

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
April 24, 2018

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

Committee Members Absent: None

NPS Partner: Kris Heister, Carla Hahn

Staff: Laurie Ramie, Pete Golod, Linda Drollinger

Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 24, 2018 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

A motion by Peckham, seconded by Dexter, to approve the March 27 meeting minutes was carried.

There was no public comment on the agenda.

Discussion Items Report: Golod reviewed his written report, including as highlights:

Town of Delaware: Issues surrounding the completed construction of the Baer Road project and the soon-to-be-developed Hospital Road project have led the town to propose a moratorium on large scale commercial solar. On 4/25, Golod will attend a Special Meeting of the Town of Delaware Town Board and Planning Board to discuss the possibility of a moratorium and possible changes to the Town's renewable energy code. Roeder said Town and Planning Boards were in favor of projects until residents balked at their magnitude. Hahn said 320 residents must sign up for energy from the sites, to satisfy grant specifications; per Hahn, that figure has not yet been reached. Although both Callicoon sites are outside the river corridor, Peckham said some objections to them cite collateral viewshed damage.

Town of Highland: On 4/4, the Town held a public hearing on the Millennium Pipeline compressor station project, which entails five land use features: a 3,000-foot access road; stream/wetland crossings; a 6,000-foot pump station; three support/accessory structures; and three storm water retention basins. The project has been approved and permitted by the Federal Energy Regulatory Commission, which claims it can supersede state and local laws. Excavation and construction have already begun. Town Planning Board Chair Hafkin said the town has no power to intervene.

On 4/12, Golod received a packet from the Town Planning Board for a subdivision /lot improvement. (See New Business for details.)

Damascus Township: On 4/19, Golod received a packet for proposed development of a home on River Road. PR Committee has that information; Golod will begin a Class II Significant Project Review.

Westfall Township: On 4/2, Golod attended the Westfall Township Board of Supervisors meeting for action on a Zoning Ordinance amendment, Ordinance No. 171; Golod obtained a copy of that ordinance. On 4/4, the PR Committee determined zones addressed by that ordinance are not within the river corridor, requiring no further UDC action. A copy of the letter advising the township of that decision was included in members' meeting packets.

Resource Specialist's Update:

- On 3/28, Golod and Dean attended the NYSEKDA Solar Training at the Sullivan County Transportation Facility; both were so impressed with presenter Houtan Moaveni's knowledge of Model Solar Energy Law that he has been invited to present at the June 7 UDC Council meeting.

- On 4/12 and 4/18, Golod and Hahn met to continue work on the draft Project Review Guide, due 5/31.
- Golod attended the 4/19 Catskill Regional Invasive Species Partnership (CRISP) meeting at the Catskill Center in Arkville, NY, which featured a presentation on the Spotted Lanternfly invasion. CRISP Coordinator John Thompson will present at the May 3 UDC Council meeting. Although his presentation will be about invasive species targeting the Upper Delaware, it is hoped he'll make the Lanternfly a focus of his presentation. Golod said the potential for harm from that invasion was characterized at the CRISP meeting as "apocalyptic." Citing the flying plant hopper's ability to feed on over one hundred trees, plants and herbs, coupled with its ability to lay an increasingly large number of eggs in less than an hour, Golod said the only defense so far effected against the lanternfly, quarantine (in Berks County), is proving less effective by the day. Containing it is almost impossible because it has an affinity for rust and metal, and attaches its eggs to all kinds of metal vehicles. So if someone spends an hour eating at a highway rest stop, a female can lay a clutch of eggs on that car or camper and those eggs could be 200 miles away when they hatch. Lanternfly is now being likened to locusts because of its voracious appetite for anything green and its propensity to travel in swarms. A handout depicting Lanternfly in various stages of development was included in members' packets. Economic impact of invasion in PA and NY (where it has yet to be detected) is estimated in billions. It will be in Upper Delaware by next summer. Henry mentioned that Emerald Ash Borer, another invasive insect, has been spotted in Beach Lake.
- A copy of the March 28 letter to Berlin Township Supervisor Charles Gries outlining the reason for NPS denial of the Township's Technical Assistance Grant application was included in members' packets.
- Golod and Ramie attended a 4/24 NPCA Upper Delaware Economic research project meeting. Of 180 survey responses from 20+-year residents, most were in a 55+ age demographic. A report will be provided at the next WU/RM Committee meeting.

Old Business:

RMP Land and Water Use Guidelines: Ramie said that 4/27 is the deadline for RMP and Land and Water Guidelines feedback. Three municipal members (Tusten, Fremont and Berlin) have expressed that they are fine with the RMP as is. Damascus CEO Ed Lagarenne thinks that cell towers are not adequately addressed in the RMP and offered by phone some suggestions for doing so. Ramie thanked him, asking that he put his concerns in writing. She noted that the deadline can be extended if the Council wishes.

Other: None

New Business:

NPS Response: Letter of Interpretation to Incorporate UDC Renewable Energy Position: Conway said no one in her town wanted to reopen a 30-year-old can of worms. They were afraid there would be no end of changes, eventually challenging almost every provision of the RMP, a sentiment echoed by others. But most thought, if towns/townships could be convinced that a minor amendment would be a one-off for renewable energy land use only, that they would be inclined to support the process. The Committee asked staff to prepare a draft of exactly how the minor amendment would read to incorporate the conclusions of the UDC's Renewable Energy Position Paper into the Land and Water Use Guidelines. Ramie said the changes would be to the Schedule of Uses and definitions. Richardson said once we have this information we could conduct a straw vote to determine whether it's acceptable, then proceed with the required public hearing procedure. Roeder said the Town of Delaware is not comfortable with the concept of changing the unanimous voting standard to approve minor amendments. Conway said we can't hold this issue hostage to wait for all the members to list every change they feel is needed to the RMP. We should separate the request from an overall assessment of the RMP from this renewable energy question. Henry said the RMP clearly states that minor amendments address one issue at a time. His proposal to look at the unanimous vote for minor amendments can be addressed down the road.

Town of Highland Subdivision and Lot Improvement Review: Using the projector and a multi-page excerpt from the Land Management Program, Golod brought up the site plan for the proposed subdivision of a Highland parcel that is bisected by River Road. The owner of an adjacent property is seeking to annex the adjoining subdivided lot.

The resulting two-lot subdivision is within the river corridor, zoned as a Hamlet Commercial (HC) District. Per the guidelines excerpt addressing subdivisions (other than land transfers for lot improvement purposes) involving lots of less than two acres in size, it would be considered a Class I Project and not subject to UDC review. Golod said when a proposed subdivision occurs, both lots become a nonconforming lot relative to the two-acre standard in the RMP. Golod reiterated that, per the River Management Plan, only Class II projects will be individually reviewed in those towns whose plans, ordinances, and local laws have been determined to substantially conform to the Guidelines. Class I reviews are done for towns and townships that are not found to be in substantial conformance. Hahn noted that the packet provided by Golod did not contain references to Hamlets, which are discussed at the beginning of the Land and Water Use Guidelines. She also referred Golod and the committee members to the Schedule of Uses in the Land and Water Use Guidelines document for further information on the subject of appropriate uses in Scenic, Recreational, and Hamlet areas. Robinson said he wanted a definitive and immediate read by the Committee on this issue because the Shohola Planning Commission is meeting Thursday to prepare its final response to the RMP Land and Water Use Guidelines request. Sullivan said if a town/township zoning ordinance is considered to be in substantial conformance, it is assumed that the town/township will honor its own ordinance, thereby making a UDC review unnecessary. Peckham said the hamlet development provision was designed to allow for grandfathering of land historically used for commercial purposes. Robinson noted that the RMP provisions for subdivisions within hamlets could pose a challenge to planning boards without this clarification, as often they are being pressed for guidance by prospective property owners anxious to execute contracts and finalize mortgage applications. Based on the conclusion that subdivisions within a hamlet follow the existing patterns of lot size rather than the stated two-acre RMP standard, a motion by Dean, seconded by Peckham, to designate the Highland Subdivision a Class I Project in a substantially conforming town and therefore not subject to UDC review, was carried.

Public Comment: None

Adjournment: A motion by Roeder, seconded by Peckham, to adjourn the meeting at 8:05 p.m. was carried.

Minutes prepared by Linda Drollinger, 4/26/18