

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
February 27, 2024

Committee Members Present:	Harold Roeder Jr., Al Henry, Fred Peckham (Zoom), Ginny Dudko, Larry Richardson, Christine Martin (Zoom), Roger Saumure
Committee Members Absent:	Jeff Dexter
Staff:	Laurie Ramie, Kerry Engelhardt, Stephanie Driscoll
NPS Partners:	Lindsey Kurnath, Carly Marshall
Guests:	None

The UDC's Project Review Committee held its monthly meeting on Tuesday, February 27, 2024. Chairperson Richardson called the meeting to order at 6:34 p.m. There was no public comment on the agenda.

Approval of January 23, 2024: A motion by Henry seconded by Roeder to approve the 1/23 meeting minutes carried.

Resources and Land Use Specialist Update:

New York State Projects

There were no posted Notices of Applications Received by the DRBC for January in the river corridor in NYS.

Town of Delaware

Callicoon Water Project – Engelhardt reported she was put in touch with William Brown of Delaware Engineering who said that this project has been in the works for some time. In particular, the SEQR for this project was done back in 2018 and 2019. She had gone back through meeting minutes and Project Review Discussion Items from that time period and determined that the council was informed about this project and it was discussed at committee meetings. NPS and UDC staff also had meetings to discuss the project. It does not appear that a Substantial Conformance review was ever conducted. She's not sure why that wasn't required at the time but it seemed like both the UDC and NPS were aware of the project, and she doesn't think we have standing to review or delay the project now. This was discussed at the UDC/NPS staff meeting on February 8th. We will keep an eye on it and see where it goes. Henry asked what the status of the project is. Engelhardt said last she heard they were preparing to dig wells.

Town of Highland

Route 97 as a "Shared Highway" – Supervisor John Pizzolato came to the UDC office on January 24th to discuss the project with Engelhardt and provided a copy of the original grant application. Pizzolato is concerned that if the grant is awarded the Town of Highland may not be able to come up with the match in funds for the entire project, which is \$8 million. Pizzolato asked Engelhardt to take a look with an eye towards scaling back the overall scope of the project if they were awarded a grant. It took her less than an hour to go over the plans and she sent her comments to Pizzolato before she left for vacation on February 9th and hasn't heard back yet. The minutes from the February Town of Highland Board Meeting haven't been posted yet, so she's not sure how that discussion went. Engelhardt said from the Eagle Observation to the end of Barryville is described as Condition 2; a side path that would provide room for cyclists and pedestrians. Through Barryville would be Condition 1; paved shoulders on both sides of the roadway at 6 ½ feet wide. She suggested eliminating the longer part and focusing on the Barryville section, since that's where you'd get most of the pedestrian traffic anyway. Henry said having a pedestrian walkway on the shoulder in Barryville is a huge liability concern. Engelhardt said part of the pitch listed some pedestrian accidents that have happened in the past, with this being a solution to making a safer place for pedestrians. Martin said she thought this was tabled after the new Supervisor decided the project wasn't worth it because of cost, safety, and other concerns. Engelhardt said right, but since the application was already submitted, Pizzolato wanted to see what kind of

options the town may have. Ramie said the application was submitted under the prior town administration. The new town administration is raising question about its benefits to the town, since it requires a 20% match. The thought is, that funding may be better spent on different priorities.

Commonwealth of Pennsylvania Projects

There were two projects posted Notices of Applications Received by the DRBC for January in the river corridor in Pennsylvania. Neither one of the projects are located within the Upper Delaware corridor but do drain into the river. She included them in the Discussion Items for information.

Central Wayne Regional Authority, D-1986-009 CP-6 – An application to renew the approval of the existing 2.2 mgd Honesdale WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Lackawaxen River at River Mile 277.7 - 24.6 (Delaware River - Lackawaxen River) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, at the border between Honesdale Borough and Texas Township, Wayne County, Pennsylvania.

Hemlock Farms Community Association, D-2000-060 CP-3 – An application to renew the approval of an existing withdrawal of up to 30.0 million gallons per month (mgm) of groundwater from Wells 1, 4, 10, 49 and 80 for public water supply. The requested allocation is a reduction from the previously approved allocation of 31 mgm. The wells are completed in the Catskill Formation in the Bushkill Creek and Shohola Creek Watersheds in Blooming Grove Township, Pike County, Pennsylvania within the drainage area to the Middle Delaware (Bushkill Creek watershed) and Upper Delaware (Shohola Creek watershed), which the Commission has classified as Special Protection Waters.

Wayne County

As discussed last month, an update to the Wayne County Comprehensive Plan was recently open for public comment. At last month's Project Review meeting Engelhardt presented comments she planned to make. After some discussion with members she did submit those comments through the website. The Wayne County Commissioners met on February 22nd with an agenda that included a vote on whether or not to adopt the update. She spoke with Jason Zarnowski at Wayne County Planning who said they did approve to adopt the update.

Damascus Township

Engelhardt got a call from Ed Lagarenne who asked if there was any language within the River Management Plan (RMP) to help with a situation he had about a new resident with lights on at night that were shining into the windows of his neighbor. Lagarenne figured there wasn't anything in the RMP after looking through it himself, but asked her if she had any ideas. She said he was right, within the context of the RMP there isn't any specific language about lighting. He was hoping he could make a case within the context of wildlife, but the RMP makes it clear that the NPS isn't to interfere on private property and the UDC's responsibilities are on a much broader scale dealing with programs to support fish and wildlife not in specific locations or instances. Richardson said the Town of Cochection had a similar situation about lighting; a new owner moved into a house that had a business alongside it with security lighting. It had annoyed the new homeowner so she went to the town to see if there was anything they could do about it. The town told her no, it's a private issue between the two of them to work out. They did end up working it out. Peckham said there was a trailer down river, on top of a mountain on the Pennsylvania side about a mile away from his house that had a light that shined in his eyes through his bedroom window. He had asked the NPS about it, and they couldn't do anything since there's nothing about lighting in the RMP.

Open Substantial Conformance Reviews

Project ID	Project Name	Municipality	Action	Status
2022-03	Camp FIMFO	Town of Highland, NY	Class II – Special Use Permit	NPS issued a letter dated July 17, 2023 indicating that the project does not substantially conform to the RMP. A supporting report was also issued. Closed.
2024-01	Pavilion at the Flats	Town of Tusten, NY	Class II – facility to be constructed or operated by a governmental agency	To be discussed tonight.

Additional comments:

2022-03 Camp FIMFO – The applicant is currently drafting a Draft Environmental Impact Statement (DEIS). They are not on the agenda for the February Town of Highland Planning Board Meeting. Martin asked Engelhardt why the FIMFO listing says “closed”? It’s her understanding that after the DEIS it will come back to the town and there will be a chance for the council to make more comments and recommendations at that time along with another public comment period. Engelhardt said the UDC made their recommendation to the NPS and NPS made their determination, so technically our role is complete. Because of the scope of the project and because things seem to be changing, we are still paying attention to it. We did comment on the Scoping Document even though our determination was made. Martin asked, what if the DEIS comes back and gives new information that we didn’t have before. Wouldn’t that open another opportunity for another comment? Engelhardt said yes, if there was information that we thought changed the scope of the project, it could come back under another review. Kurnath said she believes it’s open as in it’s a project of interest; we remain interested because it’s in the corridor and we are waiting to see what Town of Highland is going to do. Maybe we need a new header just for Camp FIMFO for specific updates? Engelhardt agreed, it could be confusing. Kurnath said yes, FIMFO is technically closed until Highland sends something else. Engelhardt said if there was a sudden significant change, Town of Highland would presumably send it back for another review. Richardson said he understands the closed label; it’s closed from any pending action from the council. Engelhardt will change the way it’s worded in the next Discussion Items Report.

FY2024 Technical Assistance Grants

Engelhardt said later in the agenda we will speak about TAG Mid-term Progress Reports that were due February 23rd. Before she left for vacation, she sent an email reminder to both Tusten and Damascus. She received a response from Damascus, spoke on the phone today with Tusten Supervisor Ben Johnson, and received an email from Jane Luchsinger earlier this evening.

Corridor Mapping Project

Engelhardt reported we have all corridor maps for all the townships within Pennsylvania now. Marshall was kind enough to print the Lackawaxen map with the NPS plotter. Soon we will have 5 framed maps to distribute to our representatives in Pennsylvania, hopefully by the next full council meeting on March 7th. She mentioned that the files of the maps that were sent were quite large, since they are so detailed. She went back to ask the county departments to provide JPEG’s resulting in files of a more manageable size that makes them suitable for a number of uses. We can post them on our website for people to view or download, print them on 11x17 paper to distribute to members (Rajsz had asked for that and it seems like a good idea for everyone to have), and she can include them in her annual request for code enforcement information to the various towns and townships. Henry said on the Berlin map there’s a typo on one of the road names: Cortez Rd. should be Cortese Rd. There is

another road named Cortez Rd. and it gets mixed up quite a bit. He also said he knows Engelhardt isn't responsible for this, but the parcel lines on the map don't line up when superimposed over it. Marshall said she knows they don't. Saumure said they are off about 25 feet. Marshall asked if the parcel is off 25 feet or the corridor? Henry said both. Marshall said most of the tax departments offset tax maps intentionally to convey the message to people that this is not a survey and cannot be used to determine legal boundaries.

New Business:

Substantial Conformance Review 2024-01: Pavilion at the Flats, Town of Tusten: Engelhardt said this is our first Substantial Conformance Review for 2024. This project is considered a Class II project, as a significant project requiring review because the applicant is a government entity. There are no steep slopes and there is no clearing involved. There is a small increase of impervious coverage. The property in question is located between Third Avenue and Fourth Avenue in the "Flats" section of Narrowsburg, NY. It's located in the General Residential (GR) zoning district surrounded by residential uses. It is a town owned lot that currently contains a playground with swings, basketball court, and baseball field. Most of the lot is lawn grass with one tree on the lot. The Town of Tusten has proposed constructing an open-air pavilion over a concrete slab. The pavilion will be located near the playground at the southeast corner of the site away from the basketball courts and baseball field. There has been talk in the papers that they will be required to provide bathrooms because it is a public facility. At this time, they are not proposing any bathrooms or utility hook ups. If they do choose to add that at a later date it will need to come back to the UDC for another review. The Project Review forms from the Project Review Workbook are attached to this report. The applicant filled out the first few checklists to determine it is a reviewable project, which we appreciate. The project conforms to the objectives of Criterion 1 and is located within a "Recreational" segment of the corridor, although it is argued that that area of Narrowsburg should be considered a Hamlet. That doesn't affect the review because the use (which is "Other Recreational Uses") is compatible in both Hamlet and "Recreational" segments. Engelhardt included the definition of other recreational uses from the Land and Water Use Guidelines: *Other Recreational Uses – New recreational uses that are designed for relatively short use periods and that do not provide other than rudimentary visitor services and that do not include infrastructure development except as required to meet state health codes, typically including such uses as river rest stops, river access sites, boat-in tent camping, town open space parks, playgrounds and ball fields.* Since writing the report, she has heard from Supervisor Ben Johnson indicating that the building will be located approximately 40 feet from the street and 115 feet from the nearest property line; conforming to the requirements of the Land and Water Use Guidelines. Engelhardt's recommendation is that the UDC find that this project substantially conforms to the River Management Plan and recommends a finding of Substantial Conformance from the NPS. The report includes the submitted documents and architectural plans (not a site plan.)

Henry asked how large the concrete slab is planned to be. Engelhardt said the pavilion is slightly larger at 35x36 with the slab at 24x30. Roeder said they originally wanted it to be larger, but with the complaints they scaled it back. Henry asked if this is the latest information? Engelhardt said yes, this is the information they voted to put out to bid so they know what the cost would be. They want to get some quotes to see what they are dealing with first. Henry asked if the area was flooded in 2004 and 2006? Engelhardt said she doesn't know; it is in the flood plain. Henry said he can't remember what area of the flats flooded, but it has had water on it. Engelhardt said it's similar to the idea of putting a pool in a flood plain; it isn't a closed building so it doesn't impede flood waters. A motion by G. Dudko, seconded by Henry for the Project Review Committee to recommend to the full Council that the Substantial Conformance Review 2024-01: Pavilion at the Flats in the Town of Tusten substantially conforms to the River Management Plan carried. This recommendation will appear on the March 7th full council meeting agenda.

Other: B. Dudko said there was an article out that says the Delaware River is very polluted without specifying certain sections. They included the whole Delaware River, while the Upper Delaware is very clean. Peckham had first mentioned the article and made a comment online where it appeared. Richardson asked Engelhardt to keep her eye out for misinformation about the Delaware River.

Old Business:

Technical Assistance Grants 2/23 Mid-term Progress Reports Deadline: Engelhardt heard back from Damascus Township Supervisor Steve Adams for their Mid-term report. Adams sent what they have so far for their Emergency Preparedness Brochure. They are working on the inside contents as well as the cover which she also displayed. It seems like they are doing well with getting that completed.

Engelhardt hadn't received anything from the Town of Tusten. Both Supervisor Ben Johnson and Jane Luchsinger are traveling currently. She spoke to Johnson briefly this afternoon, although the connection wasn't great. He said the engineering firm they were working with is changing ownership. Luchsinger sent her an email giving a little more detail stating: as noted the Open Space and Recreation Plan is expected to take two years to complete. They have identified the consulting firm of MJ Engineering and consultant Peter Manning. The town board has appointed a 5-person committee to meet with the professionals to carry out the project. The first formal meeting is expected to take place in March. Ramie said that sounds like a progress report from Luchsinger. Engelhardt said she is satisfied with the updates.

UDC/NPS Project Review "Road Show" Plans: Marshall added handouts ahead of the meeting of a draft "Road Show" agenda and invitation Kurnath will be sending out to the towns and townships. Marshall said NPS and UDC staff met to speak about the Road Show agenda on February 8th. She drafted an outline based on topics discussed at that meeting. The thought was to meet with both non-member and member municipalities to connect with new staff and for NPS/UDC staff to connect with any newly elected or appointed officials. We will give the municipality the option on whether they want us to come to a Supervisor meeting or Planning Commission meeting, whichever they feel is more appropriate. The UDC and NPS can introduce the resources we have and get feedback from them on anything river management related. She plans to include handouts that will be helpful too and encouraged everyone to let her know if there's any other info that would be valuable for the municipalities. She is hoping to have the representative of each member town/township make the introduction. Kurnath will speak for a few minutes, then Engelhardt and herself, with a Q&A following. For non-member municipalities it would be just NPS and UDC staff to remind them of the UDC's value and the virtual meeting option if travel is an issue. She saw in some notes that there was discussion of a county "Road Show". She thought that would be a good idea too, maybe not with elected officials but with planning staff as an informal meeting so they can meet us, talk about ways we could partner to accomplish shared goals, and see if there are any trainings or resource sharing within the municipalities that would help them and residents. Richardson said since they just received the draft agenda and invitation at the beginning of the meeting, he would like committee members to review them and respond with any comments to Marshall and Kurnath. Ramie suggested setting a March 7th deadline to correspond with the next council meeting and asked when they anticipated starting the "Road Show"? Marshall said we should send the invitation out and see what we get back, ideally it was March but that might be short notice. Ramie asked Marshall to forward the draft agenda to Engelhardt to send out to the full council. Marshall said she will.

Updates: GIS Corridor Mapping Tool, Park Atlas Demonstration, PA River Corridor Maps: Marshall said she has been working with the Public Information Officer at the NPS to make sure they are okay with making the Park Atlas and Decision-making Tool public. They had an official approval for the Decision-making Tool but it was changed after they got approval. Because she's confident they are going to approve them, she hasn't removed them from the public view. She anticipates when they go to the municipalities on the "Road Show" she can take that tool along with a QR code to access it and instructions to each town and township. They also discovered a Park Atlas that was made with more layers that you can turn on and off. They are looking to roll that out at the same time, debating to keep all the town/township zoning information on that map or just have it on the Decision-making Tool. She will send out a link to both to the committee members, and asked everyone not to distribute the maps. She is available if anyone needs help using or accessing the maps. She also asked everyone to give her feedback on their experience with using them.

She has requested updated zoning information from the counties on the PA side of the river. All of the zoning layer files are consistent with what municipalities have on their websites. One of the townships updated their zoning, but their maps on their website are from 2016. She has also been going back and forth with Sullivan County with updates. Richardson said since this will be available at some point to the public, will there be an alert stating that it's not exact? Marshall said when you open the maps there is a pop-up that NPS is not liable for the information and you can't rely on this for survey purposes. She believes all of the county tax maps have the same kind of disclaimer. Richardson asked if any committee members remembered the training session the DEC held in Tusten with maps they claimed were accurate to the lots so that planning boards could use them.

Other: Engelhardt said Henry spoke with Berlin Township Supervisor and Secretary Cathy Hunt about the Berlin Solar Ordinance. They still have not filled in the blanks on the minimum acreage and the fee that they will include in the ordinance. Henry suggested holding off on the ordinance until they fill in the blanks. Roeder asked if anyone knows how many towns and townships have Solar Ordinances? Richardson said he thinks every town on the NYS side. Roeder said he just read an article concerning the NYS budget where it proposed not having to do Solar or Wind Powered Ordinances anymore. The concern is taking away home rule. He just wanted to make everyone aware.

Peckham brought up the same article B. Dudko had earlier. "New York River Drinking Water Source, Most Polluted in the U.S." by the Hudson Valley Post stating the Delaware River is #14 most polluted river. He thinks it's a misleading article. They mention the West Branch being the border between New York and Pennsylvania but they don't say the pollution is caused by Philadelphia and Trenton. He commented on the article and will send the link out tomorrow to UDC staff to distribute.

Public Comment: None.

Adjournment: A Motion moved by Roeder, seconded by Henry to adjourn at 7:27 p.m. carried.

Minutes prepared by Stephanie Driscoll, 2/28/2024