

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
November 24, 2020

Committee Members Present: David Dean, Larry Richardson, Jim Greier, Fred Peckham, Al Henry, Aaron Robinson, Jeff Dexter, Susan Sullivan
Committee Members Absent: None
Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas
NPS Partner: None
Guests: Roger Saumure- Shohola Township Alternate

The UDC's Project Review Committee held its monthly meeting on Tuesday, November 24, 2020. Chairperson Dean authorized Richardson to lead the meeting. Richardson called the meeting to order at 7:45 p.m. There was no public comment on the agenda.

Approval of October 27, 2020 Meeting Minutes: A motion by Robinson seconded by Peckham to approve the October 27th Minutes carried. There was no public comment on the agenda.

Resources and Land Use Specialist Update:

New York State Town Projects

Town of Delaware: Cilento said the Callicoon Riverside Park project is moving forward despite a hurdle in October. At their October meeting, the purchase of the park by the County for \$50,000 was voted down and tabled for discussion the following month. The proposal allocated the money for the purchase of the park from occupancy tax dollars (room tax). At their November special meeting, the Legislature passed the resolution 7-2 to fund the project in partnership with the Town of Delaware, the Trust for Public Land, and NYSDEC.

Additionally, on 10/29 Bill Rudge reached out to Cilento and Ramie to inquire about requirements for the proposed NYSDEC trailered boat launch at the park. Cilento sent the guidelines and substantial conformance review process. Cilento and/or Ramie will continue to participate in Callicoon Riverside Park planning process and update the committee as needed.

Town of Tusten: The Town submitted preliminary materials regarding the proposed Feagles Lake Subdivision in Narrowsburg. A Planning Board work session via Zoom was held on 10/19. Approximately 20-25 homes are proposed surrounding Feagles Lake. 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 its size and scale. The project engineer notified the Town that they would not have the materials ready for review for the November meeting, and they are on the schedule for the 12/21 meeting. Cilento will virtually attend the 12/21 Planning Board meeting and will continue to follow the project, providing input during the preliminary design processes and completing a Substantial Conformance Review when necessary.

Additionally, the Narrowsburg Wayne Bank branch at 93 Main Street will be closing in January. The building is for sale and has not yet been sold, but once it is, it could need a substantial conformance review for a special use permit or any site plan changes. Cilento will notify the committee if any development at the property happens and will review accordingly.

Pennsylvania Township Projects

Shohola Township: Cilento said UDC is waiting on Shohola to submit finalized zoning changes for Substantial Conformance Review. In a recent *Pike County Dispatch* article, it was 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." Aaron Robinson notified UDC on 11/13 that the Shohola Board of Supervisors unanimously voted to adopt Zoning Ordinance No. 80

at their meeting the evening before and that it will be submitted to UDC for review shortly. Cilento will follow up with the Township for submission of the relevant documents to UDC.

Project Review Workbook Rollout: Since the Project Review Workbook 2.0 has been completed and posted on the UDC website, Cilento continues to attend municipal meetings to announce its release and implementation. Jordan Lewis from Quiet Light Films is close to finishing editing the video segments and we will launch via social media when complete. Town/ship meetings attended as of 11/24: Town of Tusten Planning Board; Town of Delaware Town Board; Damascus Township Board of Supervisors; Town of Hancock Town Board; Town of Lumberland Planning Board; Westfall Township Planning Commission. Cilento will schedule more visits for early December (emphasis on virtual meetings) and January after the holidays.

Broadband Expansion Updates: At their 8/20 meeting, the Sullivan County Legislature authorized the creation of a Broadband Local Development Corporation (BLDC) to lead the expansion of broadband throughout the County, with a pilot project being initiated in Monticello. At their September committee meetings, the Legislature named the BLDC board members. The County has committed \$130,000 in their 2021 proposed budget, \$80,000 for the completion of a tower in Monticello and \$50,000 for one in Liberty. The County is focusing on these two urban centers for their broadband pilot project with the hopes that expansion to the western part of the County would follow. In November, Senator Jen Metzger announced an additional \$425,000 in funding to assist the project. Cilento will follow the project and developments as it pertains to the UPDE region.

Short-term rentals: Sullivan County officials have been discussing short-term rental regulations as it pertains to collecting the 5% occupancy tax the County receives from hotels, motels, and other traditional accommodations. In 2016, the County entered into an agreement with Airbnb to collect the 5% tax from rentals listed on the popular platform, but there are several types of non-traditional rental properties, such as treehouses, tents, campers, and other structures that are not yet regulated. The County and local officials state that the goal is not to discourage the tourist economy in Sullivan County (of which the Upper Delaware region particularly benefits) but to provide code enforcement to ensure public and visitor safety and tax collection to reinvest in local projects like Callicoon Park or the Callicoon Train Depot.

FY 2021 Technical Assistance Grants: The FY 2021 (10/1/2020-9/30/2021) round will observe the following schedule: Friday, 2/26/2021 Grantees must submit a Mid-Term Progress Report to the UDC by this date to outline the project's status. Friday, 8/20/2021 Grantees must complete their projects to the satisfaction of the Contract Criteria and submit a payment request to the UDC for reimbursement of allowable expenses.

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

Richardson asked if Cilento met with the Town of Hancock. Cilento said yes, in October she believes. Supervisor Jerry Vernold was friendly. She was first on the agenda and it was a positive reception. She was quoted in the first edition of the new *Hancock Herald* about that meeting.

Henry asked if Cilento could provide an update on the Robinson project for the December meeting. Cilento said that's fine; she hasn't had much luck engaging the Town of Highland via phone or email.

Old Business

Proposed Supplement: Utility-Scale Solar Energy Compatibility: Ramie said the committee's homework after last month was to review the Proposed Supplement to the River Management Plan and the Land and Water Use Guidelines for the Upper Delaware Scenic and Recreational River: *Utility-Scale Solar Energy Systems Compatibility* to discuss it further this month. Sullivan said the first page is pretty clear but struggles to understand what we are asking for on the last page under "Basis for a Supplement Approach". The document references all the historical changes that were made. She asked what is this document meant to do? She feels like we are splitting hairs, saying geothermal is different from solar, etc. She doesn't have a problem with a Letter of Interpretation and she also doesn't have a problem with a Minor Amendment because the Town of Tusten agrees with that. She said she's trying to look at this document as the new NPS Superintendent might and feels we should name specific asks. Say this is what UDC wants to do. Giving the historical context is our supporting context of "why". Henry told Sullivan

that the Informal RMP Changes in the document provided on 10/27 are examples the NPS has done that would go under that category of Minor Amendment without following the process. Sullivan asked how does that advance our desire to put this to bed and get Solar in the RMP? Henry said you can do it as a Letter of Interpretation and include it with Geothermal and Wind and say we feel Utility-Scale Solar meets that same category. The other way is to have a Supplement; include all of the Informal RMP Changes from NPS for background. Henry said this document seems smooshed together because it's something we've been talking about for five years and some of these things are going back to the very first printing of the RMP, such as the Errata Sheet. Henry said it changed NPS from a voting member to a non-voting partner without following the procedure. Robinson said in school boards you have policy by precedent so it follows an established method. He thinks it's legitimate. Richardson said we need some form of this document so when a project comes before a Town/ship and before the UDC for review it lays out how to look at the project and what the procedure is for reviewing it. Henry said previous NPS Superintendent Kris Heister said through Letter of Interpretation Geothermal, Wind, and Hydropower were appropriate for a Letter of Interpretation but you can't include Utility-Scale Solar. Henry said we need to have a Supplement that includes the Letters of Interpretation. Saumure said there should be a Change Log attached to the back of the RMP that every time a Letter of Interpretation is created it's logged in there. Ramie said it's all semantics; we're inventing this Supplement that doesn't exist in NPS's world. Henry told Ramie, "You're the Executive Director and you're doing a great job but you need to stop kowtowing to the NPS". Ramie said she's being realistic. Henry said to be realistic is to follow the lead of all the Town/ships and they are saying collectively this is what they want to do. Ramie said she knows and that's why she wrote the document the committee is discussing. Robinson said moving this along to the full Council will elevate the discussion. Richardson said if Ramie works on this Resolution and works out the details with Henry, Robinson, Sullivan and Saumure he feels it's close to getting resolved and everyone is pretty much on the same page. Richardson said to make note that we are deadlocked and can't get unanimous approval for a Minor Amendment and this is the next best thing. A Motion by Henry seconded by Dexter to propose to full Council a resolution also logging information in with a Supplement carried with an abstention from Peckham. Peckham said his question was never answered of what's Conditional. Henry said if Peckham has a minute after the meeting he will show where the RMP addresses the concern with Conditional and Special Uses. Henry said the RMP basically says they don't want the UDC to be real specific; they want the Town/ships to take care of it. The Town/ships come up with the conditions.

Project Review Workbook Orientation Video Update: Ramie said we signed our contract with Quiet Light Films on 7/16 for \$2,000 and they have invested so much time beyond our expectations into perfecting it. The only segment left is Tom Shepstone's explanation of the Land and Water Use Guidelines. It's filmed but they weren't satisfied with the lighting. It's gone through the last phases of editing. Ramie predicts within one week we will have all of the segments in the order requested. Cilento set up UDC's YouTube and Vimeo accounts. It will be available in one video as well as segments. The videographers reached out to a band called "Milkweed" for music rights for a song called "Drunken Fish" and Quiet Light Films paid the band for the rights to use the song in the video out of the fee UDC gave them. Richardson asked if it was decided to put Shepstone's segment at the end of the orientation? Ramie said it's the section before Cilento's conclusion. Richardson said it's very well done from his advance viewing. He thinks having the segments available will be very helpful to people on planning boards.

Other: Henry said on the Proposed Supplement to the River Management Plan and Land and Water Use Guidelines for the Upper Delaware Scenic and Recreational River: Utility-Scale Solar Energy Systems Compatibility document under Informal RMP Changes it says "No major revisions or minor amendments have been attempted or adopted to the 1981 Land and Water Use Guidelines and the 1986 River Management Plan...". Henry said you may want to add 1986 Guidelines as well since there were two sets. Ramie said she was under the impression that they didn't change from one set to the other. It says effective date in the RMP copy and there is a blank line there. Henry asked staff to doublecheck that.

New Business

Sullivan County Hazard Mitigation Plan: Request for Comments: Cilento said Sullivan County invited the UDC to participate in the open comment period for their Draft Hazard Mitigation Plan. If anyone is interested, it is a web-based plan and can be found at: <https://sullivan.mitigateny.org/>. She said it was a little more time-consuming because it was a webpage which requires flipping back-and-forth. The interactive nature was impressive. The draft letter provided in the meeting packets is similar to the one full Council sent to PA for the comments on the Forest

Action Plan. Sullivan County Planning and Emergency Management have been the ones primarily working on this but the program is done through a grant that is being funded and managed by the University of Albany. They picked a couple counties in the state to work on this so that's why comments are addressed to the University of Albany contact. Cilento also cc'd our planning contacts and our NPS contact. She asked if anyone else has suggestions on who to cc to let her know. Cilento has three main suggestions in the letter: in the background section it refers to the Delaware River as forming the "southwestern border" of Sullivan County. Cilento would argue the river would be more accurately described as forming the western border, as the entire western border of the County is formed by the Delaware River. In the section entitled "Critical Assets in the Floodplain," the map appears to be interactive but is not, and might better illustrate the accompanying data if the point on the map showed specific information as it relates to the adjacent table. The most important comment is in the Capabilities Table. The Conference of Upper Delaware River Townships is listed as the responsible authority for the Upper Delaware River Management Plan (RMP). This organization no longer exists and the RMP is formally administered by the Upper Delaware Council which should be included in the responsible parties to avoid confusion. Further, National Park "Services" is listed there also, but should read Nation Park "Service." Finally, the jurisdiction listed for the River Management Plan is the Town of Highland. This should either include all Sullivan County river municipalities (Fremont, Delaware, Cochection, Tusten, Highland, Lumberland) or should read Countywide like the other larger plans. Cilento said she's open to any input. It does discuss a lot of goals as far as coordinated hazard mitigation, hazard reduction as it related to floodplains and public awareness, etc.

Henry asked what the acronym AVAIL stood for? Cilento said Albany Visualization and Informatics Labs. Richardson suggested saying "currently Fremont, Delaware, Cochection, Tusten, Highland, Lumberland". A Motion by Dexter seconded by Sullivan to send the draft letter to full Council on 12/3 for approval carried.

Land Use Complaint: ATV Trail in Town of Tusten: Cilento said this complaint was sent to Laurie Stuart of the *River Reporter* based on an email-list related to Upper Delaware Community Network. Stuart sent it to Ramie who forwarded it Cilento (a copy was provided). The complaint read: "Someone took it upon themselves to cut a path with a piece of heavy equipment, that runs along the River and back up along the railroad tracks from just above the eel dam to below our house, so about 1.5-2 miles. They are out there now, driving up and down at speeds of about 40 mph. We have contacted DEP officers in both PA and NY. There is an eagles' nest across from us (under which they have been running and revving their engines) and they are driving extremely close to the water's edge, so the concerns are many: drive away the eagles, ruin the habitat for other wildlife and birds, and potential to pollute the River if they have an accident or spill." Cilento reached out to the email address that sent the original complaint and has not heard back from them. She said this is the log form that Saumure devised and it is working really well. Henry said there are two eel weirs in Tusten he said it may not be the one in the flats; it could be the other site which Ramie can tell you how to get to. Henry said anytime something like this comes in we can't just leave it with UDC. We need to make sure we contact NPS or NYS Department of Environmental Conservation to touch base. Peckham suggested calling the Railroad if they are going along the railroad tracks. Sullivan said she's part of that community email-list the Upper Delaware Community Network and the moderator said NPS is on it. Dexter said he thinks this has been an issue for years. Cilento will reach out the NPS to pass along the complaint and see if the issue is resolved.

Public Comment: None.

Adjournment: A motion by Robinson, seconded by Greier, to adjourn the meeting at 8:45 p.m. was carried.

Minutes prepared by Ashley Hall-Bagdonas, 12/3/2020