

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
December 20, 2016

Committee Members Present: Larry Richardson, David Dean, Fred Peckham, Alan Henry, Aaron Robinson, Debra Conway, Susan Sullivan (6:37 p.m.)
Committee Members Absent: Harold Roeder, Jr., Jeff Dexter
NPS Partner: Kris Heister
Staff: Laurie Ramie, Cindy Odell, Pete Golod
Guests: Tony Ritter (6:51 p.m.), Doug Case (7:10 p.m.)

The UDC's Project Review Committee held its monthly meeting on Tuesday, December 20, 2016 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:30 p.m.

A motion to approve the November 22 meeting minutes was made by Peckham, seconded by Henry and carried.

Discussion Items Report

Project Review Update

New York

Town of Hancock: Golod reported that the Hancock Town Board met on November 3 where the topic of wind energy arose. According to Supervisor Sam Rowe, a developer would need a permit that allows the company to measure the wind velocity for an extended period of time, and another permit to install a tower to see if it's viable. The proposed towers would not be similar to the large-based turbines as seen on Route 6 outside of Waymart, Pennsylvania, and have a much smaller footprint. Rowe said the process could take four years and that he had already informed the developer that the viewshed of the Delaware River was off limits.

Golod noted that he attended the Upper Delaware River Tailwater Coalition's (UDRTC) Stream Corridor Management Plan Meeting on December 15th. He stated that he will briefly discuss this meeting further during the Water Use/Resource Management meeting and has included the Stream Corridor Management Plan Draft Vision Statement in those packets.

Town of Delaware: Golod said that he attended a Public Hearing on December 14 on Proposed Local Law No. 5 entitled "A Local Law amending Chapter 220 of the Code of the Town of Delaware, entitled Zoning, to add a new special use of Wineries, Cideries, Microbreweries and Distilleries in the CAL-B-1 Callicoon Business District". There was no public comment and the resolution "Adoption of Local Law #5-2016: Amend Zoning Law to add a definition and use in the Cal-B-1 Schedule of District Regulations" was approved and adopted.

Town of Highland: Golod reported that on December 13 he attended the Town Board Public Hearing regarding Highland's proposed Local Law #5-2016, a Local Law imposing a limited commercial solar energy generating facility land use moratorium. The resolution to temporarily prohibit commercial solar energy generating facilities for six months was voted on and unanimously approved. No site plan or special use permit shall be reviewed or approved by the Planning Board, and no building permit shall be issued by the code enforcement officer. Golod said he spoke to Ken Burns of the Zoning Re-write Committee and was informed that the Town has already begun work on updating their zoning.

Town of Lumberland:

Camp Simcha: Regarding the November 18 response from the New York State Department of Environmental Conservation concerning the camp's wastewater treatment facility, Golod said he wanted to impress that per the letter, the DEC conducted a final inspection on October 25 when the Camp was not operating at full capacity. Aside from the obvious, the DEC letter failed to address one of the key questions

posed by the Project Review Committee. That question was, "Has there been testing done while the camp was operational after the upgraded sewage treatment facility?" Dean suggested that the UDC respond to the fact that the question was not satisfactorily answered. Golod noted that this camp has been cited in the past by the DEC and fined for bypassing their wastewater treatment facility. A lengthy discussion about how to proceed took place. After much discussion, a motion by Henry to send a letter to the NYS DEC with a copy to the DRBC on the Camp Simcha wastewater treatment facility in the Town of Lumberland, requesting information on the monitoring schedule and the criteria to allow self-reporting of test results, was seconded by Peckham. A vote was taken and the motion passed.

Pennsylvania

Wayne County: Golod reported that on December 7, the Wayne County Commissioners agreed to enter the federal court lawsuit of Wayne Land and Mineral Group LLC challenging the DRBC and its authority to prevent hydraulic fracturing within the Delaware River Basin. County Commissioner Wendell Kay said the commissioners are "looking to protect the county's interests in regulating land use and the rights of the county." He added, "I don't want to see an outside agency come in and take precedence over local matters."

Damascus Township: Golod said that on December 7 he received a draft Zoning Ordinance Amendment for Alternative Energy Systems from the Township Code Enforcement Officer. He has forwarded the amendment to the NPS and is coordinating an Ordinance Amendment review with NPS Management Assistant Carla Hahn.

Berlin Township: Golod noted that on March 1 the Pennsylvania Department of Environmental Protection (PA DEP) issued Camp Hacshara-Moshava of NY, Inc., a National Pollutant Discharge Elimination System (NPDES) Permit (#PA006157) for their WWTP to continue discharging treated effluent into an unnamed tributary of Indian Orchard Brook, which is a tributary of the Lackawaxen River, within the drainage area of the section of the main stem of the Delaware River, which the Delaware River Basin Commission has classified as Special Protection Waters. Although the Lackawaxen River is a major tributary for the Delaware River, the camp itself is not in the river corridor.

On October 25 the DRBC issued a draft Docket 2015-014-1 approving the existing 0.036 million gallons per day (mgd) Camp Moshava WWTP and its discharge. Copies of the DRBC's Docket and the PA DEP NPDES Permit No: PA0061573 are available upon request, Golod added.

Tennessee Gas Pipeline Company LLC is filing an application this month with the PA DEP for a National Pollution Discharge Elimination System (NPDES) concerning upstream discharge of hydrostatic test water. Tennessee intends to discharge hydrostatic test water as part of the Orion Project within Berlin Township. The Orion Project involves the construction of approximately 13-mile long 36-inch diameter pipeline parallel to Tennessee's existing 300 line. Construction is expected to begin January 2017.

FY 2017 TAG Update:

On November 14 Berlin Township returned their signed FY 2017 Technical Assistance Grant contract.

Resource Specialist's Report:

- Golod said he plans to attend the December 21 Town of Delaware Planning Board Public Hearing in regard to ongoing Large Scale Commercial Solar projects. He is also currently gathering information in order to conduct a substantial conformance review for the Town of Delaware's 2013 Local Law No. 4 amending the zoning law and zoning map.
- In conjunction with the NPS, Golod has created a database spreadsheet that will be used as a tracking system for all issues and reviews (substantial conformance) presented to the UDC or NPS, and how they are resolved. This database also includes a tracking system to monitor UDC correspondence to and from the NPS.
- Golod said he is scheduled to begin his first course through the Penn State World Campus GIS Certificate Program on January 4. The course is titled, The Nature of Geographic Information.

Peckham asked Golod if he could provide him with a synopsis of the Penn State GIS course. Golod said he will email that to him.

Richardson suggested that the tracking database spreadsheet be available to the Project Review Committee. Robinson said that Dorene Warner is working on a member portal for the UDC website and suggested the document could be shared through that. Robinson feels that every document that members receive in handout form, should be in the portal. Henry asked that in the interim, the tracking database spreadsheet be made available to the committee on some sort of regular basis. Members shared their ideas for how the tracking system should work. They suggested that Golod expand the UDC-NPS correspondence database to include all written communications with municipal members also.

Ramie noted that the Town of Delaware law change was prompted because of a proposed cidery in the town near the Delaware Valley Job Corps Center. Golod said the proposed project is on Seminary Hill and he provided some details. Ramie noted this is another new land use that is not addressed in the River Management Plan. Dean spoke of the Angry Orchard in Walden, New York, noting it is a great facility.

New Business

Old Business

Draft Position Paper on Large-Scale Solar Energy Systems Update: Ramie said that a memo was sent out to the towns and townships on October 3rd which read in part, “The Upper Delaware Council requests receiving your local government’s input regarding the attached ‘Draft Position Paper on Large-Scale Solar Energy Systems’ within 90 days to assist the Council in meeting its requirement under our Cooperative Agreement with the National Park Service to review and make recommendations on land use developments within the Upper Delaware Scenic and Recreational River designated corridor.” A reminder to look over the draft and provide any feedback was sent out on December 6th. Comments have been received from the following: Shohola Township on September 19; Town of Deepark on September 28; and Town of Tusten on December 5. Ramie said she heard back from Westfall Township that they are meeting on January 3 and would have something for us after that meeting. She said that Berlin Township was working on a response at a meeting tonight. The Town of Lumberland is actively working on putting together comments, Ramie added. Peckham noted that the Town of Hancock awaits a recommendation from the Planning Dept. Ramie said we were hopeful to get each town and township’s feedback in order to decide which direction to take. Richardson said that the Town of Cochection continues to work on their position on solar. Ramie said that when we do receive all the responses back, they will be compiled into a single document and shared with committee members. A discussion about how to distinguish the difference between large-scale and small-scale took place. Richardson asked that once the town and township responses on Large-Scale Solar Energy Systems are collected, that a matrix be developed to chart and share the feedback. Robinson said that if all the towns and townships provide us with their vision of commercial solar, doesn’t that indicate that local planning and local analysis rules? He questioned how the Council is to wrap their arms around the ideas of many towns and townships. Richardson said the Council still needs to define this use and come up with some sort of position. He said we can’t ignore the use; the Council needs to come up with a Position Paper. Heister said Golod needs something to evaluate projects with for consultation. Richardson noted that the draft Position Paper is one that was done jointly between the Park Service and UDC for discussion purposes.

Red Alert Emergency Phones Presentation Follow-up: Ramie said she we have had no further contact from Frontier since the December meeting. Richardson noted that Sullivan County Public Safety Commissioner Dick Martinkovic is going to retire on January 1st before he had the opportunity to address the Council.

Project Review Workbook Update: Ramie said the second drafts of both guides have been completed. One guide is for the UDC and the Park Service and the second guide is for the local and regional governments. Ramie stated that the committee which consists of Golod, NPS Management Assistant Carla Hahn and herself has been unable to meet due to the fact that Hahn has been called upon for jury duty. Ramie said the committee wants to conduct an internal review of the second drafts before they are shared.

Other:

Public Comment: Sullivan, wishing to speak as a member of the public, said she wanted to discuss the closing of the Western Sullivan Transfer Station in Cochection. She said the closing would have a negative impact on the area. Many people have worked hard to make the area beautiful and to attract people here. With those visitors comes increased trash and to not have a place to get rid of it increases the risk of it being scattered throughout the area in such places as roadsides. She feels as a group, the UDC may want to consider commenting on the issue. Robinson stated that since Sullivan County does not take electronics for recycling, the Scenic Byway is becoming littered with electronics such as televisions. Ramie reported that Sullivan County has found a vendor to take e-cycling and will begin taking electronics again in the near future. Sullivan said that is a good example of what happens when these services stop. Richardson said that Sullivan County does not want to take the service away, but they don't want to continue to pay the Town of Cochection as they have in the past. Richardson does not think it is unreasonable for the County to pay the Town something for the use of the facility as it serves residents of the County beyond the Town of Cochection. There is currently an agreement for the County to pay the Town through 2017. Henry asked if people have to pay to dispose of their garbage at the transfer station. Ramie told him there is a fee per bag involved. Richardson shared ways he feels the station could be run more efficiently. A brief discussion about the Town of Hancock Transfer Station took place. Peckham said it is only open to residents of the Town of Hancock. Ritter said it is "absurd" to not provide this service to the community. Richardson said that he feels the government should provide some services and those services may not be money makers, but that is why people pay taxes. After much discussion, Richardson suggested not taking any action now, but to wait until next year to see if the Town and the County can work things out beyond 2017.

Adjournment: A motion by Peckham, seconded by Conway to adjourn the meeting at 7:27 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 12/29/16