

## **TOWN OF TUSTEN PLANNING BOARD, February 22, 2022**

A regular meeting of the Town of Tusten Planning Board was held February 22, 2022, at the Tusten Town Hall and via zoom link ID 89713768662, with the following members present:

**PRESENT:** Ed Jackson, Chairman (zoom)  
Ken Baim (in person)  
Mary Bermudez (in person)  
Joseph Curreri (zoom)  
Sean Harrington (in person)  
Barry Becker (in person)  
John Kaufman (in person)  
Peter DeAngelis (in person)

**ABSENT:**

**OTHERS PRESENT:** Amy Lohmann Planning Board Clerk (in person); Crystal Weston Town Clerk (in person), Ken Klein, Attorney (in person) and approximately 50 members of the public in person and 78 on zoom.

### **Open Public Hearing at 7:19 PM**

Public hearing opened for the Boy Scouts America, presentation by Amador Laputt. Dick Davies is also present

This is for an 8 lot subdivision with other towns bordering Bethel, Cochection and Highland. There are 7,153 acres

Dick Davies presented that the Boy Scouts of America are in the bankruptcy process due to sexual abuse claims prior to 1970. There is a total of \$3 billion to compensate sexual abuse going back to 1942. \$500 million to trust and \$9 million for the local boy scouts. Money is for the settlement. All operating camps remaining.

The acres are going to The Conservation Fund which will eventually go to New York State. After the property goes to New York State it becomes taxable.

The subdivision is to create different lots. Once it goes to the Conservation Fund they may put up gates and provide the accommodations to the emergency services in town. There is no development proposed.

Lot 1 is 7153 acres. Lot 2 would be divided up to 8 acres at the River Access. Lot 3 is by the church and 1.9 acres will be given for parking at the church. Lot 4 Route 23 house being retained. Lot 5 Head quarters remaining. Lot 6 Aquahonga at Half Moon Lake. Lot 7 is the Fish Fry House which will remain for ranger use and lot 8 is at Trout Pond Road.

North is the town of Bethel, which the Boy Scouts will be attending their meeting. Lot 2 is at the Delaware River Access/ boat landing with no improvement. This is the public boat landing. The National Park Service access- this will remain NPS access.

Lot 3 – Parking area that is currently being used by the Church will be given to the Church Rt 23 house has 8 acres and will remain the same – no improvements.

Head quarters @ Turnpike Pond is +- 195 acres, currently having surveys done. The Camps will be retained by the Scouts with no improvements. Camp Aquahonga will be retained by the Scouts and used for the summer program. The Fish Fry House divided off the house will be a ranger house. Maps showing 100 and 500 year flood plains is being sent to the engineers. The 100 year floor plain on property not the house.

Public Questions:

Public is asking for copies of maps/ handouts – the public can write down their email addresses for the maps to be emailed to them.

Allison Ward asked about the gates being put up? This is up to the Conservation Fund for the gates so you can't drive thru the boy scouts. The boy scouts are not public, and the gates are for the safety of the Scouts.

Richard Dalton – adjacent to TMR. It all sounds promising and beneficial to the County – what degree of transitional and how long will this take. David Davies said that the State of New York invited the Conservation Fund to transfer of lands to public owner. The transactions – title requirements dictated by the State to Conservation Fund following directive from the state.

Don – confused by use of development proposal? Is there assurance that this will not be developed – nothing from the Scouts to be developed- can't guarantee from NYS what they will do.

Conservation Fund has played this role with New York State to purchase property. Land will be conserved by the State Conservation not doing anything with property. There is no assurance that there will be no development.

NYS asked Conservation Fund to hold the property, so it acquired as brand-new property. This will not be sold. This will be treated as a brand-new state forest. Parkland decision – parkland can not be sold.

National Park Service – river front license agreement as it is now owned by NYS. This will benefit the public and has been open to the public like TMR and Mountain Trail will continue to be opened to the public. The rest of the property licenses back to Scouts to continue their program.

Mary Glenn owns property on the Delaware Drive and wants to know how much river frontage at the river access? There is 8 acres proposed and to remain rafting. Very small area from Scouts only change is rest of river front to upstream past the trestle has been and will remain public from the stone bridge to the railroad crossing, grassy area no longer in the Scouts. The actual river frontage that Landers is getting not wider they currently use part of it for the summer program.

Mike Farrell – has worked on the Conservation Plan for the town and everyone wondered what was going to happen with the boy scouts – the town residence are very concerned about what would happen and nothing changing is good.

Bob Lovenberg asked if the state can add campgrounds? This is a land base for the state of New York with working forests, hunting, hiking not managed as a camp ground. The State did request that the lean to's remain in place. It is up to the state if they want to add campgrounds.

Brandon Weiden, his great grandparents purchased the parcel of land and sold it to the boy scouts in 1931. When this was sold it was to be kept forever wild and forever free. The Lenape Indians used to be in this area also.

Dick Davies – there is a committee of members keeping the property intact. The property to remain wild.

Barry Becker – email from Gale Robinele concerned about Indian Cliff's and will it be protected. Tom Duffus stated that there is going to be development happening which involves cleaning up and removing derelict buildings – all being cleaned up.

Vick Harris questioned why the various lot sizes. Amador stated that each lot has a purpose and preserving area for the Scouts to continue their program. The River front is used by Landers and the parking area for the church.

Jim – has the state ever failed to take property and what happened. Tom Duffus stated that nothing like this ever happened. Other lands have been acquired this way.

Laura Santana no construction reiterated, nothing being improved to the lands, some forest management. What is the legal name is The Conservation Fund. The Conservation Fund is the legal name which is a pool of money to enable temporary purchase of properties while New York State does the process for this.

Can it be assured that Landers won't sell the property? Tom Duffus stated that he can't speak for Landers but they have been in the area for many years. The lot is not a buildable lot.

Barry asked if Landers currently leases the land, and why this was not put up for competition when being sold. Dick Davies responded that the Boy Scouts chose not to and that it is a favorable relationship and Landers is involved with the rafting program for the boy scouts.

Bob Willenberg who lives on Brook Road that there are dumpsites, and will they be cleaned up? Many sites are currently being cleaned up; Dick Davies will talk to Bob about the dumpsite he is referencing. The Boy Scouts are cleaning up the riffle ranges to get the lead out and removing delapidated buildings.

Freddy Allen asked if they own on both sides of the road? Crawford road own both sides of the road there are no restrictions. There has been no zoning changes asked for an no variances asked for.

At the river access there may be temporary storage areas but no intention of glamping sites. If that was to happen, the applicant would need to do a special use permit with the planning board.

**RESOLUTION #07-2022**

**CLOSE PUBLIC HEARING**

On Motion by Baim, seconded by Curreri the following resolution was

**ADOPTED 8 AYE 0 Nays**

**RESOLVED**, to close the public hearing for the Boy Scouts of America at 8:12 PM.

**Roll Call Vote:**

Ed Jackson, Chairman	AYE
Ken Baim, Deputy Chairman	AYE
Mary Bermudez	AYE
Joseph Curreri	AYE
Sean Harrington	AYE
John Kaufman	AYE
Barry Becker	AYE
Peter DeAngelis	AYE CARRIED

**OPENING ITEMS:**

The Regular Meeting was called to order at 8:15 pm by Chairman Baim, following the Pledge of Allegiance.

**RESOLUTION #08-2022**

**ACCEPT MINUTES**

On Motion by Baim, seconded by Curreri the following resolution was

**ADOPTED 8 AYE 0 Nays**

**RESOLVED**, to accept the January 2022, minutes as presented.

**Roll Call Vote:**

Ed Jackson, Chairman	AYE
Ken Baim, Deputy Chairman	AYE
Mary Bermudez	AYE
Joseph Curreri	AYE
Sean Harrington	AYE
John Kaufman	AYE
Barry Becker	AYE
Peter DeAngelis	AYE CARRIED

**Correspondence:**

- 1- Sullivan County Division of Planning – local determination for Boy Scouts
- 2- Letter from the UDC concerning the Boy Scouts – no objections
- 3- SEQRA part 1, 2, and 3 were completed at the January meeting.

**RESOLUTION #09-2022**  
**APPROVE SUBDIVISION**

On Motion by Kaufman, seconded by Curreri the following resolution was

**ADOPTED 7 AYE 0 Nays**

**RESOLVED**, to approve the 8 lot subdivision for the Boy Scouts of America. SBL 7A-1-1, 7A1-6, 19-1-1, and 7B-1-6. # 2022-001

**Roll Call Vote:**

Ed Jackson, Chairman	got disconnected from zoom
Ken Baim, Deputy Chairman	AYE
Mary Bermudez	AYE
Joseph Curreri	AYE
Sean Harrington	AYE
John Kaufman	AYE
Barry Becker	AYE
Peter DeAngelis	AYE CARRIED

**NEW BUSINESS:**

Laura Santana, 90 Main Street, Narrowsburg, NY 12764 for an eating, retail mixed use application and Big Eddy Brewery. Carl is presenting for the Santana's.

4 years ago there was a fire that destroyed much of this building (Rasmussen Building). They want to restore this thriving commercial anchor for Main Street. Just restoring the space and apartments. An automatic sprinkler system will be installed. The lower level of the building is the basement with an existing garage for private parking. The retail space is closer to Main Street the Riverside is the proposal for Big Eddy Brewery. This is a sizeable piece of property and under the funeral home the lower level is the basement and there is a very high ceiling. The next level is Main Street where there is much fire damage. The building is stabilized. The egress corridor if left to right and access to the spaces. There are multiple ways to get in and out of the building. The next level is the first level of the apartments where there will be four apartments each 2 stories with decks. The gray area on the map is the stabilized area. NYSEG has strong guidelines with concrete slab and this is where all the electrical equipment is.

The overall appearance is not changing. The roof lines, egress and windows changing.

The entrance to the Big Eddy is the big driveway behind the building or through Main Street that leads to elevators / staircase.

Bid Eddy Brewery, 90 Main Street, Narrowsburg

This will be a ten barrel tap room. The brewing entrance and manufacturing – working with New York State based operation for this. The back of the building has the view of the Delaware and entrance/exit is the back of the building. This is highlighting the river front and bridge.

Occupancy? Based on square footage, potentially 1700 square feet, with a small serving area. Water usage? Depends on production 1 barrel = 32 gallons x 2. Waste is about half and mostly clean. The yeast water would be treated first before going into an outside tank. A

1000-gallon tank would hold the waste. The sewer department will need to be contacted Jake will monitor the BOD levels anytime and cleaning the tanks.

Mary reading the letter from Barton and Loguidice Engineer. The applicant has not seen this letter at this time. Applicant is undertaking a huge development which is good for the town. There are concerns about traffic, parking in the letter from the engineer.

Who is doing the design?

Structural engineer is Shawn Fuller – all new steel and framing work done

Carl did the drawings and preliminary layouts.

The Architect is Mr. Woods

Application from AMJR LLC, 10 Lake Street, Narrowsburg  
SBL 9-10-10.12 light industry and dining area, no special features.

Hours of operation?

Application conceptual floor plans -review conducted of the plans, no environmental analysis. Applicant would like time to review the engineer's letter.

1 - Parking spaces? Include in the narrative.

The concept plan shows 2 parking lots outside the funeral home and back driveway adequate for building permits. The brewery parking arrangements are listed on page 2 of the handout.

How will the applicant implement the over flow and weekend influx of traffic – answer on page 4. Paragraphs of code and how meeting them

2 local businesses allowing The Big Eddy Brewery to use their parking spaces. There are 20 spots on the property and also the municipal parking area has about 40 spots.

2- Site plan of access to parking spaces

3-Shipping containers will be forward facing for use of storage and refrigeration. Looking for new containers either paint them or siding them

4-there are no outside Silos or odors. This is a sealed environment. Only smell when cleaning tanks out and they will get neutralized.

5-the electrical system in all new

6-The board has to look at the SEQRA for both applications simultaneously. They can not be separate SEQRA's in fairness

The applicant will review and respond to Barton & Loguidice engineers. Parking is mixed use, furniture store is staying, 4 apartments need 8 parking spaces

Ken- the previous was pre-existing non conforming – need to look at as a new use. Carl has made available all parking spaces – allowances for over flow -resources all ready there.

Thank you to the local businesses for letting the applicant use their parking spaces.

Mary questioned if you can count on other businesses to provide parking. Other merchants and businesses in town are concerned about parking

The applicant needs to create a chart as to what will be in the building to figure out the parking spaces.

The board still needs to go through the entire process.

Barry asked if we can re-evaluate the parking – this issue goes through the zoning re-write committee to be addressed by the town board. This is a very old hamlet and need to balance.

The barn near the funeral home parking lot. The owners of this have a small area to access their door, but there parking is off of 4<sup>th</sup> Street. The funeral home parking lot is part of the Rasmussen building.

Steep slopes in the back 8- feet. 10x20 parking spaces?

Applicant can contract with other businesses to use their parking area but there has to be a contract and insurance. There is no other way to get more parking spaces. Ken B stated that a possible option for downtown businesses is a waiver. The board needs to know what the plan is from the applicant to determine the parking.

UDC is present tonight and will need to review the applications.

239 needs to be done as Bridge Street in within 500 feet. Single SEQRA for entirety of applications.

Under zoning law for special use -this building was a mixed use and there was never any problems until the fire. Previously, grandfathered in. The use not restored within 1 year lost the grandfathering in. The board has to go through the entire process.

Out of fairness the applicant needs more information on parking and to respond in writing to Barton & Loguidice concerns.

**RESOLUTION #10-2022**

**LEAD AGENCY**

On Motion by Curreri, seconded by Bermudez the following resolution was

**ADOPTED 8 AYE 0 Nays**

**RESOLVED**, declare the Town of Tusten Lead Agency for the applications on 90 Main Street.

**Roll Call Vote:**

Ed Jackson, Chairman	AYE
Ken Baim, Deputy Chairman	AYE
Mary Bermudez	AYE
Joseph Curreri	AYE
Sean Harrington	AYE
John Kaufman	AYE
Barry Becker	AYE
Peter DeAngelis	AYE
	CARRIED

Applications were submitted for 90 Main Street for a special use proposed mercantile, retail.

The SEQRA will not be done tonight

Barton & Loguidice Engineer on zoom will provide a word version to Carl to respond to the concerns in writing. The two sections of land .75 acres and .25 acres can easily be corrected. The narrative for the spaces allocated for 90 Main Street, what is the number of spaces? Site Plan? Deliveries? What time? Agreements with other businesses need to be in writing from the other business owners. Good use for overflow parking but what about weekday lunch? Summer time? Hours of operation? Need signage on parking spaces and overflow for peak hours. Shipping containers are a novelty use. The back has the river view and traffic. Will these be painted or siding to compliment the building. Applicant will get new ones that come from China to Newark.

At the time of the fire, was there any roof leaks? The roof was in good repair – no mold because the roof doesn't leak. The interior has all been sand blasted and power washed. All material has been removed and will be replaced. Applicant has to comply with current code. The sewer easement – pavement does not stop the sewer department if access is needed.

Crystal will meet with the UDC if give copies of everything.

Next month on 3/22 @ 7:30 will be the next meeting and work on the SEQRA's.

Barry asked about the bathrooms. There are two on each floor at this time, the applicant does not have a total number of fixtures in each.

Public Comment

Iris – what are the histories of the applicants for the brewery.

Jake is a master brewer

Russell holds a license to run theaters, stadiums from 700 – 70,000 people.

Marsha is a sales professional will handle the distribution

Alison is a design professional who will do media

The applicants are also wanting to hire local community members

The apartments upstairs will be available to the public

**Board Comment**

No comment

**Adjournment**

With no further business or board comment a motion by Ken Baim, seconded by Mary Bermudez to close the meeting at 9:40 pm. All in favor.

Respectfully submitted,

Amy Lohmann, Planning Board Clerk



Town of Tusten  
Planning Board  
PO BOX 195  
Narrowsburg, NY 12764

February 25, 2022

Boy Scouts of America

County Road 23 and 26

Narrowsburg, NY 1764

Tax ID # 19-1-1, 7A-1-1, 7A-1-6, and 7B-1-6.

Boy Scouts of America, Narrowsburg for an 8 lot subdivision.

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Mary Bermudez	AYE
Joseph Curreri	AYE
Sean Harrington	AYE
John Kaufman	AYE
Barry Becker	AYE
Peter DeAngelis	AYE CARRIED

Thank you

Sincerely,

Ed Jackson  
Chairman

Cc: Ben Johnson, Town Supervisor  
Jim Crowley, Code Enforcement Officer  
Neal Latkowski, Zoning Board Chairman