

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
May 23, 2017

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Jeff Dexter, Alan Henry, David Dean, Aaron Robinson, Susan Sullivan, Debra Conway, Jim Greier
Committee Members Absent: Fred Peckham
NPS Partner: Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Pete Golod
Guests: Matthew Smith

The UDC's Project Review Committee held its monthly meeting on Tuesday, May 23, 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 April 25 meeting minutes was made by Henry, seconded by Robinson and carried. There was no public comment on the agenda.

Discussion Items Report:

Project Review Update

New York

Town of Hancock: Golod reported that he drafted and mailed a letter May 16th to Code Enforcement Officer Thomas Zampolin regarding construction occurring in Lordville near the railroad tracks on the corner of Bouchouxville Road and Lordville Road. A copy of the letter was provided in members' packets.

Golod said he sent reminders on February 21 and March 23 to Town Supervisor Rowe reminding him to submit the FY2017 TAG Mid-Term Progress report. He has not yet received a response or the report.

Town of Tusten: Golod reported that he received notice that the Town's Zoning Rewrite committee is near completion on their work and are waiting for some documentation from the planner, and legal review. Golod said he spoke with Supervisor Wingert earlier in the day who advised him that they are going to start having public hearings on the zoning that has been completed.

Town of Delaware: Golod said that he received a request from NPS Superintendent Heister to look into some construction that occurred along the Callicoon Creek. He said he did a site check on May 19th. He reported there was a berm constructed across the upper end of the Callicoon Creek diversion channel. He said it was built up to help mitigate the overflow during a high water event into the divergent channel. Golod said he discovered that the work was done by the Callicoon Water Company without permits out of concern for the approximately 200 citizens that receive their drinking water from a well situated in the area. Several requests to Sullivan County Soil and Water Conservation District for assistance with the issue by the water company went unanswered, Golod added. Hahn stated that New York State Department of Environmental Conservation has indicated that a joint permit with the Army Corps of Engineers is required for doing that work. Those agencies will be following up on the issue. Golod passed around photos from the site and a brief discussion continued.

Town of Highland: Golod referred members to a copy of the letter he drafted regarding a review he conducted on the Datys/Landers' River Trips Special Use Permit application. He stated that last summer he had been attending public hearings in the Town of Highland for the very same application which was ultimately denied. Golod said his letter states in part, "However, inconsistencies were identified during the Project Review process, including of current forms and applications; therefore, a Class II Significant Project Review could not be properly performed." The letter contains comments, questions, and suggestions for the Town's consideration compiled during the review, Golod added. He reviewed the letter point by point with the members. He shared the discrepancies and the questions that were raised in the

Special Use Permit/Site Plan application packet that he received from the Town. He suggested that a current and updated application be re-submitted. Richardson questioned if the Planning Board is in the process of reviewing this application. Golod told him they are. Seeking clarification, Richardson asked if the Planning Board is reviewing the same application that was denied last year. Golod told him that was correct. He added that the only updated form is the GML239, which is the Sullivan County's review of the application; everything is still dated from last year. Golod projected the site plan on the screen and explained it to members. Golod said the Environmental Assessment Form (EAF) in the application packet was the same signed and dated March 11, 2016 form included in last year's denied special use permit application packet. He noted that per the New York Planning Federation, a new EAF would be required to be submitted with a 2017 date. Golod shared the list of questions he had regarding the rest of the EAF with committee members. He noted that the Planning Board denied the application on June 1, 2016 for multiple reasons including the violation to private property owners' rights. A brief discussion about noise standards and the incidents of large unsupervised camp groups in the same area as the proposed application took place. Hahn stated the biggest issue is the number of inconsistencies in all three documents of the application packet; she noted they contradict each other. Golod said that the application, EAF, and GML 239 are all supposed to "jibe". Hahn stated that some of the inconsistencies in the packet make it not possible to conduct a substantial conformance review. Sullivan questioned what the conclusion of the County's 239 review was. Golod said they stated "this application is a re-submission of an application referred to the County last year. The County does not have a final determination of that referral." Golod wonders if the Town realizes they should have had a re-submitted current application, including the EAF. Golod spoke of a new eagle's nest located within the buffer of the proposed site plan. Robinson stated that he is neither for or against the proposed project, but questioned what agency determines whether eagles are at risk or not. Golod said that the U.S. Fish and Wildlife Service and NYS DEC were contacted. Robinson said the nest is located in Pennsylvania near railroad tracks. He questioned if that is considered a disturbance. Conway stated the potential issue with noise and the disturbance it may cause to an eagle's nest is when there is a group of 300 or so individuals in a concentrated area for an extended period of time. She noted that the U.S. Fish and Wildlife Service website has a list of what constitutes a disturbance. Robinson questioned if a group of people constitutes a disturbance. A lengthy discussion about noise disturbance and how those standards would be enforced took place. Richardson stated that the state and federal agencies that review such issues will make a determination. Sullivan asked Golod what resolution regarding this application he would like to see. Golod said he personally would like an updated application. He believes that the EAF should match the County's evaluation and assessment of the project. If he were to receive these updated documents, he could review the project for substantial conformance. Dean suggested sending the project back to the Town advising them that it needs to be corrected and re-submitted. Richardson agreed. Greier asked if the Town Planning Board approval has to come before the UDC's action. Golod told him the UDC is supposed to review the project before there is even a public hearing. He added they are supposed to submit it to the UDC upon receipt of the application. He said this did not happen with this project in question. Golod said he received the application the day the Town held their second public hearing. Robinson questioned where this project is now. Golod told him the Planning Board is continuing to review it and they plan to hold another public hearing June 7th. Dean suggested writing a letter to the Town advising them that the application is hard to follow due to the inconsistencies. Referring to Golod's letter, Richardson commented that his analysis of the project is pretty impressive. Robinson said that Golod should send a letter to the Town stating that he can not review the application due to the inconsistencies, point out the inconsistencies, and advise them that we can't go any further. Henry asked if the letter should contain all the research that Golod has conducted. Richardson said yes, it would be helpful. A motion to draft a letter to the Town listing the inconsistencies of the application and advising them that the UDC is unable to proceed with the review as a result was made by Robinson and seconded by Dean. Conway suggested that the letter request they re-submit the application. Ramie stated that the UDC is responsible to provide technical assistance to our member municipalities; that is one of our purposes in reviewing these matters. A vote was taken and the motion passed. Matthew Smith of River Road in Barryville thanked the committee for their work and departed the meeting.

Town of Lumberland: Golod reported that the Town completed their FY 2017-01 TAG project for the Purchase, Installation & Training of Highway Superintendent Software Program on May 17th. Golod said he received the Town's project completion form and all required documentation. The Town expended the

full amount of their grant award and Golod said he recommends the committee vote to approve the completion of the project when it comes up under New Business.

Pennsylvania

Resource Specialist's Report:

- On May 3 Golod attended the third meeting of the Stream Corridor Management Plan in Hancock, NY and presented a report to the WU/RM Committee on May 16th.
- Golod said he will attend the “Building Watershed Resiliency in the Upper Delaware River Region” workshop on June 7th and present a report to the WU/RM Committee on June 20th.
- Golod stated that last month he requested permission to continue the Penn State GIS certification course at which time a motion was made to defer that decision until a budget analysis could be conducted.

Old Business

NYS DOT Letter re: UDC Recommendation for River Height Signage: Ramie said the May 23 letter from NYS DOT is basically an acknowledgment of the May 4th letter sent by the UDC. The letter makes reference to the Park Service’s March 6th letter to the UDC and states that it will be discussed at the NY-PA Joint Interstate Bridge Commission meeting on May 24th. Ramie said the same letter was received from Penn DOT late this afternoon. Henry spoke of some inconsistencies in the March 6 letter to the UDC from the National Park Service on the topic of river height signage. Ramie said she will report on the Bridge Commission meeting at the June 1 full Council meeting.

Red Alert Emergency Phones Follow-up: Ramie said there is nothing new to report. She is disappointed in the lack of follow-up from Frontier Communications. Robinson said he has been researching different technologies. He shared details of a startup company out of Brooklyn, NY called goTenna. Their device gives you text and GPS on your phone, no service required. goTenna pairs to an app on your phone so you can text and share GPS locations on offline maps. He said that no cell, wifi or satellite is required.

Robinson explained how the technology works, noting that it is not very expensive. He said there is much information provided on their website. After a brief discussion, it was decided that staff would research this technology to try and determine whether the system appears viable for the river valley so the committee can decide on whether to request arranging a presentation.

Project Review Guides Update: Ramie had nothing new to report.

Other:

New Business

Approval of Town of Lumberland TAG 2017-01: Purchase, Installation and Training of Highway Superintendent Software Program: Richardson said Golod discussed this project’s completion during his Discussion Items Report. A motion to approve the project was made by Henry, seconded by Sullivan and carried.

Review of FY 2018 Work Plan: Ramie referred to page 6 of the Draft Plan under “Technical Assistance Projects Tasks”. She said the dates are incorrect for the next round and should read, “Solicit applications by Aug. 31, 2017”, “Convene a special Project Review committee meeting to review applications on Sept. 12”, and “Draft a resolution awarding the FY 2018 projects for approval at the Oct. 5 Upper Delaware Council meeting.” A motion to recommend the FY 2018 Work Plan with the noted changes to the full Council was made by Henry, seconded by Conway and carried.

Preview of Draft Resolution and Checklist for Renewable Energy Projects: Ramie said that Henry, as chairperson of the Renewable Energies Subcommittee, wanted to introduce this. Henry said the draft resolution and checklist were provided for the committee’s review. He suggested that members review these documents along with the letter from Superintendent Heister which provides comments on them.

Henry thought the subcommittee was following some of the recommendations provided by Heister at her presentation to the subcommittee on April 6. Robinson said he thought the resolution was a very good draft which emphasizes local review and he feels that has been the theme. He said when he read over Heister's comments, he felt they insinuate that the towns should be the hammer for what the Park Service would like to see. He said that when third party regulations are in place and the town has to tell a property owner that there are limitations on their property, it puts the local officials in the most difficult situation with their residents. Robinson said they can support zoning because they have the law behind it. He spoke about regulatory confiscation. He noted that the Park Service is a paid entity that has staff and technical support. He stated that the UDC is a bunch of volunteers with no money to hire an engineering firm. He said if the Park Service wants to provide more funding, we could hire come technical assistance for such issues. He said, "This is one frustrating operation because it is putting the burden on volunteers." He said he read over Heister's comments and they are very detailed. He reiterated his opinion that the decision-making to determine if renewable energy is a use appropriate in the river valley should rest with the towns and let them go through the review process. He said the draft resolution states this. Robinson feels that Heister is not satisfied with this approach. Dexter read in part from Heister's letter the question, "Are the impacts of all renewable energy technologies considered to be the same?" He questioned what that means and who would know. Committee members shared their frustration of the depth of some of the questions posed in the letter. Robinson said as long as the towns have the capability of evaluating a project and they are well aware of the criteria of the River Management Plan and the agreement, why not put the burden on them. He said the towns are willing to accept that burden. Hahn said we are not looking to prohibit any uses; we are looking to define those uses. She said the assignment was not to prohibit anything; it was just to define what it is and if it's a compatible, incompatible, or conditional use. Henry suggested requesting Heister's participation at the June 1 Renewable Energies Subcommittee meeting to further explain her comments and work with the subcommittee collaboratively. Richardson, referring to the draft Checklist, said he does not feel the first question regarding private property rights should be in there. Henry said one of the concerns of the subcommittee members was that private property rights were addressed. Henry shared the thought process of the subcommittee in coming up with the checklist. Greier stated that the National Park Service and the Upper Delaware Council have to work together. Henry said that "letters aren't going to cut it." He reiterated his desire to have Heister come to the next subcommittee meeting. Sullivan provided examples of people not taking care of property in the river valley and stated that she is extremely skeptical of all people taking care of the area. She said she favors the initial draft Solar Position Paper, but suggests that it be regarded as guidelines. Sullivan provided her comments on the draft resolution and checklist. Henry asked that any comments be sent to Ramie to compile for further discussion at the next meeting. Sullivan feels there needs to be some clear definition of how the technical equipment will be disposed of when it is no longer in use. Sullivan said having gathered up all the definitions that different towns and townships have for solar, she is unsure how all the municipalities could possibly arrive at one definition. She said each one has chosen to look at it in a different way and she feels that needs to be respected. She added that each municipality should have the River Management Plan, draft Solar Position Paper, and the subcommittee's punch-list for reference when they are coming up with their definition. Henry said the premise was to get all this information to the towns/townships for reference. Richardson said it is a very good start. Ramie reminded members of the June 1st Renewable Energies Subcommittee meeting at 6:00 p.m. Henry stated he would like to have some sort of resolution after just one more subcommittee meeting.

NPS Comments on Draft Resolution and Checklist for Renewable Energy Projects: Discussed as part of the previous agenda item.

Other: None

Public Comment: None

Adjournment: A motion by Roeder, seconded by Dexter to adjourn the meeting at 8:55 p.m. was carried unanimously.