

**Upper Delaware Council**  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**February 23, 2021**

Committee Members Present: David Dean, Larry Richardson, Jim Greier, Al Henry, Aaron Robinson, Susan Sullivan, Jeff Dexter (6:37 p.m.)

Committee Members Absent: Fred Peckham.

Staff: Laurie Ramie, Shannon Cilento, Ashley Hall-Bagdonas

NPS Partners: Cody Hendrix, Don Hamilton

Guests: Dr. Claire Jantz- Shippensburg University

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 23, 2021 via Zoom. Chairperson Richardson called the meeting to order at 6:29 p.m. There was no public comment on the agenda.

**Approval of January 26, 2021 Meeting Minutes:** A motion by Greier seconded by Henry to approve the January 26<sup>th</sup> Minutes carried. There was no public comment on the agenda.

**Shippensburg University GIS Mapping Tool Presentation:** Dr. Claire Jantz said it's been a while since we've been up to visit the Upper Delaware Council office and she misses making trips there. She would like to provide an update on the mapping tool that Shippensburg University has been working on this since September 2016. Most of the delay on making progress has been related to some of the information security needs that were required by the NPS and Department of Interior. They spent a lot of time getting the project reviewed and adjusting to feedback. They now have a mapping application to share that's publicly available. Dr. Jantz shared her screen with the committee and went to the landing page that shows the overview of the tool. When you click on "View Application" the application will load, then there's another Data Distribution Liability statement that basically says: "The data in here is only as good as how it was provided to us". The main intent of the tool is to have a quick and easy tool for a first pass at Project Review. It contains a lot of the zoning and parcel layers provided by the local townships or the counties. It's not data that the NPS or Shippensburg University produced. What you see when the tool first loads is a map of the counties and the Upper Delaware Scenic River. The Upper Delaware Corridor is colored based on whether it is a recreational section or a scenic section. She said you can enter in the address for a project or you can navigate to it. Dr. Jantz entered in UDC office address 211 Bridge Street Narrowsburg NY as an example. She turned on the Tusten Zoning and could see that the parcel is in a Downtown Business Zone. You can also see if there are flood hazards and if there are any wetlands on or near the site. You can see if there are any protected lands. You can see soils and vegetation as well as watershed boundaries. If you click the map it will bring up a dialogue box related to the layers that have been turned on. In this case Dr. Jantz enabled the watershed layers and the committee could see that 211 Bridge Street was in the Peggy's Runway Watershed. A few other things you are able to visualize are being able to select different base maps. You can also run a report. The screening tool allows you to select a specific parcel and it will run an analysis that will automatically sum up a lot of the information that you can visualize. The key with the tool is you have to turn on the layers that you want to be included in the analysis. As an example, Dr. Jantz clicked on the Segment designation, Tusten Town Zoning, Flood Hazards, National Wetlands Inventory, Protected Lands, Soils, Vegetation, and Watershed to get a full report. Next, you select the parcel of interest. Dr. Jantz likes to use Select by Rectangle. The blue color means it's selected. If you are a GIS-minded person and have a digital location file you can upload that or enter in coordinates, then you hit the report button. Red exclamation points mean the layer isn't turned on or that it's outside of the scope of interest. You can click print and it will provide a summary. She said the size of the parcel is 8,925 ft and all of that is in the UPDE Segment Designation. The whole area fell within the Recreational Zone of the UPDE Corridor, it's in Tusten Township, it's in the Downtown Business Zoning. Under Protected Lands it's designated NPS. She said this is meant to be a relatively easy tool to use that allows you to explore and visualize locations in the Delaware Corridor and generate these reports to have at your fingertips. There is a protocol built in to make regular updates to parcel data that NPS can maintain.

Ramie said she feels it was a valuable tradeoff to have left off the private parcel data in order to be able to offer this tool publicly. She said our Town/ships will definitely benefit from this tool as well as the UDC. There was a brief

question and answer period. Asked how far beyond the corridor is this application functional, Dr. Jantz said it depends on the extent of the provided data.

Cilento said she spoke with Hendrix about the possibility of Dr. Jantz speaking for a Zoom workshop for Planning and Zoning Board members. She thinks it would be something useful to organize like the Project Review Workbook Workshop and it would be a great tool to utilize.

**Resources and Land Use Specialist Update:**

**New York State Town Projects**

**Town of Hancock:** Cilento noted that the 2/10 *Hancock Herald* reported, "'The Hancock Town Board will begin drawing up local laws for regulation of solar projects within the town,' said Town Attorney Leonard Sienko Jr. during the monthly Board meeting held Thursday, February 4th. Sienko said that it would be best to have local law in place for town oversight of solar array installations as more local individuals and businesses consider solar energy ventures. The town can only regulate projects under 25-megawatt capacity. Larger arrays are subject to state oversight and regulation according to new state policies enacted January 1, 2021." The article also reported the Town Board is considering a possible solar project on town-owned property adjacent to the Hancock Golf Course which is also owned by the municipality. A solar installation located on this property would have the capability to connect to the nearby NYSEG substation. Attorney Sienko said he would present the new regulations to the Board to review at their next meeting on 3/2. A public hearing of the new laws would then be scheduled. Cilento will look into new state policies to see what else may have changed and will also request the draft ordinance when it is ready for coordinated review with NPS.

**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 which Cilento attended. The three-phase project would create a private residential community around Feagles Lake with approximately 20-25 homes. 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. The project engineer requested UDC review the proposed plan for any major conflicts with the River Management Plan or Land and Water Use Guidelines to address in the early phases of planning. Cilento sent a letter on 2/10 (handout provided) following comments from the PR committee in January. The next project review session was postponed to the March Planning Board meeting. She will virtually attend the 3/15 Planning Board meeting via Zoom and will continue to follow the project, providing input during the preliminary design processes and completing a Substantial Conformance Review when necessary.

Tusten staff installed the HORSE (High solids, Organic waste, Recycling System with Electrical output) food digester on 1/21 after its shipment from Seattle, WA. The project was funded by NYSDEC funding and is the first municipally-operated food scrap digester in the country powered by municipal solar array. Operation is scheduled to begin in the spring. The Tusten Energy Committee, which sponsored the project, presented to the UDC on 3/5/2020; on 5/14/2020, the UDC replied to the Town's request for SEQR Lead Agency on the project as well.

In the 1/26 discussion items, Cilento reported the Town of Tusten is purchasing the former Wayne Bank building at 93 Main Street in Narrowsburg with the intent to convert the building into a multi-use community center. It was reported that "organizations such as the Tusten Historical Society, Tusten Youth Commission, and Western Sullivan Public Library could use the space for archives and other purposes. The idea of a local history exhibit or museum is also on the list for potential uses." A correction in the *River Reporter* was issued that the Town is planning to move its municipal offices to the bank building from the Tusten Theatre on Bridge Street and does not have plans for a community center or other activities at this time.

On 2/17, Cilento received a draft of the recently completed Tusten Comprehensive Plan from Town Planning Consultant Peter Manning for substantial conformance review. According to a 2/18 *River Reporter* article, "Before the 100-plus-page is adopted, it will undergo a period of public review, followed by two Zoom public comment meetings: the first on Monday, March 22, and another to be scheduled during the first week in April. The public will be able to read the plan its entirety during the public review period. It will be posted to the town's website ([www.townoftusten.org](http://www.townoftusten.org)) and the town's Facebook page ([www.facebook.com/TownofTusten](http://www.facebook.com/TownofTusten))." Cilento will prepare a draft substantial conformance review for the 3/23 PR committee meeting.

**Town of Highland:** The Town has submitted materials associated with proposed zoning updates to both UDC and Sullivan County Planning. Cilento completed a Substantial Conformance Review which was approved by the Full Council on 2/4. A public hearing has been scheduled for 3/2 prior to the Town's regular meeting.

**Pennsylvania Township Projects**

**Wayne County:** In a rare 2-1 vote on 1/28, the Wayne County Commissioners voted to join PA Republicans in challenging the DRBC fracking moratorium. The *River Reporter* reported in a 1/28 article, "Originally filed by Wayne County's Lisa Baker (PA-20), Sen. Gene Yaw (PA-23), the PA Senate Republican Caucus and Damascus Township earlier this month, the suit alleges that by not allowing companies to pursue natural gas extraction from the Delaware River Basin through hydraulic fracturing—known commonly as "fracking"—the DRBC has overstepped its regulatory authority while usurping legislative authority from the state's lawmakers. The suit also alleges that the fracking moratorium effectively constitutes taking private property rights away from landowners in Wayne County without proper compensation." This moratorium has been in place since 2010 and has faced numerous challenges and lawsuits, but the DRBC has yet to make more permanent rules and regulations either way on fracking. The DRBC has scheduled a special meeting on 2/25 at 10:30 a.m. to consider final action on its regulations for hydraulic fracturing activities. Cilento will continue to follow and update the committee on the lawsuit and any updates to fracking regulations. UDC staff will virtually attend the special meeting. Ramie wanted to clarify that the DRBC meeting is not a public hearing; they specified they will not take public comments but they are going to take final action on the hydraulic fracturing regulations which have been in the works since 2017. Ramie said it will be interesting to see what the results are and anyone is welcome to listen in on it.

**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.

**Town/ship meetings attended as of 2/23:** 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. Upcoming scheduled meetings: Shohola Twp. Planning Commission 3/18 at 7:30 PM (rescheduled from 2/18 due to winter storm).

**Broadband Expansion Updates:** On 2/5, the Sullivan County Chamber of Commerce hosted their monthly First Friday Networking Breakfast featuring Sullivan County Legislature Vice Chair Mike Brooks giving an update on the County's broadband expansion project. Phase I includes installing broadband equipment on existing County-owned infrastructure, which will reach 65-70% of the County. At first, the speed will be 200mbps, which is comparable to Spectrum, and later will be increased to 400mbps. April/May 2021 the County will be able to start selling the signal from the tower located at the Monticello Jail. Price structure is to be determined, but will be available to all businesses, individuals, institutions, etc. Customers will need to have a receiver installed to access the signal. Phase II will involve installation of equipment on tall buildings, water towers, etc. throughout the rest of the County not served by the Phase I infrastructure. The pandemic has only emphasized the existing need for widespread broadband access for remote work, remote learning, and telehealth visits.

According to a 1/28 press release from Wayne County, six local projects have been awarded a collective \$1 million in CARES Act funding to expand broadband throughout the County. Grants were awarded in the fall and projects are either complete or in progress. Cilento will follow projects and developments as it pertains to the UPDE region.

**2020 Annual Code Enforcement Review:** Damascus Township has already submitted a report of code enforcement activities for 2020. Cilento will be preparing requests for code enforcement activities within the corridor and sending to member municipalities with a goal of completion by March Project Review Committee meeting.

**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. Cilento received all Mid-Term Progress Reports and we will touch on those under New Business. 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.

**Other:** Cilento said UDC received a letter today from NPS saying they agreed with UDC's Substantial Conformance Recommendation for Shohola's Zoning Ordinance Update.

**Old Business**

**Land Use Complaint 2021-002: Crawford Road Dock, Town of Tusten:** Cilento said we kept this on the agenda to see if Hendrix had an update from Army Corps of Engineers. Hendrix said he hasn't had a response to his calls or emails. He reached out to Law Enforcement and they are going out to handle the situation.

**2/10 Letter: UDC 2020-05 Feagles Lake Subdivision Preliminary Comments:** Cilento composed this letter after the last Project Review meeting and sent it out. Cilento acknowledged Richardson's comment about the last paragraph and being sensitive with the wording.

**2/11 Letter: Green Innovation Grant Program Application, Tusten Riverwalk:** Cilento said we received a request from Jane Luchsinger, Town of Tusten Deputy Supervisor, for both the UDC and the Upper Delaware Scenic Byway (UDSB) to write Letters of Support. Ramie said we felt comfortable doing that because this committee and the UDC has expressed support for the Tusten Riverwalk previously in 2015. They are in the process of requesting funds for it. This is based on a NYS program that has opened up for Green Innovation Grants. Ramie said Luchsinger gave Cilento and Ramie her appreciation for meeting a quick deadline that day. Dexter asked if the Tusten Riverwalk includes an amphitheater on the riverbank? Ramie said she doesn't know the answer to that. Sullivan said Luchsinger sent her a drawing of Phase I showing what they plan to do and an amphitheater is definitely not part of it. Phase I includes the Riverwalk going behind the first three buildings down from the bridge. You have a gazebo on one side of the bridge, it goes under the bridge and proceeds to the backyard where there's already a road. This Riverwalk is to enhance that with bridges, etc. Sullivan said this is talking about the riverbank so she assumes that the DEC is involved.

**2/12 Lackawaxen Township-Holbert Quarry Meeting Report:** Ramie said our meeting request to Lackawaxen Township was prompted by reading articles in *Tri-County Independent* and the *Pike County Dispatch* which including rather disparaging remarks about the UDC. She said we wanted to help set the record straight by sitting down and meeting in person with everybody. Ramie said the entire Board of Supervisors for Lackawaxen Township as well as the entire board for Shohola Township participated along with Cilento and Ramie. Lackawaxen UDC Representative Doug Case and UDC Chairperson Jeff Dexter participated along with Aaron Robinson and Roger Saumure from Shohola. NPS was represented by Superintendent Joe Salvatore, Don Hamilton, and Cody Hendrix. Wayne Holbert was an invited guest by Lackawaxen Township. Ramie had prepared and forwarded to members a seven-page fact sheet which was point and counter point to various statements made in the newspaper articles and board meetings about the definition of the boundary and what the UDC can and cannot do, the quarry business and regulatory authority. The meeting started with Ramie presenting her fact sheet. She said there was an interjection after the first fact but it's good that they have that written document to refer to. She was able to insert the relevant information into discussion as it went along. How the boundary was defined and how many acres it includes was confirmed. There was a 2015 clerical error where two parts of the plan describe the acreage in Lackawaxen Township differently. She said the accurate acreage was approved by Resolution by both Township and the UDC. Ramie said the objective was to clear up some of these misstatements that have been made. Ramie was able to point out that UDC doesn't have any regulatory authority over a Bluestone Mine; that would be with the PA DEP. Holbert said that PA DEP would take its direction from the UDC since there are provisions in the Land and Water Use Guidelines (LWUG) for surface mining. Ramie said Holbert doesn't have a plan drawn up as yet. She said when they got down to the basic facts Holbert suggested that he doesn't want to expand outward but go deeper; blasting further into the ground. Cilento pointed out to him there isn't anything about blasting further into the ground in the RMP and LWUG. If that's his concern he doesn't have anything to worry about with the UDC. Ramie said our concern is over two-acres active, the two-acres ancillary, and the operation onsite. It was pointed out in 2011 and 2012 when the issue did go to court for the Township for not enforcing its zoning there, the compromise was that Holbert could expand his two 5-acre plots into one 40-acre project as long as he stuck to that 2-acre/2-acre rule. Ramie said that Lackawaxen Township then further restricted it to 1-acre and we assume that's what has been going on there. She said that's between the Township, DEP and Holbert Quarry to determine.

Ramie thinks UDC made good progress in coming to an understanding that we are not out to get Holbert. There were hard feelings left over from the lawsuit which was expensive and inconvenient for everyone involved. Holbert

said if anyone had apologized to him, he would have appreciated it but did seem to feel we had a breakthrough and he would try to stop making some of those false statements. She said the group expressed a lot of curiosity over how the corridor boundary line was drawn originally. One factual error was that it expanded and UDC pointed out that the opposite is true; that at one point it was going to be 86,000 acres and in the final plan it was down to 55,575 acres. The Lackawaxen Township solicitor has asked if we have access to documentation on how the boundary was drawn back then. Ramie said fortunately we have someone like Robinson who has collected all of these historic documents dating back to the 1970s-1980s when they were the Bureau of Outdoor Recreation Studies. Hall-Bagdonas has been looking through our archives to see if we have similar records.

**Other:** None.

**New Business**

**FY 2021 Technical Assistance Grants Mid Term Reports – due by 2/26:** Cilento said Town and Village of Hancock are working with Tom Shepstone on their joint Master Plan as well as Delaware County Planning. Cilento saw in today's paper in *The Reporter* and the *Hancock Herald* there was a press release about soliciting public comment in general and looking for public comment specifically from second homeowners. The Town of Delaware is also working with Tom Shepstone and Friends of the Upper Delaware River (FUDR) to do the Recreational Access Study. They have invited Cilento to the committee meeting that involves Town Planning, FUDR and Shepstone this coming month. Cilento also received Tusten's Comprehensive Plan Draft. She said all the Technical Assistant Grants are moving along which is wonderful.

**Substantial Conformance Review – UDC 2021-003: Tinker & Nidge LLC Special Use Permit, Town of Tusten:** Cilento said UDC received a Special Use Permit from the Town of Tusten. On 7/28/2020 the Project Review Committee reviewed the Special Use Permit for the front portion of the former Tusten Cup property on Main Street which is now Tess retail store. The Tusten Cup also had a portion in the back in the alleyway section. Tess is still in the front and this application is for the additional storefront in the back alleyway. They are intending on turning it into a shop for Fine European antiques. Cilento said it's a pretty small retail space but they want to do some curated small vintage goods which should fit in well with Main Street Narrowsburg. She said like the Tess Special Use Permit, it's going from a former food and drink establishment to retail so she was able to recycle most of the information from that. Cilento said it would need to be referred to the full council.

**UDC Position on the Definition of Substantial Conformance:** Ramie prepared this document to reflect the thoughts that have been shared on this topic and thought it would be helpful to have it in writing. She said it is good to hear that Superintendent Salvatore seems to be on board with UDC's definition of Substantial Conformance. Ramie suggests sending the draft to the full Council and taking action on it there.

**Other:** None.

**Public Comment:** None.

**Adjournment:** A motion by Robinson, seconded by Sullivan, to adjourn the meeting at 7:28 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 3/2/2021*