

Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
May 24, 2016

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Alan Henry, Aaron Robinson, Susan Sullivan, Jeff Dexter, Debra Conway  
Committee Members Absent: Fred Peckham, David Dean  
NPS Partner: Kris Heister  
Staff: Laurie Ramie, Cindy Odell, Pete Golod  
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, May 24, 2016 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 6:37 p.m.

A motion to approve the April 26 meeting minutes was made by Henry, seconded by Roeder and carried with Conway abstaining. There was no public comment on the agenda.

### **Discussion Items Report**

#### **Project Review Update**

##### **New York**

**Town of Hancock:** Golod stated that on January 19, 2016, Millennium Pipeline Company applied to the Federal Energy Regulatory Commission (FERC) for preliminary federal approval to build a second, 22,400 HP compressor station on a down slope from the existing 15,000 HP facility. He reported that on May 5<sup>th</sup>, the UDC sent a letter to Secretary Bose of FERC urging the Commission to closely consult the River Management Plan for potential direct and indirect impacts within the river corridor, specifically in the Towns of Hancock and Highland.

**Towns of Fremont:** Golod said that according to an article in the April 21<sup>st</sup> *Sullivan County Democrat*, the Fremont Town Board met on April 13<sup>th</sup> and stood strong in opposition of the Long Eddy River Access because of the cost and they say it would be the fifth access within a five-mile expanse. A petition with 300 signatures from residents against the project was presented to the board.

Golod reported that a public hearing was held on May 11<sup>th</sup> to hear public comments on the proposed modification to Section 100 of the Town Zoning Law amending solar and wind. The Town chose to opt out of tax exemptions for utility production for wind and solar. No solar applications have yet been submitted to the Town.

**Town of Highland:** Golod provided details of a May 8<sup>th</sup> *Time Herald Record* article regarding compressor stations and specifics of Millennium's application for its Hancock compressor station. He noted that according to an April 28<sup>th</sup> *River Reporter* article, Millennium Pipeline Company has agreed to pay for a health impact assessment to be performed on the likely health impacts of the proposed compressor station. At a meeting at the government center on April 21, legislators discussed supporting the position of the four towns in Sullivan County who have expressed opposition to the creation of a compressor station along the Millennium Pipeline near Eldred. One of the requests from groups opposed to the pipeline is that a health impact assessment be performed and Legislator Samuelson said Millennium had agreed to pay for such a study.

Golod said that on May 4<sup>th</sup> he attended a Town of Highland Planning Board hearing regarding issuance of a special use permit to Kathleen Datys for the river front portion of the Barryville Sportsman for the launching and landing of watercraft including canoes, boats, kayaks, rafts and tubes. Many River Rd. residents and other public were in attendance and voiced several concerns. The Planning Board was unable to vote as they had not received the 239M report from Sullivan County Division of Planning regarding the application. A motion to recess until June 1<sup>st</sup> was made. Golod said he plans to attend this meeting.

Golod said he was asked by the Planning Board to sit in on the May 11<sup>th</sup> Highland Zoning Committee meeting where it discussed its proposed changes to Commercial Recreation Zoning. Revisions to Commercial Recreation, Campground, Canoe (Watercraft), and Commercial Facility were drafted in accordance with both NY state law and adherence to the River Management Plan. The proposed zoning change still offers new business a chance to thrive and flourish in the town with some special conditions particularly within the river corridor, he added.

**Town of Delaware:** Golod reported that according to a May 16 *Sullivan County Democrat* article the Town of Delaware is moving toward a six-month moratorium on commercial solar arrays. Local residents find aesthetics to be the biggest issue and Town Supervisor Ed Sykes stated, “Issues have to be resolved before we go forward.” The town currently has six applications for commercial solar. A public hearing has been set for June 8<sup>th</sup> at the town hall in Hortonville. Golod plans to attend.

**Town of Cocheaton:** Golod reported that the Cocheaton Town Board met on April 27 to discuss the possibility of a community solar installation on property located across from the old town hall in Lake Huntington. Golod shared some of the concerns raised by the board including facility abandonment and disposal of the panels. On May 11<sup>th</sup> the Town Board met and discussed the commercial production of solar energy within the town. Supervisor Gary Maas suggested a town hall meeting be held on June 1<sup>st</sup> at 7 p.m. to further discuss, ask questions, get information and voice opinions on solar technology within the town.

Golod noted that the Cocheaton Town Board discussed the long-planned sewer plant upgrade at their April 27<sup>th</sup> meeting. Supervisor Maas explained that inadequate budgeting for the project will require a “loan” from the town’s \$720k general fund and repayment will come from increased revenues charged to sewer district customers over a five-year period.

**Town of Tusten:** Golod reported that he received the Town of Tusten’s Technical Assistance Grant project, accompanying documents and request for payment on May 16th. He spoke of two issues with the submission including the absence of the UDC logo and the statement that the project was assisted by a grant from the UDC and a total of three copies. On May 20<sup>th</sup> he received notice from Councilwoman Jane Luchsinger that the issues would be rectified. Golod said he would recommend approval of the grant project upon receipt of the requested items.

**NY State:** Golod noted that according to an April 22<sup>nd</sup> *Hancock Herald* article, the NYS DEC denied the Clean Water Act Sections 401 Water Quality Certification for the proposed Constitution Pipeline. The pipeline which is being developed by Williams Construction, Cabot Oil & Gas Corp. and two other partners would carry gas from the Marcellus Shale field in Northeast Pennsylvania across New York State to connect with existing pipelines near Wright. He added that the April 27<sup>th</sup> *River Reporter* reported that in two separate decisions, both the Constitution Pipeline and the Northeast Energy Direct Pipeline projects have been halted. Kinder Morgan Inc., the parent company for Northeast Energy Direct Pipeline, independently decided to discontinue its project but plans to reengage the project at a future time.

Golod reported that NYC DEP temporarily increased downstream releases from Cannonsville and Pepacton reservoirs from 4/29 through 5/1 in support of the Friends of the Upper Delaware River’s (FUDR) “One Bug” fishing event. DEP Commissioner Emily Lloyd was quoted as saying, “We hope the release of additional water from Cannonsville Reservoir and Pepacton Reservoir will provide beneficial fishing conditions for the anglers participating in the One Bug event, and provide a considerable boost for the local economy.”

Golod stated that on May 18 State Impact, a subsidiary reporting project for NPR, reported that a federal lawsuit has been filed by the Wayne Land and Mineral Group against the authority of the DRBC regarding its defacto moratorium on issuing natural gas drilling regulations.

#### Pennsylvania

**Lackawaxen Township:** Golod reported that the Zoning Hearing Board of Lackawaxen will hold a public hearing on 5/25 to consider an application for a dimensional variance. The request is for a reduction of the required front yard setback.

**Shohola Township:** Golod said the National Park Service discussed the status of its Substantial Conformance Determination review at the April 7 full Council meeting and on April 28 sent a letter determining that the submission is incomplete. NPS therefore cannot make a final determination as to whether Shohola Township Zoning Ordinance No. 79 is in substantial conformance with the Land and Water Use Guidelines. Revisions of the UDC's report are currently underway.

**Buckingham Township Pipeline:** The Buckingham Township Supervisors met on May 2<sup>nd</sup> regarding a pipeline proposal by Linden Energy Services (LES) which is permanent and perpetual, has no restrictions on diameter size, number of pipes, and can be sold to anyone or any country, foreign or domestic. The Supervisors unanimously passed a four-year option that will allow LES to undertake a feasibility study of construction of such a line. LES also needs an option agreement from Preston Township to proceed with the proposal. On May 5 Preston Township moved for a postponement.

**Westfall Township:** Golod reported that Westfall Township Supervisors approved the first steps to expand the Westfall Township municipal complex behind the township building on part of the 30-acre parcel owned by the township that may include a new building for Eastern Pike Regional Police Department (ERPD). The approved engineering and perking (soil permeability test) study is to be conducted by Kiley and Associates.

#### **FY 2016 TAG Update:**

Golod reported that all the mid-term reports have been submitted and project completions are due by August 22, 2016. The forms are available at [www.upperdelawarecouncil.org](http://www.upperdelawarecouncil.org).

#### **Enforcement Program:**

It was noted that Travis O'Dell had sent a memo to UDC Member Municipalities' Code Enforcement Officers on January 26, 2016 requesting the 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. The information was requested no later than April 1, 2016 as paper or electronic copies. On May 11, Golod sent letters to the four towns/townships yet to respond requesting their submissions. As of May 23, the UDC has received the requested information from all but Berlin and Lackawaxen Townships.

#### **Upcoming Training for Resource Specialist Pete Golod:**

On May 10<sup>th</sup> Golod attended the NYS Environmental Quality Review Act (SEQRA) Educational Conference, sponsored by the Sullivan County Partnership for Economic Development, at The Sullivan in Rock Hill. He explained that SEQR requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action". A detailed report on the conference was included in members' packets.

Golod reported that on May 12<sup>th</sup> he consulted with former Resource Specialist Dave Soete and traveled through the river corridor visiting towns and sites of interest from Narrowsburg, NY north to Hancock, NY and back. A second trip from Narrowsburg, NY south to the #2 Bridge is being planned for the near future, he added.

On May 19, 26, and June 2 Golod has and is attending the PA Municipal Planning and Educational Institute's course in zoning administration in Jessup, PA. A detailed report on the 3-part training will be provided upon completion of the course, he stated.

On May 20 Golod said he met for the second time with NPS UDSRR Management Assistant Carla Hahn to discuss the River Management Plan, Land and Water Use Guidelines, Project Review responsibilities, and Substantial Conformance requirements from the UDC's Cooperative Agreement with the Department of the Interior. A tentative date of May 27<sup>th</sup> has been set to continue the training.

Golod said he received an offer from NPS Chief of Law Enforcement Larry Neal to ride along with the law enforcement officers on occasion as they patrol along the river corridor. The goal would be to

become more familiar with the river corridor and to explore possible issues that may be affecting the corridor, he added.

Golod reported that he sent a personal introductory letter out on May 10<sup>th</sup> to Planning Board and Zoning Board Chairs.

Henry questioned how it was determined that part of the proposed solar project in the Town of Delaware is in the river corridor. Heister said they used the GIS mapping tool and made that decision based on the revised and more accurate park boundary. She spoke about the proposed solar project and Town of Delaware zoning. A brief discussion about the proposed project took place. Ramie noted that two residents of Baer Road, Callicoon were in attendance at the May 23 meeting of the Upper Delaware Scenic Byway. They presented their research on the proposed project to the committee members. The Scenic Byway is looking to become more informed before taking any position, she added. Ramie said that solar is a becoming a new, emerging use that many towns/townships are just beginning to deal with now.

Roeder asked Golod if he could obtain drawings of the proposal in Lackawaxen Township regarding the setback. He noted they are very useful to any discussion that may take place.

Roeder questioned where the information regarding compressor station emissions was from in Golod's report. Richardson stated that information was from an article in the May 8<sup>th</sup> edition of *The Times Herald Record*. Ramie added that some of the information is directly from Millennium Pipeline's application to the Town of Hancock. Referring to that emission information, Robinson said that the concentration by which material is emitted is important and he doesn't like the generalization of scientific information. Richardson said that Sullivan County has requested a study be done and Millennium has agreed to pay for that.

Richardson told Golod that his first Discussions Item Report was a good effort. He suggested that it could be condensed and said that Golod will get a feel for what can be eliminated as time goes by. He asked that he focus on issues within or with a direct impact on the river corridor. Ramie commented that there are a lot of issues currently happening. Sullivan said she appreciates the details. Richardson spoke of his frustration over the Committee Reports being skipped at the May full Council meeting noting he spends a considerable amount of time preparing his summary. He feels the public and other Council members are entitled to hear what goes on at the committee meetings. Henry said Golod's written report could contain the details and the verbal report could be a summary of those details. Conway said she is happy with the outreach that Golod is conducting. Richardson agreed that it is important and suggested that he advise the UDC representative of the town or township he is visiting to let them know when he will be at their town/township so they can choose to attend and provide an introduction. Richardson feels the trips with the NPS law enforcement officers are a good idea, but he does not feel they need to be too frequent.

### **New Business**

**Approval of Town of Tusten TAG 2016-03: Planning for a Multi-Generational Park:** A motion to approve the project contingent upon the receipt of a new cover page that contains the UDC logo and the attribution statement, with three total copies, and to hold payment until that is accomplished was made by Henry seconded by Robinson and carried.

**Other:** None

### **Old Business**

**Shohola Township Zoning Ordinance No. 79 Substantial Conformance NPS Review Status:** Ramie said this was already discussed during Golod's Discussion Items Report. Richardson asked Golod if he is making notes of the sections of the review that the NPS has issues with. Golod said that he is. Richardson suggested that in the review, Golod continue to make notes of what the issues are so that the Committee can address those rather than start from the beginning and have to review the whole ordinance again. Robinson stated that during these review sessions with the Park Service Golod needs to be mindful that he is representing the towns/townships. Robinson shared his concern of Golod being trained by a Park Service representative. He questioned if that perspective is accurate. Richardson said that we as a committee approved the report done by former Resource Specialist Travis O'Dell and we look to support that finding. He suspects that the committee will have some "issues" with some of the interpretations. He added that part of the process is discussion. Robinson said that he feels the township is on solid ground. He noted they state

in their zoning that they abide by the River Management Plan. A brief discussion regarding cell towers took place. Heister suggested that Shohola Township's review status could be made clearer with the addition of an asterisk in one case. She said they state that their permitted uses are subject to the Upper Delaware River Management Plan, but it is not listed that way for the conditional uses. Robinson said they state up front that if there is a use that is not consistent with the RMP, they defer to the RMP. Heister said that the NPS review is not complete.

Conway said that currently the Town of Highland does not have anything specific in their zoning regarding liveries. They are trying to change that during the re-write and ensure that it conforms to the River Management Plan. A brief discussion on how to accomplish this took place.

A brief discussion about 239 reviews took place. Richardson stated that a 239 review requires cities, towns and villages to refer certain actions, such as adoption and amendment of zoning ordinances and comprehensive plans, issuance of special use permits, approval of site plans and subdivision plats to the county planning agency if they apply to property within 500 feet of a municipal boundary, a county or state highway or other property listed in the statutes. Members discussed Article 78 also.

**New York's State Environmental Quality Review Act May 10<sup>th</sup> Conference Report:** Golod's written report was included in members' packets. Richardson questioned if Pennsylvania requires a State Environmental Quality Review. Members believe it is only a New York State requirement. Richardson suggested members read the report at their leisure and contact Golod with any questions they may have.

**Follow-up on Telecommunication Services in the River Valley:** Ramie said there still has been no response to the March 22<sup>nd</sup> letters sent to U.S. Senator Schumer and NYS legislators Bonacic and Gunther requesting assistance in finding funding sources to improve emergency communications for the public along the river. Richardson wondered if a map could be created for inclusion on a website that would show what sections of the river corridor from Hancock to Port Jervis have cell service available. Robinson said there is an app available that tracks cell service on Google maps. The name of the app is "OpenSignal" and it provides cell phone signal coverage maps based on data submitted by users. Members spoke of areas of coverage and lack of coverage throughout the river corridor. Roeder spoke of the spotty satellite service in the Town of Cochecton.

Robinson asked Heister if she had a chance to follow up on his inquiry. Ramie said that he had sent an email that read, "While reviewing various elements of the Management Plan I discovered that the NPS is responsible for 'providing an emergency communication system' and to 'periodically evaluate its effectiveness' (p.112/#10). The NPS currently has a proprietary communication system that is not accessible by the public for reporting emergencies. NPS staff reductions during the off season further reduces its effectiveness. Has the NPS satisfactorily fulfilled this stipulated responsibility? I think it is worthy of discussion at a regular UDC meeting." Heister said she did send this inquiry onto Chief Ranger Neal. Robinson said it is very important to minimize the time reporting incidents to the proper emergency responders. It is a real need, he added. Roeder suggested that a separate sound on emergency sirens could be used to alert residents of emergency situations. Sullivan shared her experience interacting with young river visitors who are scared and confused on the river. Henry said there are good apps available for people's phone for emergency notifications. He added there are many resources available; the issue is with educating people to use them. Sullivan suggested that when young visitors are placed on the river, there should be some sort of requirement regarding supervision in place.

**Other:** Richardson reminded members of the presentation set for the June full Council meeting.

**Public Comment:** None

**Adjournment:** A motion by Roeder, seconded by Conway to adjourn the meeting at 8:00 p.m. was carried unanimously.