

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
March 27, 2018

Committee Members Present: David Dean, Al Henry, Jeff Dexter, Harold Roeder, Jr., Fred Peckham, Aaron Robinson, Susan Sullivan, Jim Greier
Committee Members Absent: Larry Richardson, Debra Conway
NPS Partner: Kris Heister, Carla Hahn
Staff: Laurie Ramie, Pete Golod, Linda Drollinger
Guests: Roger Saumure

The UDC's Project Review Committee held its monthly meeting on Tuesday, March 27, 2018 at the Council office in Narrowsburg, NY. Vice Chairperson Dean called the meeting to order at 6:30 p.m. A motion by Henry, seconded by Peckham, to approve the February 27 meeting minutes carried. There was no public comment on the agenda.

Discussion Items Report: Golod reviewed his written report, including as highlights:

Substantial Conformance/Project Review Update:

Town of Hancock:

On 3/6, Delaware Engineering submitted a SEQR Review packet for the Village of Hancock Water System. Review of materials submitted determined that the proposed project is above the confluence of the main stem and outside the "delineated river corridor." Therefore, the project is not subject to UDC review.

Town of Fremont:

Kellams-Stalker Bridge is now closed for repairs, estimated to reopen in June. A 22-mile detour has been established through Callicoon and across Bridge Street. Dean remarked that anyone planning to take it should "pack a lunch" for the 44-mile roundtrip.

Town of Cochection:

On 3/9, Cochection Supervisor Gary Maas provided Golod with a draft copy of "Town of Cochection, Sullivan County, New York Zoning Law Amendment – February 28, 2018," its summer camp/private school zoning ordinance. On 3/12, Golod completed a UDC/National Park Service joint review of the draft ordinance, completed a Substantial Conformance review and presented the review to the committee for an initial recommendation to the full Council. Summer camps and private schools will be permitted only on 25-acre minimum parcels zoned for Rural Development. Golod projected the Town of Cochection's zoning map (from the town's website) onto a screen, so that all could see the three Rural Development lots located within the town's river corridor. Of the three, none is large enough to meet the 25-acre minimum requirement; and as they are not contiguous, no two could be combined to do so. Following the joint UDC/NPS review, Hahn questioned whether two or more Rural Development lots within the river corridor could be combined for that purpose; the map showed that could be accomplished only by re-zoning. Peckham and Henry noted that the Cochection zoning map inaccurately depicted Skinners Falls as north of Cochection and questioned whether it could be relied on for accurate reflection of town zoning. Golod highlighted findings of the proposed zoning amendment's Substantial Conformance Review, citing specific provisions within the ordinance that conform with Land and Water Use Guidelines criteria. Overall, the ordinance met applicable general standards regarding lot compliance with density and intensity of use, provisions for light, air and uncluttered landscape, and non-disturbance of floodplains, Federal and State wetlands, and slopes over 15% in grade. Only 10 persons will be permitted to reside in any one building, and no less than 125 square feet of floor area will be allocated for each person. In addition, a full Environmental Assessment Form (EAF) as provided by the New York State Environmental Quality Review Act (SEQRA) will be prepared for any summer camp or private school. 200-foot setbacks and vegetation screen requirements from all roads and adjoining properties addressed noise and uncluttered landscape provisions. Golod noted that Cochection's Schedule of District Regulations for the RU (Rural

Development District) mirrors the River Management Plan, with a maximum building height of 35 feet and that the ordinance prohibits off-premise advertising/marketing signs as well as flashing, oscillating and illuminated signs, requiring all signs to harmonize with the surrounding landscape. All signs require sign permits issued by the code enforcement officer. In summary, Golod said Cocheton formulated this ordinance thoughtfully, in conjunction with land use planning consultant Tom Shepstone, who assisted with Cocheton's general land use ordinance. Golod asked that the Committee recommend approval by the full Council at its April 5 meeting to provide this report to the NPS for a determination. A motion by Peckham, seconded by Robinson, recommending approval of the Substantial Conformance Review recommendation by full Council at April 5 meeting was carried.

Town of Tusten: On 3/22, Tusten submitted a Special Use Permit application, site plan, EAF, and GMI-239 for the renovation of an existing barn at 108 Main Street in Narrowsburg, Fifth Street nearest intersection. The barn is opposite The Launderette Pizzeria and adjacent to Honor Brand Feed & Grain. As there is no change to the building's existing footprint, grading and drainage, access and egress, or its existing mixed use designation (art studio/art storage/art retail) and because there will be no outdoor landscape lighting, this proposed project is not a Class II significant project and therefore warrants no review. Golod initially thought the retail use might qualify it as a commercial property, but its interior space of less than 1500 feet falls below the Class II criteria; NPS agrees. A motion by Sullivan, seconded by Henry, recommending approval of a letter to Tusten Planning Board Chair Ed Jackson stating the Committee has determined that the Special Use Permit does not require a Class II Significant Project review was carried.

Damascus Township: On 3/14 the DRBC issued a docket (D-2017-001-1) for approval of the existing 0.036 million gallons per day (mgd) 36,000 gallons per day (gpd) Tyler Hill Camp Waste Water Treatment Plant (wwtp) and its discharge. Treated effluent continues to discharge into Laurel Lake, which flows into the North Branch Calkins Creek tributary of the Delaware.

Resource Specialist's Update:

- Golod contributed an article on the Spotted Lanternfly and Emerald Ash Borer for the UDC Spring/Summer Newsletter
- Golod updated, amended and posted monthly meeting minutes and press releases on the UDC website.
- On 3/22, Golod and Peckham attended the New York State Department of Environmental Conservation's Fisheries presentation in Hancock; a synopsis will be presented at the 4/17 WU/RM Committee meeting.
- On 3/28, Golod and Dean attended the NYSERDA Solar Training at the Sullivan County Transportation Facility; a report will be presented at an April committee meeting.

New Business:

Minor Amendment Procedural Discussion:

The Committee reviewed a "Minor Amendments" (pp. 27-28) excerpt of the River Management Plan (RMP). Finalized in 1986, the RMP was scheduled for review every five years, with major review/revision scheduled every 20 years. Henry suggested a change to the wording of #7, "The vote by council membership will be taken the following month, with a unanimous vote in support of the amendment by all members of the Council being necessary for it to be adopted." The change would replace the words "a unanimous" with the word "majority." Henry said the changed wording would permit the Council to exercise more authority over the RMP change/amendment process and would prevent any one town/township's objection from killing a proposed amendment. He also pointed out that very few organizations require unanimous votes. Greier and Peckham disagreed, saying Henry's proposal would constitute a major amendment of the minor amendment provision. Dean asked if the Committee would consent to hold a nonbinding straw vote on the issue. Henry then introduced a motion to change the wording, but first Robinson asked that "majority" be defined as a two-thirds vote, rather than a simple majority. Henry said he agreed with the two-thirds majority. Others questioned whether the RMP should be amended at all, and if so, they said it should not be done lightly but with the blessings of all. Greier likened the RMP to the US Constitution, which drew comment that the US Constitution has added more than 20 amendments since its

drafting. Golod mentioned that the RMP was drafted prior to the advent of renewable energy and, at a minimum, should be amended to address renewable energy land use. Henry agreed that the decision to amend the RMP's Minor Amendments clause should be made after consultation with supervisors from all towns/townships, as they are the people's elected representatives. Dean told the Committee to "go back to your supervisors and get their thoughts on the RMP and amendments to it." He said the issue of changing the minor amendment process could be raised at the April 5 UDC meeting so everyone is aware of this discussion.

RMP Guidelines Concerns: Ramie referenced the March 16 memo which UDC Chairperson Robinson had issued to member towns and townships, seeking their input to identify any areas of concern with the 1986 River Management Plan and the Land and Water Use Guidelines, by a requested deadline of April 27. One reply was received to date from Town of Tusten Planning Board Chairman Ed Jackson, who commented after consultation with Sullivan that, "We have no problem with the RMP as is." Robinson said the towns have had 30+years experience with the RMP and we should know how the RMP has impacted their land use planning. Saumure added that the RMP was based on economic assumptions in favor at the time of its deployment, and that some of those assumptions may no longer be valid. Greier said Fremont has no issue with the RMP as is

Old Business:

FY2018 TAG Update:

- On 3/19, Golod sent e-mails to the supervisors for the Town of Tusten and Damascus Township regarding the amended 3/27 Mid-Term Progress Reports.
- On 3/26, Town of Tusten submitted FY2018 Mid-Term Progress Report.
- On 3/27, Damascus Township submitted FY 2018 Mid-Term Progress Report

Project Review Workbook Update:

On 3/20, Golod and NPS Management Assistant Carla Hahn continued working towards a Project Review Guide final draft. When Hahn announced that a planned 3/29 work session would need to be rescheduled, Robinson asked when a final draft could reasonably be expected. Hahn cited the unusually high number of snow closure days in February and March as cause for delay of the project. Pressed by Robinson to name a "drop dead date" by which the guide would be completed, Hahn said she wanted to include in it a section on new land uses, specifically renewable energies and cideries now being addressed by UDC position papers. Hahn couldn't commit to a date for completion of the Project Review Guide. Roeder suggested foregoing print copies for now, in case other changes are in store, and focusing instead on publication of a digital copy in two months. A motion by Roeder, seconded by Dexter, to produce a digital draft Project Review Guide by May 31 was carried.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Dexter, to adjourn the meeting at 8:25 p.m. was carried.

Minutes prepared by Linda Drollinger, 3/29/18