

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
April 28, 2020

Committee Members Present: David Dean, Larry Richardson, Harold Roeder, Jr., Jim Greier, Fred Peckham, Al Henry, Sue Sullivan, Aaron Robinson, Jeff Dexter

Committee Members Absent: None.

Staff : Laurie Ramie, Ashley Hall-Bagdonas

NPS Partner: Acting Superintendent Jessica Weinman, Jennifer Cluster

Guests: Roger Saumure- Shohola Township alternate

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 28, 2020 via tele-conference. Chairperson Dean called the meeting to order at 6:47 p.m. There was no public comment on the agenda.

Approval of March 24, 2020 Meeting Minutes: A motion by Greier seconded by Robinson to approve the March 24, 2020 Meeting Minutes was carried. There was no public comment on the agenda.

Resource Specialist's Update: Ramie provided a report due to the vacancy of the Resource Specialist position since January 2020.

New York State Town Projects

Town of Tusten: Ramie participated in a Zoom meeting of the Town of Tusten Zoning Board of Appeals held on 4/13/20 (notice provided to the UDC by certified mail as an adjoining lot owner) on the application of the National Bank of Delaware County (Wayne Bank), 93 Main St., Narrowsburg, for a two-lot subdivision seeking variances for a 15-foot right-of-way and non-conforming lot at SBL 10-1-19. The first area variance is for Lot 1 (the Bank lot) because the proposed 12,212.2 sq. ft. is sub-standard to the 20,000 sq. ft. minimum lot size required in the Downtown Business Zoning District. The second area variance for Lot 2 access (proposed Town Public Parking area) for a 15-foot-wide right-of-way because the minimum width in Tusten Code for a right-of-way should be 60 feet. As chaired by Nico Juarez, the ZBA members, attorney Jacqueline Ricciani, Clerk Crystal Weston, and various public participating, the board went through the Sullivan County 239-Review, completed the short Environmental Assessment Form questionnaire, and unanimously approved a motion by Steve Weston, seconded by Jim Agar, for a negative declaration to grant the two area variances, subject to the condition the Tusten Planning Board approves the subdivision application. The project now advances to the Town of Tusten Planning Board for action.

The Town of Tusten mailed the UDC a Notice of Lead Agency Establishment under the State Environmental Quality Review Act re: Anaerobic Digester, H.O.R.S.E. AD2d – Community Supported Biocycling. Unlisted project description: Installation and use of an anaerobic digester on NYS Route 97 in Narrowsburg to generate renewable, self-generated energy from household food waste and similar organic materials. The Tusten Town Board shall be the lead agency for all environmental review of the proposed action. A completed Short Environmental Assessment Form is included. This determination shall become effective 30 calendar days from the date hereof (4/14/20).

NYS Department of Transportation Region 9 Maintenance Environmental Coordinator James Buck reported on 4/27/2020 that the DOT's contractor has begun removing hazardous trees on NYS Route 97 in the Town of Tusten between the southern end line and Homestead Road. The work is expected to take approximately two weeks. There will be alternating lane closures with flag personnel. No overnight lane closures will occur.

Town of Highland: A letter dated 3/31/2020 was received from NPS Regional Director Gay Vietzke concurring with the UDC's 3/5 recommendation that the Highland River Access Class II Significant Project substantially conforms with the Secretary of the Interior's Land and Water Use Guidelines. The correspondence was copied to officials from the Town of Highland, Sullivan County, NYS Department of Transportation, and NYS Department of Environmental Conservation.

Town of Highland Code Enforcement Officer Dave Preston on 4/28/2020 forwarded an inquiry from a representative for the York Lake Estates Homeowners' Association, asking if any permits are required to widen an entryway and add stone to a driveway from an approximately one-acre property they own on NYS Route 97 (SBL 24-1-3.53). A contractor advised them that could be the case. Improvements are needed because of the steepness which requires a 4-wheel drive to get up from the bottom. Preston advised that the Town of Highland, to his knowledge, has no regulation about improving a private driveway on a private lot but said that traffic concerns and the proximity of the property to the Delaware River will likely have some bearing on this. He copied the message to the NYS Department of Transportation (DOT), NYS Department of Environmental Conservation (DEC), and UDC. NYS DOT Senior Engineering Technician Paul Hahn responded that "any improvements to an existing entrance onto a State Highway will require a Permit through NYS DOT" and added "Absolutely no work can be completed within the NYS DOT Right-of-Way without a permit issued at any time." NYS DEC Regional Permit Administrator John Petronella requested a location map and proposed plans to review in order to determine if there are any permit restrictions. Each provided their contact information to pass along to the applicant. Ramie and Claster were discussing this issue today and Claster was looking into whether it would fall under a reviewable project for the UDC. Ramie said the Town of Highland, not currently being in substantial conformance, is subject to both Class I and Class II reviews. This property is located right across from the Zane Grey Museum. She said Claster's opinion is that if any construction takes place within 100 feet of the river's high water mark, it could be reviewable. Robinson said he's familiar with that project, having worked on it 20 years ago. They wanted to have access for their homeowners. There was a sign that got washed out in the high water a few years ago limiting the access to members of the Homeowners Association and there is a gap in the guardrail. At the time, there was a permit by the DOT. Ramie asked for thoughts on if it would be reviewable. Robinson said he does not think it would be reviewable because it's pre-existing driveway. Saumure agreed, saying it sounds like they are just repairing something that is already there. Ramie said it sounds like the proper agencies are involved.

Towns of Highland and Lumberland: Millennium Pipeline Company LLC has applied for various permits to the NYS DEC under the Clean Water Act (Stream Disturbance, Freshwater Wetlands, and Water Quality Certification) to perform maintenance activities on a section of the existing Millennium Pipeline in the Towns of Highland and Lumberland. TC Energy will do direct current voltage gradient testing on approximately 300 feet of pipeline to identify potential anomalies associated with the pipeline coating. Based on the results of the testing, TC Energy anticipates that one dig location will be required to physically evaluate the coating condition, inspect it, and recoat the pipe as needed. The work will involve construction of a temporary access road through a NYS freshwater wetland using wooden timber mats laid on the ground. Two streams will be crossed, including a tributary to Lebanon Lake. When completed, the timber mats will be removed and the disturbed areas will be stabilized and restored to their original condition. Additional permits in the Town of Highland are requested to excavate approximately five dig locations to evaluate the coating and install three new test stations. Public comment will be accepted in writing through 4/23 or 15 days after the publication of legal notices, whichever is later. Ramie said typically UDC has chosen not to take any formal actions regarding that pipeline because it is outside the boundary. Contact: Karen M. Gaidasz, NYS DEC, 625 Broadway, Albany, NY 12233, phone (518) 402-9153.

Pennsylvania Township Projects

Shohola Township: Finalization of the Township's Zoning Ordinance update is needed to complete the Fiscal Year 2019 Technical Assistance Grant project by conducting a substantial conformance review. The UDC requested an extension of the period of performance for the encumbered Federal funding. NPS Upper Delaware Administrative Officer Michelle Blockberger confirmed on 3/30/2020 that she has submitted a request to NPS Contracting Officer Patrick Reidy to extend the account to 9/30/2020 "just to give some extra time and to avoid the possibility of having to do another extension if not completed by 08/03/2020."

2020 Technical Assistance Grants: Projects must be completed by 8/28, with supporting documentation submitted and substantial conformance determined (where necessary) to request reimbursement payment. An inquiry was made by Town of Tusten Councilwoman Jane Luchsinger on 4/20 about whether the UDC has extended the August deadline for completion of TAGs. Ramie responded that the deadline pertains to the UDC's schedule to close out its financial books ahead of the 9/30 end of the fiscal year, which hasn't changed. If there is a hardship, the town could write a letter requesting an extension. Richardson said he agreed with Ramie's guidance to the Town of Tusten, as did the committee.

Annual Code Enforcement Program Report: On 1/3 Resource Specialist Pete Golod submitted letters to all 13 UDC municipal members' Code Enforcement Officers and Planning Board/Commission Chairs requesting that they provide all building permits, special/conditional use permits, and variances issued within the designated river corridor from January 1 to December 31, 2019, as well as any modifications made to their laws, plans, ordinances, and zoning map changes. The materials were requested by Monday, 3/2/2020. Ramie sent a memo on 4/15/20 to Tusten, Highland, Lackawaxen, and Shohola Code Enforcement Officers noting that their information was overdue. As of 4/27/2020, responses were received from the Town of Highland (4/16); Shohola Township (4/16); and Town of Tusten (4/16). There has been no reply from Lackawaxen Township.

Old Business:

Project Review Workbook Version 2.0 Update and Rollout Sessions: Dorene Warner of W Design sent a draft in PDF form electronically to Ramie and Claster on 4/21. Warner had questions on formatting and type styling. After reviewing, Ramie and Claster returned comments on 4/21 and 4/23 respectively. Ramie said she's looking at it with fresh eyes and Claster is the expert regarding the content. Now they await a second draft. Mentioned in a previous meeting, the National Parks Conservation Association (NPCA) had graciously offered to pay for the graphic design services at \$4,200. Because of the timing of their fiscal year they would need the workbook to be completed by the end of May. The NPCA logo will be included on the inside cover to acknowledge that contribution to the booklet. After that comes the process of the rollout. Before COVID-19 we intended to have a series of training sessions in early June. Specifically we targeted 6/2, 6/3, 6/9, 6/10 and 6/11. Ramie sent a memo to all 15 municipalities including the non-participating Townships for feedback on what would work best regarding dates and times. She received only six responses back, which is not a good, representative sampling, and no particular preference for day or time was expressed. Ramie feels it's incumbent upon us to set these dates and times. The major question is, will we still be social distancing in June? Will we be able to gather in a large group? We expressed that we wanted to have these workshops in Narrowsburg, Long Eddy and Shohola. In the meantime, Claster has started an outline for the information we should cover and who could be the presenters at this. We had mentioned asking Tom Shepstone to film a video doing an introduction to what this workbook consists of, emphasizing the fact that it's nothing new in terms of the information; it's just been updated to make it more user-friendly for our Town/ships and ourselves. On 4/30, Ramie said she has a 1 p.m. call with NPCA and NPS staff on this topic among other things. Ramie feels the timing would be safe as in the workbook will be ready by then, but it's a question on whether gatherings are permissible at that time. Richardson said he would suspect that they probably will not be, saying that the governor is extending until the middle of May already. Richardson said perhaps in light of what we are dealing with, we request that Shepstone make the complete video, introducing the workbook with perhaps an example project. Then we would be able to use that video permanently through Zoom conferencing. Ramie said again this is something that she will be talking about with NPCA and NPS; perhaps NPCA will want to use the funds towards the video. Claster confirmed that that matter could be discussed on their 4/30 call. Weinman said she agreed that meeting would be a good chance to brainstorm but she does feel there are avenues other than a webinar and perhaps UDC could do a combination of those ideas. Sullivan said she's been doing free yoga videos. It's really helpful and practical to have one person do the technology and the other person give the presentation. She thinks a video presentation might be very helpful as it could be re-used. Richardson asked Sullivan who she uses to make her yoga videos. Sullivan replied Susan Mendoza who uses her phone. Mendoza owns that Chi Hive. It's their website on which the videos are posted. Ramie said she knows of a videographer, Bill Bollinger from Bollinger & Rutter Video Production, that does a lot of work for the D&H Heritage Council. He was responsible for the 15-minute canal videos. She will look further into options.

NYS Accelerated Renewable Energy Growth and Community Benefit Act Approved: Last month we talked about how the Towns of Cohecton and Lumberland had passed resolutions opposing a NYS proposal for the Accelerated Renewable Energy Growth and Community Benefit Act. Since then, that legislation did get approved. It was part of the NYS budget for 2020-2021. This pertains to industrial scale wind and solar projects in NYS. The state now has created the first-in-the-nation Office of Renewable Energy Siting. This is a follow-up to last year's legislative action in which the governor declared through the Climate Leadership Community Protection Act that by the year 2030 New York must obtain 70% of its electricity from green sources and 100% of that electricity by 2040. By 2050, NYS must achieve net zero omissions as a benchmark. That's what the impetus was for this particular proposal. It will be housed within the NYS Department of State and many other agencies, such as NYSERDA (New York State Energy Research and Development Authority), Department of Public Service, DEC, the New York

Power Authority, Empire State Development corporation will have roles to play in it as well. Ramie shared her research with the committee. The Office of Renewable Energy Siting (ORES) is meant to consolidate the environmental review of major renewable energy facilities and provide a single forum to ensure siting decisions are predictable, responsible, and delivered in a timely manner. The ORES will have new regulations involved for uniform standards and also identify mitigation measures to address any impacts from these projects. Ramie said that will be developed in conjunction with public comment. There will be a requirement for uniform and site-specific standards and conditions that must achieve a net conservation benefit to the impacted and endangered species. It authorizes the DEC to use funds from projects that are permitted through the new siting office to implement an endangered and threatened species mitigation bank fund. The process allows public, and local community input. It ensures that complete applications or acted upon within one year. In the case of some pre-existing commercial and industrial sites, they would be reviewed within six months. Ramie said other aspects are that they will seek public comment from municipalities using community interveners. Municipalities would have access to funds to assist them in the review of these projects. All large-scale renewable energy projects larger than 25 MW will be required to seek and approve permits through the siting office for new construction or an expansion. The act also creates a Clean Energy Resources Development and Incentive Program through NYSERDA to prioritize the development of old or abandoned commercial sites, brown-fields, landfills, former industrial sites, and under-utilized sites.

Ramie said as far as the host community benefits, that program would offer property owners and communities tangible benefits and incentives for hosting renewable energy facilities. Some of the opportunities could be utility bill discounts or other environmental benefits or compensation for the host communities. NYSERDA will administer a local intervener fund to benefit local agencies through this program. Another aspect is that the state will develop a State Power Grid and Study Program to accelerate the planning and build out of bulk and local transmission and distribution infrastructure. Ramie said NY is one of 41 states that has some form of home rule, which means that local communities have the right to establish their own zoning requirements and conditions for development. There are arguments that the ORES program would not consider home rule authority; that under the State's budgeting process this has now been declared an emergency, which allows the state to revamp the process for approving these green energy projects; and that the projects are meant to be fast tracked with no regards for a local opinion. That's a dissenting opinion expressed in a New York Post blog by Jonathan Lesser, president of energy consulting firm Continental Economics, Inc. The article states that New York will also acquire land, build the necessary infrastructure including transmission lines, and then hand it back to developers. The property taxes on these developments will no longer be determined locally but instead be set based on future projections and revenues of projects which will be paid to towns in lieu of property taxes they would otherwise collect. This act would prohibit any town from requiring developers to obtain any approvals or meet any locally imposed conditions for development, operation, and eventual decommissioning. The article continues on to say that the only acceptable reason to deny a green energy project under this project would be if it has substantive or significant adverse impact, but local opposition alone is not considered to be that. An example would be a loss of an endangered species. The ORES will serve as the arbiter of those decisions.

Follow-up: Local Public Hearing for Minor Amendment to Land and Water Use Guidelines?: Last month we spoke we spoke about the Minor Amendment to the Land and Water Use Guidelines in terms of incorporating the conclusions of our Renewable Energy Position Paper. Ramie said a question had come up about whether local municipalities would be likely to require or conduct public hearings. Ramie understands it's a difficult time to get any feedback from municipalities but wondered if anyone checked in with theirs. Sullivan said because of the current situation she hasn't been able to have any dialogue with her Town. She said passing a Resolution would give the representative the guidance on what to do. Robinson consulted Shohola's solicitor who said it would have to be approved by the Supervisors because they are the elected officials responsible. Ramie said at least we are able to think about this approach in the meantime. Dean recommended Ramie put together a written proposal and email it to members to review before it's presented to towns and townships.

Other: None.

New Business:

Upper Delaware River Corridor Boundary Public Map Additions – Jennifer Cluster: Cluster said the counties all have online parcel maps. This allows someone who is looking for parcels to put in a street address or parcel number and it will take you to that parcel. She said the Park Service has been working on the web tool. It seems like

they can take some of the work they have done with that and make it public a different way. She reached out to all of the county GIS departments in the last month, and the Upper Delaware Boundary has been added to Parcel Viewer Web maps for Sullivan County, NY and Wayne County, PA. It is pending in Delaware County and will possibly go on Pike County's as well. Claster said Sullivan County's program is called "Verify your Address" and she will forward the URL to Ramie. You can go on it and see if a parcel is in the river corridor boundary or not. The one for Wayne County is called "the Parcel and Address Map". Claster thinks this will help the UDC, as well as municipalities, when they receive a development application. This boundary was developed from the linework that was in the River Management Plan (RMP). Henry pointed out that the boundary in the RMP was never surveyed. Claster confirmed that this is a layer added to local GIS. Ramie asked if Orange County responded. Claster said she spoke with the head of the GIS department and it seems like they need to address an issue with their Web Map Viewer. At this time they are not ready to add the boundary. Pike County is also doing work with their Web Viewer and not sure about their timing, but she will follow-up with them. Claster said there are a few towns she has been able to do comparisons to and Shohola Township looks pretty accurate to her. Claster said that many of the GIS mapping is done for towns and townships by the county department. The Counties have the boundary that was created for the NPS in 2015.

UDC Response to Town of Tusten Lead Agency Proposal for Anaerobic Digester SEQR: Ramie asked if we would like to take any action about the Town of Tusten's Lead Agency Proposal for their Anaerobic Digester SEQR. Discussion ensued. Sullivan suggested sending a letter to the Town of Tusten saying, in effect: Thank you for letting us know about this project. It is not within the boundaries of the river corridor and therefore the UDC is not obliged to comment. We wish you great success. A Motion by Sullivan seconded by Henry to send a letter in response to the Town of Tusten's Anaerobic Digester SEQR Lead Agency status carried.

Other: Greier said this is about the guardrails along Rt. 97. It's really dangerous going south on Rt. 97 between Callicoon and the hospital. There is a terrible stretch of guardrails. Last year they at least had some temporary warning cones. There is another area before you get to the Cochecton Town line. Ramie said that the Upper Delaware Scenic Byway (UDSB) has written letters of concern to the DOT Region 9 on this subject and the Sullivan County Legislature directed letters to Senator Metzger and Assemblywoman Gunther. UDSB received a response back from the DOT in which they explained those two areas involve Slope Stabilization that requires geo-technical work and stretching the project out. They marked those areas with the orange barrels but they keep falling down the hill because there is no pavement there to hold them back. Ramie said the UDC has not weighed in on this and we certainly could. A Motion by Greier seconded by Sullivan to draft a letter to the DOT about UDC's concerns about the guardrails along Rt. 97 carried. Richardson recommended that the letter go to the full Council for action.

Public Comment: None.

Adjournment: A motion by Robinson, seconded by Greier, to adjourn the meeting at 7:59 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 5/4/2020