

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
October 27, 2020

Committee Members Present: David Dean (via phone), Larry Richardson, Jim Greier, Fred Peckham, Al Henry, Aaron Robinson, Jeff Dexter,
Committee Members Absent: Susan Sullivan
Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas
NPS Partner: Ingrid Peterec
Guests: Roger Saumure- Shohola Township Alternate

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 27, 2020. Chairperson Dean authorized Richardson to lead the meeting. Richardson called the meeting to order at 6:34 p.m. There was no public comment on the agenda.

Approval of September 22, 2020 Meeting Minutes: A motion by Robinson seconded by Peckham to approve the September 22nd Minutes carried. There was no public comment on the agenda.

Resources and Land Use Specialist Update:

New York State Town Projects

Town of Highland: Cilento said this is an update on an issue she has mentioned for the past few months. A legal notice was published in the Sullivan County Democrat that a public hearing of the ZBA was to be held on 8/20 to address an appeal of a violation. The violation was issued to the owners of the Stickett Inn at 3380 NYS Route 97 in Barryville by Town Code Enforcement Officer Dave Preston; it stated the eating and drinking establishment/hotel had been operating without site plan approval or a special use permit. The property is in the Hamlet-Commercial Zoning District. As of 9/18, according to the property owner Johnny Pizzolato, the Town decided to drop the violations and allow the Stickett Inn to continue its operation. An article in the 10/2 *Sullivan County Democrat* covered the most recent ZBA meeting in which the violation was indeed dismissed. Cilento said despite several emails to the Town, they have yet to respond or provide more information.

Town of Tusten: The Town submitted preliminary materials regarding the proposed Feagles Lake Subdivision in Narrowsburg. Cilento said it's at the preliminary workshop phase and it was nice of them to invite her so she could learn about the project. She feels the Town gave good feedback. This will be discussed under New Business.

Additionally, the Tusten Energy Committee just announced that within the next eight weeks, street lights throughout the Town will be replaced with energy-efficient LED lights. There will be 6 decorative lights on Main Street in Narrowsburg and 107 cobra-head fixtures in the rest of the Town.

Pennsylvania Township Projects

Shohola Township: A public notice was published in the 10/6 *Pike County Dispatch* for a 10/8 hearing on a subdivision application for 244 Bee Hollow Road, which lies within the corridor boundaries. Cilento will follow up with the Township for more information. Saumaure gave the name of the owner of the property is 11 acres. He carved off 3 acres that his house sits on; he is selling his house and the 3 acres and retaining the balance of it. Cilento said the acreage-size would be compliant.

UDC is waiting on Shohola to submit anticipated zoning changes for Substantial Conformance Review. A recent *Pike County Dispatch*, an article about several items on Shohola Township's budget hearing was published. It mentioned, "The Township will be advertising a host of zoning amendment changes based on review by the Planning Commission. The ordinance covers compliance changes bringing the Township in line with the River Management Plan, etc." Robinson said the public hearing is at their next meeting (second Thursday of the month). The hearing was deferred from last month.

Project Review Workbook Rollout: Since the Project Review Workbook 2.0 has been completed and posted on the UDC website, Cilento has begun attending Town and Township meetings to announce its release and implementation. UDC ordered and received 200 copies of the workbook to distribute. Additionally, we wrote explanatory language for the website's Project Review page for the fillable forms and documents, which will be available on the updated website from WDesign. Jordan Lewis from Quiet Light Films has begun sending edited content of the rollout video for our review. Sergio Moncada from NPCA has put together the attached timeline for the final steps. As of 10/27 Cilento has attended: Town of Tusten Planning Board; Town of Delaware Town Board; Damascus Township Board of Supervisors (details in September Discussion Items Report); Town of Hancock Town Board, 10/6; delivered copies of workbook; Town of Lumberland Planning Board, 11/3 (scheduled, upcoming); and Westfall Township Planning Commission, 11/12 (scheduled, upcoming).

TAG Master Database: Cilento added 2021 grant awards to the database after final awards were made on 10/1.

Broadband Expansion Updates: At their 8/20 meeting, the Sullivan County Legislature authorized the creation of a Broadband Local Development Corporation (LDC) to lead the expansion of broadband throughout the County, with a pilot project being initiated in Monticello. At their September committee meetings, the Legislature continued these discussions as well as grant applications for funding. They also named the Broadband LDC members in a resolution, who include Richard Baum (attorney based in Callicoon), Jonathon Schiller (CEO Garnet Health Catskills), and Robert Dufour (Sullivan County BOCES Superintendent).

Rep. Antonio Delgado published an Op-Ed (provided in meeting packet) on the necessity for rural broadband, and discussed two recent bills he's introduced to address this issue. First, the Broadband Speed Act would require internet providers to annually report data to the FCC. Second, the Community Broadband Mapping Act would allow local governments and citizens to access grant funding to make their own broadband maps to challenge FCC data.

The Wayne County Commissioners have initiated a broadband expansion project of their own with CARES funding to study access expansion in the County. Nearly \$1.2M in CARES funding will be dedicated to improving residential and commercial access to high-speed internet across the County (article provided in meeting packet).

Senator Lisa Baker announced that the PA Senate approved two bills last week to boost high-speed internet coverage. One of the bills would reduce regulatory barriers to broadband deployment by modernizing the Public Utility Code and the other would make broader use of existing infrastructure to further deploy broadband in areas that lack coverage.

Cilento will follow projects and developments as they pertain to the UPDE region.

FY 2021 Technical Assistance Grants: We received all three contracts back and Richardson signed them. The next step will be reviewing their midterm progress reports when received. A full schedule can be found on Cilento's Discussion Items Report or on upperdelawarecouncil.org.

Cilento noted that all 2020 TAG's have been closed out and paid.

Old Business

UDC Land Use Complaint Policy and Flow Chart: Cilento send the updated Land Use Complaint Policy out for review on Friday, with updated comments from Richardson and Jennifer Claster (NPS). Claster had given some references to the River Management Plan (RMP), which strengthened UDC's authority in this. Saumure sent a really wonderful spreadsheet today that's an adaptation of the form she sent out. She said she liked Saumure's format. She said her intent with this is to leave it as flexible and as much discretion in the Project Review Committees' hands so that if something comes to us, it doesn't go straight to NPS. Peckham said we don't contact NPS first, we take care of internally and if we run into problems, we get NPS involved? Cilento said that's correct. Henry suggested if it's an egregious act, though, we need to have something in there that says: "Call law enforcement or NPS." Cilento said that's addressed under Special Circumstances, Immediate and Time Sensitive Threats. Henry said you just need to be aware that the NYS DEC and the PA Fish and Boat Commission aren't going to issue information or know information for the Rivers and Harbors Act Section. The Federal Government would have some intervention that the

States wouldn't have. The Federal Government would review it to see if it's in compliance with the Wild and Scenic Rivers Act. Ramie noted that Cilento filled in the blank of what happens with non-compliance. She read from page 3: "If a member municipality is uncooperative and declines to provide information or exhibits a failure to enforce its substantially conforming laws and ordinances, removal of substantial conformance status may be decided by the Project Review Committee on a case-by-case basis." Cilento will send the updated documents out for advance review before the 11/5 meeting. A Motion by Henry seconded by Robinson to forward to full Council for 11/5 action carried.

Project Review Workbook Instructional Video Update: Ramie said we are starting to see the footage from Jordan Lewis and Eric Rowe of Quiet Light Films. They have been sharing different portions as they've completed them for our preliminary feedback. Ramie said Jennifer Claster's portion is the majority of the video with the explanation of the workbook. Cilento's segment consists of describing how it works with the forms and the website. Richardson's portion is introductory remarks and a lot of that includes B-roll footage, where they're showing what we have to offer here in the River Valley. Ramie has yet to review Tom Shepstone's portion of the history of the Land and Water Use Guidelines. Then we will need to come up with the platform that will house this video, like YouTube or a Vimeo channel because it's going to be a big file and would take up too much space on our server otherwise. When we send it out, it's going to be links that you would access to watch. We have targeted completion for the week of 11/2. They are even adding music to it and they've got really great background images. For example, if they're showing one of these PowerPoint slides in back of it is a scene from the river, and the water is moving. Ramie said she is tremendously impressed by the visual quality and the sound. Claster had a chance to review her section of it and provided edits.

Ramie referenced a handout of the proposed rollout timeline. UDC is getting assistance from the National Parks Conservation Association because they have more experience with producing videos. They are helping us with the mechanics of once we actually have this ready, what can we do with it and how do we introduce it to the public, and to our audiences, which are primarily planning and zoning boards and local governments as well. Ramie said we will have to figure out a campaign to get this out to people since in-person showings are probably not likely at this time. They talked about offering training education credits for planning and zoning board members, particularly on the New York side. Richardson said that's a great idea. He also said in his own experience he uses YouTube all the time.

Richardson said he wants it to be an easy tool for planning boards to access. He asked if there was a way to make some sort of directory to go with it if you're looking to refresh yourself review a particular episode you don't have to fast forward through it to try and find the information needed. Richardson asked Peterec if NPS has a specific platform they use for storing videos? She said she would look into that.

Ramie thanked Interim Superintendent Peterec for giving UDC permission to use footage and still images from the Upper Delaware Virtual Tour, which happened to be the same videographers from Quiet Light Films. That saved a lot of their time because they already have some really great footage of the river valley.

Draft Supplement for Utility-Scale Solar: Ramie said she finished this document around 3 p.m. today to send in advance, and even if you had a chance to review it, that's not a lot of time to absorb all of the information. She said there is no rush on this since we have had this topic on our agenda since 2016. She said she's not very happy with it because it just kind of starts abruptly describing where UDC is at now with solar energy and what the conclusions were. Then it gets into how we handle other types of alternative, renewable energies. It speaks about the minor amendment process. It also talks about what has changed from the original River Management Plan (RMP) and Land and Water Use Guidelines. We had a list that's been expanded upon and Ramie give thanks to Henry coming up with a lot of these references. That was very helpful. At the end on page 5 is what we're laying out as justification for this supplement approach. Ramie still thinks that the NPS regards that as just a semantic way around doing a minor amendment and most likely will not support it. We've tried approaching it every which way and the minor amendment kind of makes sense for this type of issue in her opinion but we just can't get of the hurdle of the unanimous voting standard. Peckham said he is all for unanimous vote on this and there is a reason why that's

required. Peckham said we talked to the Town/ships and we've gotten feedback. Ramie said it's the perception that we're reopening the RMP when it really isn't because an amendment, as Cilento says, is just adding something to a plan. Ramie said we seem to feel like the RMP is this sacred cow that you can never make any adjustments to but then we point out two-pages worth of adjustments that have taken place, but haven't gone through any formal process, to which we also object. Then on the other hand, we're saying, don't open the RMP and address any of this. It's kind of a haphazard approach.

Peckham said Hancock is more concerned with private property rights and what rights the riverfront landowner has to put in solar. The policy has never been addressed, because UDC doesn't set any conditional uses. Ramie said it's up to the Town/ship to set conditions. Henry said that's what the RMP specifies under variances. Ramie said we did a survey of whether the Town/ships would approve this. Four said no, four said yes, and seven didn't respond. We are nowhere near unanimous, even though it was pretty universal on approving the Position Paper.

Greier said this comes under the term of Renewable Alternative Energy in the RMP. There are different kinds of alternative energy that we addressed in there, but at that point in time, there was no solar, but we did address alternative energy. This is not a new issue. It's a new aspect of alternative energy.

Richardson said we should not lose sight of the fact that we're talking about Utility Scale. Anybody who wants to put solar on their house in the corridor has a right to do that according to the local Town/ships regulations.

Greier said it's not a misconception that the Town/ships look at it as opening up the plan. They don't trust the UDC because we're part of government. They don't trust government because the Federal Government dumps on the State, the State in turn dumps on the County and the County in turn dumps on the Town. Richardson said approving a minor amendment does not open the plan.

Robinson said from Shohola's standpoint, it's a philosophical objection to how the NPS (the Federal Government), has led certain requirements of the RMP to lapse, and perhaps getting stricter versus some of the other elements they unilaterally discount. He said Shohola's position is this is a contract. Unless you want to redo the contract, we'll entertain that but we're not going to nibble away at what NPS wants versus what we can't influence, such as funding for certain things. Robinson said that's why Shohola is holding to that principle. They support the Position Paper but aren't interested in advancing the RMP without a serious consideration of what was taken away on an arbitrary basis.

Henry said it continues to be confusing because if you read the native legislation, second paragraph, it tells you under Land and Water Use Guidelines how you can change it. The law doesn't refer to anything about unanimous consent. On the document Ramie provided on page two it says: "The revisions to the River Management Plan and the Land and Water Use Guidelines may only occur through the same procedures by which they were originally approved". There was no provision other than in the RMP, but there's no provision in the law, that speaks as to how you go about precisely modifying the Land and Water use Guidelines. That's out of the law, which supersedes the RMP. Henry said the RMP says if you want to change either, you have to have unanimous consent. He said it's confusing. He said let's do something about this. We've been talking about this since he's been on this council. Henry said that's why he has recommended that we run this by Tom Shepstone. He said Shepstone is probably the most informed living individual on this issue. Shepstone was the one who said don't open the RMP and put some kind of supplement or supplemental together instead. Henry said if NPS doesn't like it what are they going to do? Ramie said they told us they would take matters into their own hands. Henry said there is no provision. They'd have to go through a legal battle. Henry said when we asked for guidance from the solicitor via Superintendent Kris Heister we never received a response. Ramie said that Shepstone recommended issuing recommendations for anything like this. Our policy would be recommendations that we issued to Town/ships for the sake of developing their zoning. We tell them here's where we stand on solar energy and we hope you'll take this into consideration. That was the basis of Shepstone's \$10,000 proposal he gave us. Richardson asked everyone to review the draft supplement document so we may discuss it next month.

Other: None.

New Business

Town of Tusten- Feagles Lake Subdivision Site Plan Review: A copy of Feagles Lake was provided in the meeting packet. A Planning Board work session via Zoom was held on 10/19 which Cilento attended. It was productive and she does feel it may change a bit over the next few months based on the work session. The three-phase project would create a private residential community around Feagles Lake with approximately 20-25 homes. They are utilizing existing logging roads. They want to keep it forested because that's the appeal. Each lot will have a well and septic system and an HOA will be created for road maintenance and other community needs. The project will need a full EAF due to the size and scale of the proposed project. Cilento said she will continue to follow the project and provide input during the liminary design processes.

Cilento said she doesn't think the developer, Stewart Veener, is familiar with how zoning works outside of NYC because he was starting to discuss Transferrable Development Rights being able to build multiple single-family homes for one family on one lot and that's not what the zoning allows: There's another work session 11/16 that Cilento be attending. Veener has some of this under his name, most is under an LLC. At the meeting Cilento noticed the boundary listed as the Upper Delaware Scenic and Recreational River National Park and mentioned it to the developer and clarified that it's a Unit of the NPS. Saumure asked Cilento to send the PDF form. Ramie said it's very positive with a project this large that we're getting a preview of it, even though it's subject to change because of the feedback that they received from the planning board. It's great to be included early on for something like this, instead of being surprised when it's at some public hearing stage.

Other: Henry asked if there was any update on the Robinson property? Ramie said no. He said the Town went after the Stickett Inn and wonders if they are doing anything with the Robinson property? Cilento said she only had an update on the Stickett Inn property. Henry requested UDC look into the Robinson property issue.

Public Comment: None.

Adjournment: A motion by Robinson, seconded by Peckham, to adjourn the meeting at 7:43 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 11/5/2020