

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
May 24, 2011

Committee Members Present: Peckham, Rajsz, Roeder, Rando, Richardson
Committee Members Absent: Conway
NPS Partner: McGuinness
Staff: Douglass, Soete, Ramie
Guests: D. Keesler

The UDC's Project Review Committee held its monthly meeting on Tuesday, May 24, 2011 at the Council office in Narrowsburg, NY. Chairperson Fred Peckham called the meeting to order at 8:19 p.m. A motion by Rajsz seconded by Rando to approve the Apr. 26 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed the discussion items report handed out that contained information on project review/substantial conformance. Highlights as follows.

Town of Cochection Zoning Law Amendments Update: Soete reported that he is still reviewing the proposed Zoning Law, Subdivision Law, and Comprehensive Plan. Richardson noted that he believes a public hearing has been set for June 8, at which time the board may vote on the ordinances. If the UDC has not submitted any comments by then, the opportunity may be lost.

Tennessee Gas Pipeline: Construction of 22.28 miles of a new 30-inch diameter pipeline adjacent to the existing right-of-way in Wayne and Susquehanna Counties, PA (Loop 321) is actively underway.

Proposed Sullivan County Casinos Update: Peckham noted a typo in the report which states, "Empire Resorts, the company that owns and operates Monticello Casino and Raceway in Monticello, has temporarily suspected its expansion efforts to develop a hospitality and entertainment venue at that facility." He noted that the word should be suspended, although the reality of future casino development in the county has been suspect for years.

Pond Eddy Bridge Update: Soete reported that Bill Douglass, Laurie Ramie, and Carla Hahn attended the Pennsylvania-New York Joint Interstate Bridge Commission's annual meeting on May 19 and that Ramie had prepared a news release. He included an excerpt relative to the status of the Pond Eddy Bridge. The complete news release is included in the meeting packets.

Natural Gas Leasing/Drilling in the Region Update: The Delaware River Basin Commission will hold a second public hearing on a docket by XTO Energy, Inc. for approval of a water withdrawal for the applicant's natural gas exploration and production activities in Broome and Delaware Counties, NY. The hearing will take place at the Deposit High School on June 1 from 4:45 to 9 p.m. An informational meeting on the draft docket, to be followed by an informal question and answer period, will begin at 3:45 p.m. Written comments must be received by June 1. Peckham said the UDC should pass on making comments. The DRBC has its procedure in place. This is a small water withdrawal from Oquaga Creek. Soete said he understands that the DRBC has already received 7,000 public comments.

Upper DeLAWARE River Roundtable: The next meeting of the Upper DeLAWARE River Roundtable is scheduled for June 2 from 1-4:30 p.m. at the Tusten Town Hall. They hope to get a speaker familiar with health impacts of natural gas development.

AT&T Mobility, LLC Proposed Telecommunications Facility (off Henderson Road in Mileses, Town of Fremont): Soete reported that the National Park Service has requested a balloon test to assess the visual impacts of this proposed cell tower. The UDC had sent a comment letter dated Apr. 7 suggesting a balloon test but not insisting upon it. The company's consultants, EBI Consulting, replied that they did not intend to do a balloon test. McGuinness said that we should have a consistent policy for any cell tower developments. We could make a balloon test a requirement. This is just a means of gathering facts. We

can't get too complacent on commenting. Soete pointed out that this proposed cell tower would be located outside of the river corridor and that the River Management Plan from 1986 doesn't address cell towers. However, Richardson said that the issue of visual impacts is addressed in the Plan. McGuinness said that the Park Service gives the UDC \$300,000 a year to do a job in resource protection. There is a whole procedure to follow for any project review that is contained in a 3-ring binder that the UDC produced years ago, but it's not being applied consistently. For example, there was recently a stairway to the river built on private property in Damascus that apparently didn't receive any review. Rajsz asked how anyone knows that they need to get an opinion from the UDC. McGuinness said that's why you need to do landowner education. Richardson suggested sending a letter to Damascus Township inquiring about the staircase. McGuinness agreed that townships need to manage and protect their parts of the river corridor or they're not doing their jobs either. If the corridor municipalities are not in substantial conformance with the River Management Plan, the Plan allows NPS to take over. It would have to be an egregious situation for that to occur. The whole process is managed by the UDC all along the way. Congress gave NPS oversight over the boundary region, but all local actions must go through the UDC. Soete said that the UDC doesn't get as good communication from the NPS rangers that are out in the field on a daily basis as we used to. Peckham said that the resource specialist needs to stay on top of this. Rajsz said that the UDC should send out a periodic letter to municipalities about the procedures to follow for project reviews, especially after elections take place. Soete said that he'd like to see the manual that NPS discovered with the project review procedure since he's not aware of it. McGuinness explained that it had been found recently among the UDC's old records and that he will provide a copy. Richardson reiterated his suggestion to send a letter to Damascus stating that we are concerned with whether this staircase was reviewed and approved prior to its construction. We need to raise awareness of planning boards and local governments as well. McGuinness said he watched the deck and stairway being built and it's beautiful. It may be in total compliance but we're trying to raise a point. We're a team here but you guys hold the cards. Richardson said the best scenario would be to take the message about project reviews to the municipalities one-by-one. Take the show on the road since there's usually a poor turnout when municipalities are asked to attend training elsewhere. Soete said it would be great to go to every meeting if the UDC had the staff and time. Having a presence there makes a big difference. McGuinness asked what the committee thought about putting together an informational mailing to send to property owners. Roeder replied that we've been negligent in not seeking out projects that are under development. We need to investigate more and better define what people can and can't do. Soete said that the NPS rangers could be a good help to the UDC if they would keep us informed. Peckham said that he thought that the UDC deals with local governments, not that our mission is to tell residents and property owners what to do. McGuinness said the purpose of the law is to ensure that the river corridor stays beautiful and scenic forever. Returning to the issue of the cell tower, everyone agrees that we need them for service and safety, but he regrets that we did not insist on a balloon test in the comment letter. Roeder agreed that cell towers present a dilemma in this area of safety vs. visual impacts. We can only have so many regulations. Richardson said he agrees with specifically requesting a balloon test for this proposal. McGuinness pointed out that the tower hasn't been built yet so it's still under review. Richardson moved and Rajsz seconded that the UDC prepare a second comment letter to EBI Consulting for action at the June 2 UDC meeting requesting that a balloon test be conducted for the AT&T Mobility, LLC Proposed Telecommunications Facility (Long Eddy/SU-008) to assess visual impacts. Soete suggested instead calling the consultants first and then following up with a formal letter if needed. Richardson agreed that a phone call should suffice. If they hesitate, send the letter. Soete said that he's inclined to follow up with a letter regardless. Peckham said the question is whether the cell tower can be seen from the center of the main channel of the river. McGuinness said that the UDC may also wish to update the project review manual, which NPS has now digitized from the former paper copy.

Wild & Scenic Rivers Act Training, June 23-24: The National Park Service is sponsoring a Wild & Scenic Rivers Act training session on June 23-24 at the PPL Environmental Learning Center near Hawley. Soete has been invited to attend and he encourages any interested board members to participate in this educational opportunity as well. McGuinness said another educational idea is to challenge UDC representatives to read the River Management Plan and each summarize a chapter. We need to focus on priorities. For example, NPS is having an issue with the accesses that the New York State Department of Environmental Conservation manages and NPS helps to maintain. The public isn't getting the service that they should since these accesses have not been touched and aren't looking well. NPS is starting to come up with a plan to address that. Soete offered that the UDC could back up that effort with a letter to get the

attention of the public and officials. The Council welcomes more direct interaction with NPS to address these sorts of issues. McGuinness said that Carla Hahn is working on a spread sheet summarizing all issues of relevance in the river corridor.

Old Business None

New Business

UDC News Release: “New Pond Eddy Bridge Moving Closer to Reality”: This item was referenced in the Discussion Items Report.

TAG 2009-08, Town of Tusten, Mapping Services for a Town Natural Resources and Open Space Inventory Database: Soete noted that the town still owed the UDC two copies of its report, which have since been provided. He passed around a copy for review.

TAG 2011-01, Town of Lumberland, Police/Court Needs Assessment: This project has been completed and a request for payment made. Soete remarked that this is the first Technical Assistance Grant for 2011 that has been finalized. A motion by Rajszy seconded by Roeder to approve payment of \$3,000 for the Town of Tusten TAG 2009-08 and payment of \$2,800 for the Town of Lumberland TAG 2011-01 was carried.

FY 2012 TAG Schedule: Soete revealed the schedule that will be observed for the FY 2012 round of Technical Assistance Grants. Applications will be due by Sept. 2, 2011, the special Project Review Committee meeting to review applications will take place on Sept. 13, the UDC vote on the TAG awards is expected on Oct. 6, and projects will have to be completed in approximately 10 months by July 24, 2012. This schedule has been adjusted to accommodate obligating the grant funds in the same federal fiscal year in which they will be spent. It gives the applicants more time to prepare their applications than the previous end of July timetable. The special committee meeting previously took place in August. Soete is in the process of updating the UDC’s website with the appropriate dates and forms.

Other: Soete referenced a handout on “Land Use Training Featuring Municipal Tools for Ridgeline Protection” that is being hosted by the Catskill Center for Development on June 8 from 6-8:30 p.m. at their office in Arkville, NY. He’s not available but it may be of interest to others. The training will cover the economic and environmental values of ridgelines, the role of local planning, numerous case studies from New York and beyond, and a review of key components of municipal protection tools. The cost is \$15 and it fulfills two hours of state-required credit for planning boards and zoning boards of appeal. Contact Peter Manning at (845) 586-2611, ext. 104, or pmanning@catskillcenter.org.

Public Comment None

Adjournment A motion by Rajszy seconded by Rando to adjourn the meeting at 9:08 p.m. was carried.