

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
January 26, 2016

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Debra Conway, Fred Peckham, Jeff Dexter, Alan Henry
Committee Members Absent: David Dean, Aaron Robinson, Susan Sullivan
NPS Partner: Kris Heister, Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: A.J. Schwartz

The UDC's Project Review Committee held its monthly meeting on Tuesday, January 26, 2016 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 6:30 p.m.

Peckham stated that he had with him an album of photos from the turn of the century that members were welcome to look at and passed it around.

Election of Chairperson and Vice-Chairperson: Current Chairperson Richardson called for nominations. A motion to re-nominate Richardson as Chairperson was made by Conway and seconded by Henry. A motion to nominate David Dean as Chairperson was made by Roeder and seconded by Peckham. Ballots were provided to committee members. The written votes were cast and results were collected and tallied by Ramie. Richardson was re-elected by a vote of 4 – 2. A motion to nominate Dean as Vice-Chairperson was made by Henry and seconded by Roeder. Dean was elected by a voice vote.

Project Review Workbook Update by A.J. Schwartz of Environmental Planning & Design:

Consultant A.J. Schwartz was introduced. He referred to the two handouts titled: I. Observations and Key Points; and II. Recommended Modifications/Enhancements he provided to members. Schwartz stated that as a general observation, the requirements of the municipalities when it comes to the tasks outlined in the Workbook are minimal. The biggest requirement of them is that they keep the UDC in the loop on items subject to project review. Schwartz noted that the Project Review Workbook is intimidating because of the redundancy and it simply appears to be a big book. Another observation, Schwartz stated, was that the UDC and its staff have a number of responsibilities but limited time and resources. He feels time can be redistributed/reorganized to more efficiently meet these responsibilities. An example, he said, is that time currently spent scanning through local newspapers for new development proposals should be redirected toward completing reviews of these proposals instead.

Schwartz referred to the "Workbook Presentation/Formatting" section of his first handout and spoke of how the Workbook is structured. He noted that the "Review of Significant Projects" section contains 58 pages. He noted that the majority of the responsibility of the review falls on the Resource Specialist. The problem, Schwartz stated, is that he needs something to review.

Schwartz commented that the Workbook was actually put together pretty well, but currently requires some clarity in certain areas. He noted that policies, procedures, roles, responsibilities and timelines are not always clearly delineated in the body of the Workbook. He stated that timeframe adjustments are necessary for a variety of reasons including accommodating municipalities' timelines for taking formal action on submitted applications. He stated that New York State time frames for taking action on applications are far more generous than those of Pennsylvania. A brief discussion about Pennsylvania zoning took place. Schwartz noted that if a municipality does not have its own zoning in place, they fall under their county zoning. If the county does not have a county zoning map, it states in the Pennsylvania Municipalities Planning Code (MPC) it reverts to the County Comprehensive Plan. Substantial conformance was also discussed. Schwartz referred to the River Management Plan as a planning document that defines a vision. He feels that initially, the whole notion of the substantial conformance process was to ensure that all municipalities' ordinances were reflecting what that vision was.

Schwartz feels that the institutional memory of the Workbook has been lost as there have been enough changes in the municipalities and with zoning officers. He added that people have forgotten what the Workbook is for. He said it needs to be brought back to people's attention.

Schwartz referred members to the second handout titled "II. Recommended Modifications/Enhancements." He noted the document contains a list of recommendations. The list is "a first pass" of ideas for members to review and provide feedback. Each recommendation was discussed. The recommendations under "Roles/Responsibilities/Timing" included: 1. Request that counties and state agencies notify the UDC of all land development-related applications; 2. Implement a 30-day review policy; 3. Adopt a policy that accounts for timeline differences between municipal review periods and the UDC Project Review process; 4. Prioritize Pennsylvania development reviews when necessary; 5. Reinforce the minimal responsibility from participating municipalities; 6. Clearly define stakeholder roles and priorities. Henry suggested that effective communication similar to that used regarding the Technical Assistance Grants program be sent out to the participating municipalities reminding them of their responsibility to the UDC. Schwartz suggested that to reinforce the minimal responsibility from participating municipalities, the current Workbook could be separated into two (or more) workbooks. The first Workbook would be designed for use by the UDC, its reviewers, and the NPS. A second Workbook – in more of a short handbook format – should be developed for use by local municipal officials, who would avoid having to sift through pages of material designed for use by the UDC and NPS. Schwartz stated that stakeholder roles and priorities need to be more clearly defined. He suggested that a chart could be created to condense the lists of special/conditional uses. This would allow uses to be listed on just one chart rather than six, and compatible and incompatible uses would not need to be separated into different charts. Schwartz continued listing the "Workbook Presentation/Formatting" recommendations. He said additional summary flowcharts could be developed for all step-by-step procedures found in the Workbook. Schwartz asked members what their impression of substantial conformance is. Henry described it as, "if you're almost in compliance with the Land and Water Use Guidelines." A discussion about substantial conformance vs. absolute conformance took place. Schwartz suggested a grading system could be developed in order to determine more quantitatively what substantial conformance is. This concept was discussed at length. Henry asked O'Dell what the definition of substantial conformance is in the River Management Plan. O'Dell said the definition reads, "Conformance with respect to the list of Compatible, Conditional and Incompatible Land Uses set out in these guidelines and with the substance of each of the principles and objectives set out in these guidelines so as to carry out the intent of the Upper Delaware legislation." Schwartz stated that since it has been nearly 30 years since the Workbook was first drafted, there can likely be less emphasis now on the Review of Substantial Conformance, since the UDC already knows which towns/townships are in conformance. O'Dell noted that one major issue recently cost the UDC a substantial amount of money. He added that a good, working process that would be defensible in a court of law needs to be in place. Henry suggested that Schwartz be informed about that particular issue so he has that knowledge while completing this Workbook review. Schwartz said he needs to set up a work session with UDC and NPS staff to discuss these recommendations more in depth and go over issues such as the one Henry has raised. Peckham wanted to clarify that the review was to make recommendations for the re-organizing and streamlining of the current Project Review Workbook, but not changing anything else. Schwartz assured him that provisions are not being changed. Heister asked if the definition of substantial conformance is being changed. Schwartz said he's trying to determine the unit of measurement of what substantial conformance is. He said we're not changing the definition in the Workbook; we have to try and come up with a way of measuring the intent of one of principles. Hahn said there is a Wild & Scenic Rivers Coordinating Council that discusses issues like this. She suggested that they could be asked for input.

Henry again suggested that a letter be sent out to towns and townships. Schwartz referred to the "Outreach/Education/Awareness" section of his handout. The first recommendation is for the UDC to facilitate training sessions for municipal officials. Schwartz shared his ideas for accomplishing this. He noted that a letter could be the introduction and invitation to such training. He noted "we have to rebuild the institutional memory" of what project review is. Members shared their ideas on the training sessions. Hahn noted that it is her observation that growth is increasing in the valley and she feels there will be a lot more projects to review in the future. Henry questioned if the municipalities are aware of this Workbook review. Ramie said they were advised of it when the surveys were sent out. Schwartz commented that there was very limited participation in the survey. Henry made a motion to send a letter to the member municipalities updating them on the progress of the Project Review Workbook evaluation and reminding them to submit their river corridor projects to the UDC regularly. The motion was seconded by Peckham. Schwartz referred to C.4. of his handout which is "Keep stakeholders in the loop with an occasional e-blast." He suggested keeping more consistent communication with municipalities and their staff/officials by

developing a special annual or semiannual project review summary/e-blast about the project review process. Schwartz stated that other outreach suggestions include holding annual meetings with county and state agencies and supplementing regular lines of communication between the UDC and participating municipalities.

Referring to the "Information Exchange" section of his handout, Schwartz noted that he is suggesting that the UDC website should become a one-stop resource for all stakeholder groups to stay up-to-date and informed in the project review process. He shared his ideas including having access to a GIS map that shows the public the river corridor boundaries. He spoke of ways to accomplish this.

The motion to send the letter suggested by Henry was voted on and carried unanimously. Ramie noted that Schwartz's work is a great start and exactly what was asked for in the scope of work for this project. Richardson suggested that the committee members thoroughly review the documents provided by Schwartz and provide any feedback to him or through the UDC staff. Roeder thanked Schwartz for his work and time. Ramie noted that the final report is scheduled to be given at the March full Council meeting.

A motion to approve the December 15th meeting minutes was made by Peckham, seconded by Dexter and carried. There was no public comment on the agenda.

Discussion Items Report

Project Review Update

Town of Tusten: O'Dell said that a copy of the Town's local law regulating campgrounds and campsites as well as the use and storage of recreational vehicles within the Town was provided in members' packets for their information.

Town of Highland: O'Dell reported that Millennium Pipeline Company has purchased 88 acres from the Eldred Preserve with plans to build a compressor station. This property is not located within the designated corridor.

O'Dell said the Town of Highland has created a zoning rewrite committee to review the current zoning code and offer recommendations to make the zoning consistent with the comprehensive plan. He said he received those recommendations for review. The Town Board will hold a public hearing on the proposed Local Law #1-2016, a local law to amend the Town of Highland Zoning Law, on February 9, 2016 at 6:45 PM at the Highland Town Hall, 4 Proctor Road, Eldred NY. O'Dell will monitor the outcome of that hearing.

Shohola Township: O'Dell reported that at the public hearing January 14, 2016, Township supervisors tabled enacting the proposed Zoning Ordinance. He referred to the December 31 letter from the UDC to the Shohola Township Board of Supervisors chairman stating that "The Project Review Committee would like to inform you that they would conceptually recommend to the Upper Delaware Council (UDC) that Zoning Ordinance No. 79 is in substantial conformance with the Land and Water Use Guidelines and the River Management Plan for the Upper Delaware Scenic and Recreational River." The letter further states that if there are any changes, the UDC would like an opportunity to review the changes for substantial conformance. Richardson stated that once the ordinance is finally adopted by the Township, the Upper Delaware Council will recommend that the zoning change is in substantial conformance, but the final determination is made by the National Park Service.

Pond Eddy Bridge: O'Dell said he attended a public meeting regarding the Pond Eddy Bridge on January 21 at the Shohola Township building. The meeting was attended by approximately 30 people including representatives from both N.Y. and Pennsylvania DOTs, local municipalities, and the general public. Consultants from Skelly and Loy and SAI Consulting Engineers presented on the history, permitting, and timeline of the bridge replacement project. The project is still on schedule to begin in the spring/early summer of 2016 and be completed by the fall of 2018. The estimated cost of the new bridge is \$13 million.

FY 2016 TAG Update:

T. O'Dell reported that mid-term progress reports are due February 29. He asked members to remind their town or township. The forms are available at www.upperdelawarecouncil.org.

Schwartz showed an example of a webmap similar to what he is hoping can be placed on the UDC website and provided a quick demonstration. He explained that restrictions can be placed on what people can and can not see. He spoke of Esri GIS (geographic information systems) mapping software. Schwartz said he feels that when people are looking for land use information, they will go to the UDC website as opposed to the National Park Service website. He added that the Park Service should be the GIS people and the way to get whatever information should be available to the public eye should come through the UDC. Hahn said she would need to consult with Schwartz on ways to resolve the technical issues with the GIS mapping strategy.

New Business

Draft Enforcement Program Report: O'Dell noted that one responsibility of the Project Review Committee is to perform an annual review of enforcement in each participating town/township to ensure that the goals, principles, and objectives of the River Management Plan are being met. This task has not been undertaken until now, he added. O'Dell said letters went out to all members' code enforcement officers on April 7, 2015 requesting the municipalities to submit all building permits, variances and ordinance changes within the river corridor only for the year of 2014. He referred to his written report provided in members' packets. The report contains a summary of the permits issued in each participating town or township from January 1, 2014 through December 31, 2014. O'Dell's report states, "There is a large difference in building activity from one municipality to the next. Activity ranges from zero permits issued to 35 in the most active Township. Generally speaking there were no permits issued that would be counter to the intent of the Land and Water Use Guidelines. During the 2014 season all of the permitted projects within the river corridor that were submitted to the UDC for review were in conformance with the Land and Water Use Guidelines." Heister suggested the report should contain whether the project was reviewed by the UDC or not and when. Conway said she is aware of projects in her town that are not listed on the report. O'Dell reminded her that the report is for 2014 only and he can only go with the information that is provided to him. Ramie said this report is being compiled so that it can be passed along to the Park Service as it is required to meet the objectives of the UDC's Cooperative Agreement. Richardson questioned Conway if her town's code enforcement officer gives a monthly report of activity in the town. Richardson noted that is done by his town's code enforcement officer. A brief discussion about permitting practices took place. Richardson questioned if Highland's new supervisor was going to be a member of the Council. He was told that he is the town's representative to the UDC. Richardson suggested that staff arrange a meeting with the new Town of Highland Supervisor Jeff Haas to inform him about UDC operations and the project review process. Hahn questioned if the report was based on the building permits, variances and ordinance changes that were provided to O'Dell. He told her yes. A copy of the January 26, 2016 memo to UDC member municipality code enforcement officers requesting submission of all building permits, variances and ordinance changes within the river corridor only for the period of January 1, 2015 to December 31, 2015 was provided in members' packets for their information.

Other: None

Old Business

Town of Cochection Substantial Conformance Review: Due to the late hour, Richardson recommended this issue be tabled until next month.

Follow-up on Telecommunication Services in the River Valley: Ramie stated that an email from Aaron Robinson providing an update on his latest research status was provided in members' packets to update his fellow committee members.

Other: Peckham asked if there has been any more followup to Paul Rush's November 25, 2015 response to the UDC's August 25th letter to the NYC DEP regarding public safety below the Cannonsville, Pepacton, and Neversink Reservoirs. Ramie said we thanked them for their response in a January 7th letter approved

by the board and advised them that the UDC would be willing to participate in any of their future tabletop exercises. Peckham stated he would like to pursue the issue of emergency planning. Henry stated that participation in a tabletop exercise would be very beneficial in seeing how the current system in place works. Ramie said we have made our interest in participating in such an exercise known. Peckham noted it is his opinion that people should be made aware of any issues with the dams immediately, whether major or minor. After some discussion, it was decided that an invitation be sent to Sullivan County Commissioner of Public Safety Dick Martinkovic to make a presentation at the UDC's April 7th full County meeting to get his perspective on emergency planning for the Upper Delaware River communities.

Members were asked to leave their copies of the Town of Cochection Substantial Conformance Review with Odell for the next meeting. Richardson spoke of the changes in format he made to this most recent copy of the report. Hahn asked Richardson how long the review took him. Richardson said it took him approximately 8 -10 hours. He noted that if someone was not familiar with the zoning, it would take them much longer than that. Hahn agreed that zoning familiarity makes a big difference in the time it takes to complete this task.

Public Comment: None

Adjournment: A motion by Peckham, seconded by Henry to adjourn the meeting at 8:48 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 2/3/16