come up with their conditions. If it's a conditional use or requires a special use permit it's up to the Town to figure out those requirements. The RMP doesn't really address what those should be except for a few exceptions. They would all be reviewed on an individual basis to make sure they are protecting the Outstandingly Remarkable Values (ORVs) and consistent with the RMP. Ramie said she thinks it's meant to be broad and that's deliberate. Claster said Cocheton Zoning has a lengthy section on Solar Energy that discusses what requirements will be in place. An applicant can read it and understand what is expected and also UDC and NPS and understand if it's protecting the ORVs. Richardson said Delaware's Zoning says: "subject to site plan review and a determination that such placement will still constitute an accessory use and not conflict with the Upper Delaware Scenic and Recreational RMP." Claster said a Town/ship could amend their zoning if they don't already address this use and UDC will review and comment on it to adequately protect ORVs. Sullivan said she didn't have an opportunity to talk to her Town about this specifically, but she will go along with it now to move it forward and email the document to the Supervisor so they can make a comparison. She said they had UDC's original Position Paper so she's anticipating no issues. Greier said the RMP gives us the guidelines that each Town/ship is supposed to follow. There are no laws in there; the laws are in the Town/ship zoning laws themselves. A Motion by Robinson seconded by Henry to approve the 2/19/2020 draft Position Paper on Utility-Scale Solar Energy Systems and forward it to the full Council on 3/5 passed with an abstention by Peckham.

**2019 TAG Project Status:** Shohola Township Zoning Ordinance Update: Robinson said Shohola Township is close to completing the project. They met last week with Claster and the Planning Commission at their regular Planning Commission meeting. They are in the process of revising the draft. Robinson and Claster believe all the issues were covered.

**2/13/20 NPS Determination on UDC's Damascus Hotel Recommendation:** A copy of the letter was provided in the meeting packet and discussed during the Resource Specialist's Update. Henry wishes it was mentioned to NPS Regional Director Gay Vietzke, referencing the last paragraph: "although technically considered an incompatible land use, it does not rise to the level of a clear and direct threat and therefore does not trigger the enhanced acquisition authority of the NPS under 704(e)(4) of P.L. 95-625." Henry said let's do away with that kind of antagonistic language. There's no need for it. Tone it down.

**Status of Project Review Workbook:** Ramie said the only addition she had to this subject was that she included the revised quote in the meeting packet. She said as of now we don't know the page count and there are a lot of variables for the print costs that Warner was able to break-down. Ramie said this would be approximately \$4,200 for this part of the service. Previously, back in 2016, we had authorized \$5,350 so we are still within the budget. The difference between it be can applied to these printing costs. Ramie said our friends at the National Parks Conservation Association (NPCA) have offered to provide us with some assistance. They have looked at ways they can be helpful to us because they represent Upper Delaware and Middle Delaware through their Mid-Atlantic Region. One area that they have identified that would be very helpful is to move this process along with having our project reviews streamlined. NPCA was watching the Town of Highland situation closely to see how they could assist. NPCA has offered to pay for the \$4,200 production costs of the Project Review Workbook to free up that money that the UDC can apply to our retreat for our Five-Year Plan Strategic Planning process. They also offered financial help with the roll-out training sessions. If the NPCA funding is provided for the Project Review Workbook they asked whether the NPCA logo could be added to the inside cover of the Project Review Workbook to indicate that they have partially supported this project and Ramie feels that is appropriate. Ramie said they are a member-based organization so their funding comes through donations. They also have funding through the William Penn Foundation for Delaware River Watershed projects. Ramie said truly, within our very tight 2020 budget we don't have any funds for this retreat right now. A Motion by Henry seconded by Sullivan to accept assistance from NPCA for the Project Review Workbook and Five-Year Plan carried with an abstention by Peckham. Richardson said this is a great offer.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A motion by Robinson, seconded by Sullivan, to adjourn the meeting at 7:40 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 2/28/2020*