

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
June 27, 2017

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Jeff Dexter, Alan Henry, David Dean, Aaron Robinson, Susan Sullivan, Fred Peckham, Jim Greier (6:55p.m.)

Committee Members Absent: Deb Conway

NPS Partner: Kris Heister, Carla Hahn

Staff: Laurie Ramie, Cindy Odell, Pete Golod

Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, June 27, 2017 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

A motion to approve the May 23 meeting minutes was made by Henry, seconded by Peckham and carried. There was no public comment on the agenda.

Discussion Items Report:

Project Review Update

New York

Town of Hancock: Golod reminded members that he had made several attempts to contact the Town regarding the progress of their FY 2017 TAG to develop an Environmental Assessment of Impacts to Communities Below the New York City Reservoirs. On June 20th prior to the WU/RM meeting, Representative Peckham informed him that the Town will not be able to fulfill the requirements of the TAG. Golod reported that he received confirmation via email from Town Supervisor Rowe earlier today that stated the Town will be unable to complete the project. Golod responded and asked for an official letter from the Town for his records and in order to de-obligate the \$2,500 for the grant.

Town of Cochection: Golod reported that on May 10th the Town Board voted unanimously to adopt Local Law #1 amending the Town's Renewable Energy Zoning Code which he had reviewed and presented to the Project Review Committee in March of this year. The adoption of the law lifts the moratorium on large-scale commercial solar that has been in place.

Town of Tusten: Golod stated that the Town Board awarded a contract to Tom Coacci of Damascus Township on June 5 to replace the Main Street deck. Construction is to begin in August and is contracted to be completed by October.

On June 13 Golod said he attended the Town Board meeting to amend the Town's Subdivision Law and the Town's Zoning Laws. The Substantial Conformance reviews will be reviewed following the report.

On June 21, the Tusten Town Board met and voted to extend the three-month moratorium on solar energy systems within the Town.

Town of Delaware: Golod noted that on June 20th he received a Special Use Permit project packet from the Town for the proposed Seminary Hill Ciders. He attended the Town Planning Board meeting on June 21 which had a public hearing for the project. He spoke with the Town Code Enforcement Officer, Supervisor, Planning Board Chairman, Town Planner, and architect for the proposed project. Golod said he is in the process of conducting a significant project review. He anticipates that the project will fall under agricultural and not require a Class II review.

Town of Highland: Golod said on June 7 he attended the Town Planning Board meeting for the Lander's River Trips/Datys Special Use Permit application. The application was denied. Golod stated that at the

insistence of the Town's attorney, Michael Davidoff, the UDC letter sent to the Town was not read to the Planning Board and most of the questions posed in the letter went unanswered. Golod said he informed the Planning Board members that he is charged with reporting back to the Project Review Committee with answers to the questions posed by the Committee regarding the application. Golod said that following the meeting he spoke with the Board regarding process and the purpose of the UDC letter. Golod shared his concerns about breakdown in process and communication with the Town. Robinson suggested Golod go and speak with the Planning Board at a time when their agenda would allow for him to speak on an informal basis. He said it could be very helpful. Richardson told Golod that the letter that he put together for the Town was very well done, but pointed out a lot of errors in their procedure and suggested that may have been a reason for them not to read it in full. Richardson agreed with Robinson's suggestion about an informal visit with the Planning Board.

Regarding the proposed Highland Compressor Station, Golod stated that the Sullivan County Legislature has submitted a new Request for Proposals (RFP) to conduct a baseline analysis of the current air quality, water quality, and noise environment in and around the proposed Millennium Pipeline Compressor Station which is to be located in Eldred.

Golod reported that on June 20th, he received the Town's draft Zoning Law update. The Town will vote to adopt the Zoning Law on July 6. He said he sent an email to the Town Supervisor, Planning Board Chair, and UDC Representative advising them that it's not going to be possible to compile all the materials, review the zoning draft, and present it to the Project Review Committee in the two-week time frame. He advised them that per the Project Review Workbook both the UDC and NPS are to conduct 'significant project' reviews upon receipt of a 'significant project' and are currently allotted 30 days to accomplish this and submit their findings to the town/township.

Town of Deerpark: Golod reported that the Town completed its FY 2017-07 TAG to develop a Historic Markers Brochure and submitted its paperwork on June 16th. He received the Town's project completion form, copies of the work product, along with copies of approved Town vouchers documenting expenditures paid as part of the grant. The Township expended \$2,757 of their grant leaving a balance of \$243 from the \$3,000 original award. Golod said he recommends the Committee votes to approve completion of the project. A copy of the finished brochure was provided in members' packets.

NYS DOT: Golod reported that the NYS DOT is preparing a hazardous tree removal project along NYS Route 97. The work will occur from the Town of Tusten/Highland line at the southern end to the intersection of NYS Route 97 and County Route 23 at the northern end. It is anticipated that this work would begin at the end of 2017 or early 2018 and be completed by April 1, 2018.

Pennsylvania

No Projects

Resource Specialist's Report:

- On June 2 Golod attended the 2nd Highland River Access project committee meeting and presented an update to the Water Use/Resource Management Committee on June 20th.
- On June 7 Golod attended the "Building Watershed Resiliency in the Upper Delaware River Region" workshop and presented a report to the Water Use/Resource Management Committee on June 20th.
- On June 22 Golod participated remotely in the DRBC's Water Use Management Committee and will present a report to the Water Use/Resource Management Committee on July 18th.
- Golod said he researched and will offer a brief presentation regarding goTenna Communications.

Ramie commented that the Town of Highland's Zoning Law Update is being funded in part by a \$10,000 UDC Technical Assistance Grant and they are very conscious about having the project completed by the August 18 deadline that is in place. She believes this may be the reason for the accelerated schedule that they have set. She noted that our TAG approval is not contingent upon the Town's adoption of the new zoning law.

Richardson mentioned that the Town of Cocheton is discussing a moratorium on summer camps as they are currently not addressed in their zoning. A brief discussion about this topic took place.

Golod projected his Town of Tusten: Subdivision Regulations Zoning Ordinance Amendment draft report on the screen. No hard copies were provided in an effort to save paper as each of the three reviews he completed (Town of Tusten: Subdivision Regulations Zoning Ordinance Amendment; Town of Tusten: Conservation Subdivision Zoning Ordinance Amendment; and Multiple Family Dwellings Zoning Ordinance Amendment) were many pages each. Golod began a Principal by Principal review of the Subdivision Regulations Zoning Ordinance Amendment. Regarding Principal A #3. "Protect special erosion hazards along river banks through one or more of the following measures:", Dexter questioned what constitutes a stream. Golod said that definition was not addressed in the Zoning Law, but he made note of that and will check into it. Hahn noted that one of the difficulties with reviewing zoning amendments is that very frequently they will refer back to the full zoning. Peckham suggested that instead of reviewing each report item by item, that Golod cover any issues that he found during his review. Golod stated that for the reviews of these amendments, he focused solely on the Recreational River, Scenic River, General Residential, and the Downtown Business District segments. Dean agreed with his approach of focusing just on the river corridor. Richardson asked members if the consensus is to review just the areas that Golod found questionable. Members agreed with that approach. Golod referred to Principle B "Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection of natural resources. 1. Provide for light, air and uncluttered landscape through adequate separation of principal structures by:" He feels this Principle is met in the Scenic River and Recreational River segments, but not the General Residential or Downtown Business segments. He noted the required setbacks do conform with New York State law, but do not jibe with the Land and Water Use Guidelines. Hahn said "hamlet area" has not yet been defined by the Town. General Residential and Downtown Business may be within the hamlet area and if that is the case, different standards will apply. A brief discussion about "clustering" took place. Richardson suggested that clustering may be addressed in the Town's main zoning law. Golod reviewed the issue he had with Principle F, noting that again, Principle F, Objective 1 is met in both the Scenic River (SR) and Recreational River (RR) segments, but not in the General Residential (GR) and Downtown Business (DB) segments. Hahn noted that the Town has not yet revised their zoning map so for the review, the map that is currently in place is being used.

Golod moved on to the Conservation Subdivision Zoning Ordinance Amendment review. Hahn said this is referred to as "clustering". Golod reviewed Principal A Objective 3 "Protect special erosion hazard areas along river banks through one or more of the following measures", stating that this is met in the SR and RR segments, but not in the GR and DB segments. Hahn noted that the Town of Tusten did their zoning re-write in 2011. She said that we are currently charged with reviewing the ordinance amendment and not the whole zoning. There is a segment in their zoning that pertains to the Delaware River district. It may preclude certain development and provide for certain setbacks. Robinson suspects that somewhere in the master zoning, there is a reference to the NYS DEC definition of a streambank and that criteria would define where the setback starts. He added that sometimes these criteria change and towns/townships defer to the state criteria for that reason. Golod said that he needs to follow up with the Town to see if the General Residential and Downtown Business comprise the hamlet. He said that "essentially everything is meeting criteria except for the setback issues or the lot width issues just in those two districts, General Residential and the Downtown Business. They meet all the requirements in Scenic River and Recreational River." Heister suggested checking into the definition of "special erosion hazard area". The use of the term "special" suggests it may not apply everywhere, she added.

Henry suggested that the Council needs an updated zoning map to determine where these districts in question are delineated. He does not feel Golod, the Council or the NPS can conduct a review without one. Hahn said the Town is waiting to complete the re-write before they update the map. Sullivan spoke of a change to the map to incorporate the school into the Downtown Business district and the process that was followed to accomplish that.

Golod stated that he could review the Multiple Family Dwellings Zoning Ordinance Amendment, but his findings are consistent with the two other reviews in that criteria is being met in the Scenic River and Recreational River segments, but not the General Residential and Downtown Business one. Peckham asked Golod if he feels comfortable with the report. Golod said he feels that he now has more information to ask the right questions. Henry feels the setbacks from the river need to be clarified. Golod said he feels the Zoning Ordinance Amendments meet not all the criteria, but substantially meet the criteria. He said the

questions of the frontage setbacks and the lot width will be addressed, but that all else adheres to the Land and Water Use Guidelines. Hahn asked if his letter can address that there are those issues; that it substantially conforms, but there is “room for improvement.” Sullivan said that an updated map is important and the delineation of the hamlet is important.

A motion to send a comment letter along with the completed Substantial Conformance Reports to the Town of Tusten on reviews of their subdivision, conservation subdivision, and multiple family dwelling ordinance amendments was made by Henry and seconded by Peckham. Comments will include the need for an updated zoning map, delineation of the hamlet area, and definitions of streams and special erosion hazard areas. The vote was taken and the motion carried with Dean voting no.

Old Business

goTenna Technology Report and Red Alert Emergency Phones Update: Golod projected two videos from the www.goTenna.com website which showed how the goTenna and goTenna Mesh “people-powered” technology works. A written report on the goTenna device was provided in each members’ packets and Golod provided a verbal report on how both technologies work. Members discussed the possibility of strategically placing the goTenna units up and down the corridor and educating the liveries and others for the purpose of setting up relays in order for this technology to be effective. Robinson noted that the more people that have the unit, the more reliable the network is as it uses goTenna as a relay. He added it is a fairly inexpensive technology to use. Henry suggested obtaining a few of the units and conducting an independent field test to see how they work in the river corridor. Henry made a motion to send a letter to the goTenna company requesting several of the units for Council members to field test. The motion was seconded by Peckham. After a lengthy discussion, Henry amended his motion to send a letter to the goTenna company explaining the communication challenges in the river valley and requesting a presentation of their potential technology solutions to the UDC. It seconded by Peckham and carried.

Ramie reported that she finally heard back from Frontier Business Account Specialist Joel Vetsch and a conference call has been set up for June 29th with Robinson, Golod and herself. Ramie said she hopes to have something new to report at the next meeting.

Project Review Guides Update: Ramie said that a third draft was sent out to the small, in-house review committee on June 13. Two guides are still being considered; one for the reviewers and one that would be for the municipalities and regional governments. Once the content has been finalized, it will be sent to Dorene Warner of W Design for the graphic design of the booklets.

Other: Ramie said UDC and NPS staff had been charged with revising the original position paper on solar at the last Renewable Energies Subcommittee meeting. A meeting took place on June 23. It is being recommended that we separate out the types of renewable energies. The draft position paper would address those specific energies that would be viable in the river corridor. It is anticipated that a draft will be ready to be sent out in advance of the July 6 subcommittee meeting. She noted it will lead to the conclusion that it should be considered a conditional or special use for solar and we are also looking at large-scale wind as incompatible in the river corridor. She added that this will be subject to discussion.

New Business

Approval of Town of Deerpark TAG 2017-07: Develop Historic Markers Brochure: A motion to approve the project was made by Henry, seconded by Roeder and carried.

Review of Technical Assistance Grant Program Criteria for FY 2018: Ramie said we have normally sent out our solicitations for the next Fiscal Year’s grants, but have not done so yet. She noted that additional funding may be available for FY 2018 because of some of the changes that are being implemented. She said that the Member Participation fees paid out on a monthly basis are in question. Should this be eliminated it would free up an additional \$15,600 to other use in our budget. Heister said the issue is that the NPS does not know what that \$100/month Member Participation fee is being spent for. She thinks it could be a reimbursable expense if they knew what it was for and if it related to the work of the Council/committees, but it will require an accounting of those expenses. Ramie feels it would be a

bookkeeping nightmare to monitor what each town and township does for the \$100 each month individually. Ramie said she recommends discontinuing this for FY 2018. Henry recommends trying to find a way to continue to pay this fee. A discussion about what the towns and townships do with this money took place. It was noted that some towns/townships pass it in part or in whole along to the representative. Ramie said that only if we could up with a system in which there were accountability for what it covers could we continue it. Heister said regarding budgeting, there are going to be some changes that need to be made. She said we are all “going to school on what is an allowable expense under federal regulations.” She said an example is that the water cooler is not an allowable expense. The process is going to require really “combing through the River Management Plan (RMP)” as it has to be clear in there that it is something that federal dollars can be spent on. Henry suggested consulting with a financial person who knows what the law is. Ramie said she feels that the UDC needs that Member Participation fee money more than the towns and townships do at this point. She feels there should be some shared sacrifice if people want the organization to continue. Sullivan noted that the Town of Tusten passes that money on to the representative and she doesn’t understand why anyone would assume that the representatives would do what they do for nothing. She suggested writing a job description that meets the RMP guidelines. Greier said he would like a letter written to the governor of each state and the state representatives about the “states stepping up to the plate and doing their share.” He said we’re working on a 60% budget from 1986. The 40% that was supposed to come from both states has never come. He said the River Management Plan calls for each of them to contribute. After a brief discussion, a motion to draft letters to the governors of the State of New York and Commonwealth of Pennsylvania with copies to our elected state representatives regarding UDC operational funding for action at the July 6 UDC meeting was made by Greier and seconded by Henry. A vote was taken and the motion passed.

Ramie noted that over the years, many of the projects that have fallen under the TAG program have expanded beyond the original boundaries. She suggested that we “tighten up our standards”. Ramie referred to the Technical Assistance Grant and Contract Criteria handout provided in members’ packets. Sullivan asked what the anticipated amount budgeted for the FY 2018 TAG program is. Ramie told her it is \$15,100. She reported that it does not look like the River Clean-up Grants are going to continue for next year as justification for that was not found in the River Management Plan. Sullivan asked for clarification that the grant program is going from almost \$40,000 in FY 2017 to \$15,100 in FY 2018. She was told that was correct. Sullivan feels that deserves some publicity. Roeder stated that without the Technical Assistance Grant program, each town and township in this organization receives no assistance. He feels that may motivate our members to get involved in our lack of funding situation. Sullivan said she believes in New York State the power of towns is very significant. Henry recommended moving forward with the TAG program for FY 2018. Heister stated that the TAG criteria currently is too broad. That needs to be changed. She said the Plan is quite specific about it. Members discussed that eligible projects must be directly related to land use planning, zoning revisions, comprehensive and master plan updates, and Geographic Information Systems (GIS) planning. A motion to move forward with the FY 2018 TAG program for land use related projects with a funding pool of \$15,100 was made by Henry and seconded by Robinson. Henry suggested that it be noted that the program will be subject to the availability of funds. A vote was taken and the motion passed. Dean spoke about the UDC budget being the same for almost 30 years. Heister said the Council needs to be as close to its budget as possible. She noted that overall, the general direction that the federal government is going is reducing the amount of money that federal agencies as a whole dedicate to Cooperative Agreements. Greier stated that an NRA Official Q&A with U.S. Secretary of the Interior Ryan Zinke appears in the July 2017 issue of the Official Journals of the National Rifle Association. He says it gives the reader insight as to who Zinke is. More discussion about funding took place.

Other: None

Public Comment: None

Adjournment: A motion by Sullivan, seconded by Roeder to adjourn the meeting at 8:33 p.m. was carried unanimously.