

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
October 22, 2013

Committee Members Present: Harold Roeder, Jr., George Fluhr, Fred Peckham, Debra Conway, Jeffrey Dexter
Committee Members Absent: Larry Richardson, Nadia Rajsz
NPS Partner: Sean McGuinness
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 22, 2013 at the Council office in Narrowsburg, NY. Vice-Chairperson Harold Roeder called the meeting to order at 6:43p.m

A motion to approve the September 24 meeting minutes was made by Peckham, seconded by Dexter and carried. There was no public comment on the agenda.

Discussion Items Report

Substantial Conformance

Town of Hancock: T. O'Dell said as a result of the discussion at the last meeting, he summarized the Substantial Conformance Review findings into an Addendum in an easy to read chart format showing both the met and un-met principles and objectives. That Addendum was provided in members' packets. O'Dell says he continues to work with the Town of Hancock on this review.

Project Review Update

Town of Lumberland: T. O'Dell reported the NYS DOT has completed the required Environmental Assessment for the Pond Eddy Bridge Project. For purposes of Article 8 of the Environmental Conservation Law of New York State the assessment found a "negative declaration" for the project. The finding determines that the project will have no significant effects on human or environmental health. Since this is an interstate bridge, PennDOT has the lead and conducted the Categorical Exclusion Evaluation in accordance with the Federal Highway Administration's National Environmental Policy Act requirements and their state Act 120 requirements.

Also, in the Town of Lumberland, approximately 500 feet of State Route 97 seven miles from the Orange County border will be down to one lane to conduct rock scaling work. Work will begin October 28th and go to December 31, 2013; the closure will be in place 24 hours a day, 7 days a week for the duration of the work. During work hours, flaggers will be present and at night temporary signals will be used.

O'Dell said he learned the Town of Lumberland will hold a zoning review meeting on October 30, 2013 at 6:00 p.m. at the Lumberland Town Hall in Glen Spey. Members of the town board, planning board and zoning board will be present for the review of the zoning law.

Town of Hancock: O'Dell said the Federal Energy Regulatory Commission (FERC) has approved the construction of the natural gas compressor station located on Hungry Hill. Millennium spokesman, Mike Armiak, stated in an October 13, 2013 *Hancock Herald* article that construction will begin immediately with a target service date of April 1, 2014.

Sullivan County: T. O'Dell stated there are two Emergency Communication Towers proposed in the Towns of Delaware and Tusten. A balloon test was conducted on Tuesday, October 15, for both sites. O'Dell noted that due to a conflict, he was unable to attend. The consulting planner went around and compared the computer model vs. actual visual impact. In a brief discussion with Alex Rau afterwards, he felt that the computer models over-estimated viewable areas of the proposed towers and he was only able to

see/photograph them from a fraction of the targeted areas. NPS Chief Ranger Joe Hinkes and his team of rangers stated they were not able to see the balloons from anywhere they attempted.

A brief discussion took place about the proposed Damascus Township telecommunication towers. O'Dell noted that a public hearing is scheduled for November 25th. He added he spoke with Township Zoning and Code Enforcement Officer Ed Lagarenne earlier in the day. They discussed the New York City Department of Environmental Protection Emergency Action Plan. O'Dell said the river municipalities receive this but he had not been successful in obtaining a copy for the UDC, adding he was told copies are only available for the municipalities. O'Dell said he asked that a copy be sent to Joe Hinkes of the NPS, but he has not heard if Hinkes has received it or not. Peckham asked McGuinness if he could try and secure a copy of this plan for the UDC. McGuinness said he would see what he could do. O'Dell said he will also follow up on this issue.

Communication Tower Workshop: T. O'Dell said he inquired of Telecommunications Industry Association and Scenic America about the possibility of a representative speaking about the various technologies and how to best find the balance between the need for service while maintaining the scenic qualities of the area. He has not heard back from either representative.

TAG Update: O'Dell reported that signed contracts for the FY 2014 TAG projects have been received from the Town of Delaware, the Town of Tusten, and Shohola Township.

Another discussion took place about the Town of Hancock Substantial Review process. O'Dell explained that he is still in the negotiating phase of the review. McGuinness read some of the steps of the process as laid out in the Project Review Handbook. Fluhr offered his suggestions about how he thought the process should move forward. A discussion about zoning took place. Roeder commented that he liked that the Addendum drafted by O'Dell stated, "In moving forward, short of writing a Zoning Ordinance, the best way for the Town of Hancock to meet each principle and objective is to incorporate the corresponding lettered alternatives into the Town's Site Plan Review Law and/or Subdivision Regulation language." He said it gives them options. O'Dell noted that the Town of Hancock's determination will not change the Town's Council membership standing. Roeder questioned the definition of substantial. McGuinness read a paragraph from the Project Review Handbook which says, "The Council may consider many factors in conducting this review, including the practical importance of any particular guideline objective to a town or township's efforts to come into substantial conformance." O'Dell said the definition of Substantial Conformance in the River Management Plan is "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."

Conway questioned if the river is going to be dammed during the construction of the new Pond Eddy Bridge, how does that not have a negative environmental impact? She was told because it will be temporary. Discussion about the project took place. McGuinness said that an agency-level permitting meeting is scheduled to take place November 19.

New Business

Other: McGuinness noted the project proposed at the former Delaware Valley Central School on State Route 97 in the Town of Fremont is to be a large project. He suggested the Council work with the Town to try to help the developer stay in compliance within the Principles of the Land and Water Use Guidelines in addressing such issues as water runoff, lighting, and noise. McGuinness commented that many of the other agencies are not at all familiar with the River Management Plan. Peckham and Conway suggested writing a letter to the Town offering UDC assistance. McGuinness said the Park Service is drafting a letter to the Town. He recommended the Council be proactive with this project and offer assistance with it. Roeder suggested that by approaching this in a positive way, it should be well received. Fluhr agreed with Roeder and suspects the new owner will want to utilize the river as an attraction for their clientele. McGuinness said it could be used as a learning tool for the students about stewardship of land. Roeder added this is an opportunity for the Council and Park Service to become involved in a positive way. McGuinness suspects that NYS DEC will be a major permitting agency for this project and said they should be contacted and

reminded that their permitting needs to recognize the Principles of the Land and Water Use Guidelines. A motion to draft a letter to the Town of Fremont concerning the Delaware Valley Central School project and copy the new owners, the NYS DEC, and the DRBC for approval by the full Council was made by Dexter, seconded by Peckham and carried.

McGuinness said he wants to be sure that Sullivan County understands the Guidelines of the River Management Plan in the development of their Local Waterfront Revitalization Plan (LWRP). The Plan contains a section that addresses river accesses specifically. McGuinness said that he will be getting in touch with Heather Jacksy to express his concerns. O'Dell said there is to be a meeting regarding the LWRP on November 19 tentatively at the Tusten Town Hall. Ramie says that the UDC does sit on the LWRP Committee. McGuinness requested that the Project Review Committee keep the LWRP on their agenda.

Old Business

Use of the 1988 Project Review Workbook: Members resumed their page-by-page review of the workbook beginning on Page OA-1 (Ordinance Amendments Review) and ending at CV-1.

Other: Peckham asked McGuinness if he ever heard back from Josh Fox. At the August full Council meeting, Peckham spoke of a comment Josh Fox made on his Facebook page that he felt was irresponsible. McGuinness said he sent him an e-mail, but never heard back from him.

Roeder referred to the handout he had requested be included in members' packets concerning drilling in the Allegheny National Forest. McGuinness explained that Forest Service land is different from Park Service land.

Public Comment: None

Adjournment: A motion by Peckham, seconded by Conway to adjourn the meeting at 7:52 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 10/31/13