Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
August 25, 2026

Committee Members Present:	Larry Richardson, Aaron Robinson, Ginny Dudko, Al Henry, Jeff Dexter, Christine Martin (Zoom)
Committee Members Absent:	Cathleen Breen, Harold Roeder
Staff:	Laurie Ramie, Julie Pais
NPS Partners:	Carly Marshall (Zoom)
Guests:	Bill Dudko

The UDC's Project Review Committee held its monthly meeting on Tuesday, August 25, 2026. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

Approval of July 28, 2026 Meeting Minutes: A motion by G. Dudko seconded by Dexter to approve the 7/28 meeting minutes carried, with Richardson abstaining.

Resources and Land Use Specialist Discussion Items:

New York State Projects

DRBC Dockets – The DRBC has not posted a Notice of Applications Received in the Upper Delaware River corridor for August.

Commonwealth of Pennsylvania Projects

DRBC Dockets – The DRBC has not posted a Notice of Applications Received in the Upper Delaware River corridor for August.

Discussion Items:

Data Centers

Pais said she is researching Data Centers as several partners in the river corridor are considering how to handle future requests. New York has a moratorium on future Data Centers until July 14, 2027. Pennsylvania's Governor Josh Shapiro recently signed an Executive Order directing the Department of Environmental Protection (DEP) to require that all applicants legally commit to meet the Governor's Responsible Infrastructure Development Requirements (GRID), work with local governments, and receive their approval. GRID implements strict standards on energy affordability, environmental protection, workforce and economic development, transparency, and community engagement. Additionally, all AI Data Centers are removed from a fast-tracking permit process. Developers who follow the GRID program will qualify for a tax exemption. A "toolkit" can be found on the PA.gov website to provide guidance for local officials regarding land use and zoning (news release and toolkit included in the packet.)

AirBnBs

The Town of Cochecton is discussing taxing Airbnbs and other short-term rentals. This will be discussed further at their next board meeting on September 9.

Town of Highland DRAFT Comprehensive Plan 2026

Preliminary comments were made on the DRAFT Comprehensive Plan and sent to Committee Chairperson Carol Roig. Pais said we will conduct a Substantial Conformance Review upon receipt of the final draft submission.

Open Substantial Conformance Reviews

Project ID	Project Name	Municipality	Action	Status
2026-01	Open Space & Recreation Plan, and Natural Resources Inventory	Tusten, NY	Local Plan Review	Letter confirming our finding of substantial conformance from the NPS dated 5/8. **Closed**.
2026-07	Lackawaxen ND Ordinance Revision	Lackawaxen, PA	Local Law Review	Letter confirming our finding of substantial conformance from the NPS dated 5/8. **Closed**.
2026-08	Shohola Well Ordinance Revision	Shohola, PA	Local Law Review	Letter confirming our finding of substantial conformance from the NPS dated 5/8. **Closed**.
2026-09	Cochecton Pumphouse	Cochecton, NY	Use Variance Review	Letter confirming our finding of substantial conformance from the NPS received 7/14. **Closed**.
2026-10	Large-Scale Solar Electric Energy Facilities	Berlin Township, PA	Local Law Review	Recommendations report sent to Township on 7/29. Pending presentation to the UDC.
2026-11	Data Center Facilities Ordinance	Berlin Township, PA	Local Law Review	Recommendations report sent to Township on 7/29. Pending presentation to the UDC.
2026-12	Tusten Zoning Revisions	Town of Tusten, NY	Local Law Review	Substantial Conformance review ongoing- several items out of conformance

FY 2026 Technical Assistance Grants

Applicant	Project Description	Award	Project Status
2026-01 Town of Tusten	Zoning Revisions	$3,000	Project completed on 8/19. Undergoing Substantial Conformance review.
2026-02 Town of Delaware	Callicoon Crosswalk Study	$3,000	Project Completed and award check issued.
2026-03 Damascus Township	ADA Website	$3,000	Project completed on 8/18. Reimbursement requested.

FY 2027 Technical Assistance Grants

Applicant	Project Description	Award Requested	Project Status
2027-01 Town of Highland	Code Revisions associated with the recent Comprehensive Plan changes	$12,000	Application Received 8/21
2027-02 Town of Cochecton	Upgrade Zoning	$12,000	Application Received 8/21 ★
2027-03 Town of Tusten	Tusten Zoning Codification associated with the Zoning Revisions in progress	$10,000	Application Received 8/18

★ ***Correction: Town of Cochecton's request is $10,000 not $12,000 as listed in this graph.***

Land Use Complaints

Roebling Bridge Maintenance, Town of Highland – We received correspondence from Peter Kolesar making an observation about the disrepair of the bridge. This information was shared with National Park Service. At the 8/18 WU/RM Committee meeting, Tom Kearns gave a detailed description of how maintenance is conducted on the bridge and other NPS landmarks (see attachment). The NPS requested funding for a large-scale rehabilitation project in 2021 in conjunction with Federal Highways. This includes paving the bridge, repairing its associated parking lot, working on the expansion joints, handrails, icebreakers, and stonework. Lindsey Kurnath will convey their planned scope of work in their September 3 Full Council Report.

Town of Lumberland - On July 28, 2026, a Denial and Referral for Zoning/Planning Board was issued to Suco Hot regarding alleged site violations from December 23, 2025 on their High Road property in Glen Spey, NY. The notice alleges that a considerable number of trees were clearcut without approval. It appears they did not remedy their past violations and they are being pursued by Charles Nystrom, the Code Enforcer and Building Inspector, to rectify this situation.

Town of Delaware - An article from the Sullivan County Democrat mentions a failing retaining wall associated with the train tracks on River Road in Callicooon. The wall is a few feet from the road and adjacent to the Delaware River. Highway Superintendent Chris Hermann and Engineer Bill Brown met with the railroad (Norfolk Southern) who acknowledged the problem but claimed they don't have the funding to repair the wall. When asked, the Norfolk Southern Director of Government Services stated they are working to determine the location of the issue and will address it as fast as they can (see article handout). The UDC will investigate and issue a letter recommending attention to this matter.

Martin asked for an update on the outstanding Barnes Landfill/Waste Site complaint in the Town of Highland. The DEC had indicated they would provide the UDC with a report or synopsis. She asked if staff could follow up since the information had not yet been received. Ramie confirmed that DEC had been monitoring the Barnes Landfill and that the UDC's New York State Representative Ryan Coulter and the DEC Regional Director Kelly Turturro agreed to provide a synopsis of what occurred at the site. The information has not been provided yet. She will follow up again.

2025 Code Enforcement Report

We have received responses from Westfall, Lumberland, Cochecton, Lackawaxen, Fremont, Tusten, Deerpark, and Delaware. Phone calls have been made to all other municipalities. The report is in progress and will be completed promptly upon receipt of the remaining responses.

Comments:

Henry suggested that the UDC should formally go on record regarding the condition of the wall deteriorating railroad bridge abutment in Callicoon, particularly because it appears to need repair before a more serious failure occurs and potentially results in material entering the Delaware River. A motion by G. Dudko to send a letter addressing the deteriorating wall, seconded by Dexter carried. Henry suggested that the National Park Service receive a copy because of its responsibility for the river and that NYS DEC and potentially Sullivan County emergency management officials or other appropriate agencies also be copied so they are aware of the potential hazard. He recalled the UDC's efforts to obtain an updated railroad spill response plan, The issue has been under discussion with the National Park Service, EPA, and others for quite some time. He said the UDC had previously developed what he considered a good working document but was subsequently asked to stand down because the agencies were preparing their own materials. Despite tabletop exercises and other planning efforts, he has not seen a completed response document and asked whether there has been any recent progress. Ramie said the most recent effort involves development of Geographic Response Plans, which EPA previously discussed during a presentation to the UDC, but no further updates have been received since that presentation. Henry said that he does not recall the EPA presentation going into significant detail about spill response and raises the issue again because it appears to have fallen off the Council's radar. He emphasizes that the concern remains relevant given the continuing possibility of a railroad derailment involving fuel or another substance that could enter the Delaware River.

Richardson pointed out that, based on their understanding of the measure, the moratorium on data centers does not apply to all data centers but only to larger facilities that meet a specified threshold. This distinction is worth clarifying, since the moratorium could otherwise be interpreted as applying broadly to all data center development.

New Business:

Substantial Conformance Review 2026-12: Revised Zoning Ordinance, Town of Tusten: Pais said this is her first Substantial Conformance Review, and her preliminary written report is included in the meeting packets. Because the completed ordinance was only recently submitted with the Town's August 21 TAG project completion documentation, the review is still preliminary. Before the UDC can approve payment of the TAG funds, they must be satisfied with the completed document. Much of the ordinance involves adding, removing, or revising definitions, and most of those changes appear acceptable. There are, however, several areas that require additional review and clarification. One involves the new uses of cannabis retail facilities and on-site cannabis consumption facilities. Pais initially considered a cannabis dispensary to be a retail establishment and an on-site consumption facility to be somewhat

comparable to a restaurant. After reviewing New York State requirements, however, she found that on-site cannabis consumption facilities are subject to very specific restrictions, including requirements related to outdoor consumption and their proximity to bars, restaurants, and schools. She needs to revisit how these uses are defined and classified within the ordinance. Another issue involves religious institutions. The ordinance does not provide enough detail about what constitutes a religious institution. While she initially interpreted the term as essentially referring to a church or place of worship, the town's intended meaning is unclear and should be discussed further. This is particularly important because religious institutions or places of worship are considered compatible uses throughout the scenic river corridor. Communications towers are perhaps the most significant issue requiring further discussion with Tutsen. The ordinance does not clearly define a communications tower, and the term suggests a conventional large cellular tower. Large cell towers have historically raised substantial conformance concerns within the river corridor. She questions why such a structure would need to be located within the corridor rather than outside it and says the UDC needs to determine exactly what the town intends to allow. Members noted that communications infrastructure within the corridor has been discussed for many years, but rapidly changing technology has made it difficult to develop a lasting solution. Pais said the UDC should work with the town to explore alternatives to a traditional large cell tower and clarify the proposed language. The review also raised concerns regarding clear-cutting and development on steep slopes. Pais said the ordinance addresses both subjects, but the language needs to distinguish more clearly between activities occurring generally within the town and those occurring specifically within the river corridor. Because steep slopes and vegetation clearing are particularly important resource protection issues along the river, she recommends strengthening and clarifying the language so that the requirements within the corridor are unmistakable.

Pais said the more closely she and Marshall review the approximately 16- or 17-page zoning amendment, the more questions arise. The review therefore remains an ongoing process, and she hopes to meet with the Town of Tusten as soon as possible to work through outstanding issues. The town continues to work with its planning consultant, who is familiar with the River Management Plan and should understand the UDC's concerns. The committee is not being asked to approve substantial conformance at this time. This is only the Committee's initial look at the ordinance, and additional clarification is needed from the town before the review can move forward to the full Council and National Park Service. Once those issues are addressed, she intends to complete the formal substantial conformance checklist using the review handbook to ensure that each required criterion is addressed. The checklist is not included with this preliminary report because some of the information needed to complete it is still lacking.

Technical Assistance Grant TAG 2026-01 (Tusten) Project Completion: Ramie said this situation is somewhat complicated because Tusten did submit its revised zoning document by the August 21 deadline and spent the $3,000 grant award, but the UDC is still reviewing the final product for substantial conformance. In addition, the Tusten Town Board has not yet formally adopted the zoning revisions, which is generally a condition of the 2026 TAG contract. She questioned whether future TAG contracts should require formal municipal adoption; that will be discussed when the 2027 TAG applications are considered. One possible approach would be to recognize that an applicant has fulfilled its responsibility once the contracted work and services are completed, regardless of whether the municipality has formally adopted the resulting document. For the current project, the UDC cannot yet recommend approval of Tusten's project completion or release of the TAG payment because the zoning revisions remain under review. Members discussed a provision allowing a TAG recipient to request an extension and agreed that Tusten should formally do so since the project cannot yet be considered complete under the existing contract. Ramie said there is less time pressure than in previous years because the TAG program is moving from the federal fiscal-year schedule to a calendar-year schedule. Previously, projects were due in August to allow enough time to complete the process before the end of September. The calendar-year now provides additional time, although an extension should still be pursued because Tusten's project remains subject to the existing contract. Henry said the Town Board should be informed not only that payment is being delayed and an extension is necessary, but why the UDC cannot release the funds at this time. Pais said the town has not yet been contacted about the results of the preliminary substantial conformance review because the August 21 deadline has only just passed but agreed to contact Tusten following the meeting to explain the outstanding issues and the need for an extension.

Technical Assistance Grant TAG 2026-03 (Damascus) Project Completion: Ramie said this TAG provides $3,000 to upgrade the Damascus Township's municipal website for accessibility. Damascus completed the project and submitted the required documentation. The township created and launched an ADA-accessible municipal website designed to align with Web Content Accessibility Guidelines (WCAG). The upgraded site improves public communication and access to township information and allows residents with disabilities to independently access information about officials, municipal documents, and the township calendar. Damascus also provided copies of the canceled checks documenting payment to its vendor, Three Birds Creative of Tyler Hill, PA. Ramie reviewed the completed website and confirmed that it includes the required acknowledgment indicating that the project is made possible through UDC Technical Assistance Grant. Based on the completed work and supporting documentation, she recommends that the committee consider the project complete and authorize signing of the project completion form to send to Operations for payment. A motion by Henry, seconded by Robinson, to approve Technical Assistance Grant (TAG) 2026-03 to Damascus Township for their ADA-accessible municipal website upgrade and to send it to the Operations Committee for payment, carried.

8/21 Sullivan County Democrat Article: "Town of Delaware fears train wreck on River Road": Addressed during the Resources and Land Use Specialist's Discussion Items. Article is included in the packet.

9/8 Special Project Review Committee Meeting to Review 2027 TAG Applications (3): Ramie reminded the committee that a special Project Review Committee meeting is scheduled for September 8 to review the 2027 Technical Assistance Grant applications.

Three applications have been received and based on an initial review; the proposals appear to be in good order. Copies are were distributed tonight so members can begin reviewing them before the special meeting, and electronic versions will also be sent. Each applicant will be asked to have a representative attend the September 8 meeting to explain the proposed project and answer questions. She noted that the Town of Cochecton submitted a handwritten application, which is unusual for the TAG program but accepted. The total project cost is $12,000. As noted in Pais's report, the Town of Highland requests $12,000 for additional code revisions. The Town of Cochecton requests $10,000 toward a $12,000 project to update its zoning. And the Town of Tusten requests $10,000 for a project involving confirmation of its zoning. Applications will be reviewed in greater detail and discussed with the applicants at the September 8 special meeting.

Other: None.

Old Business:

8/14 PA Press Release: "Gov. Shapiro Signs Executive Order Demanding Data Center Developers Comply with Strict Requirements and Blocking Speculative, Irresponsible Data Center Projects": Pais said that when she initially saw the announcement, she expected it to contain significantly different information from what the committee has already reviewed, but finds that much of it reinforces the Commonwealth's existing approach. The Executive Order and accompanying data center toolkit are available through the Pennsylvania state website and she recommends reviewing them since they provide useful information on the state's approach to data center development. Pennsylvania continues to support data center development and offers tax incentives for qualifying projects, while requiring developers to follow the Commonwealth's established process and requirements. She finds the accompanying municipal toolkit particularly useful. Although it may not be directly applicable to the UDC, it could be a valuable resource for municipalities considering local ordinances or regulations addressing data centers. The online materials are interactive and provide better guidance than many of the other resources she has reviewed on the subject. Henry asked specifically about non-disclosure agreements (NDAs) and whether the Governor's approach requires greater openness regarding proposed data center projects. Pais confirmed that transparency is an important component, along with a requirement that data center projects not be fast-tracked through the normal review process. He recalled the earlier DRBC presentation, during which the Council learned that many existing data centers are subject to non-disclosure agreements, making it difficult to obtain information about matters such as water usage.

Draft UDC Position Paper on Data Centers: Pais said she is working with Marshall to gather additional information and further develop the document. One issue requiring additional research is how to define and distinguish small, medium, large, and mega data centers. Very small data centers may serve a legitimate need and have substantially different impacts than large facilities. A small data center could potentially fit within an existing building without being noticeable, while even the smallest facility classified as medium-sized may require approximately an acre just for the building, before accounting for associated site development. Based on those dimensions, she questions whether a medium or larger facility could realistically be accommodated anywhere within the river corridor. The Committee agreed that the eventual position paper needs to clearly address facility size rather than treating all data centers alike. The discussion also focused heavily on energy demands. Richardson said that some proposed regulations require data center developers to demonstrate in advance how they will supply the electricity needed for their operations rather than simply placing additional demand on the existing electrical grid. He's concerned that exceptionally high energy consumption can force utilities to purchase additional electricity on the open market when contracted supplies are exceeded, potentially contributing to higher costs for other customers. Henry discussed information he's seen regarding federal efforts to encourage data centers to provide their own power and potentially return excess generation to the grid, although the interaction between federal and state requirements remains unclear. The position paper should also address transparency and water use. Henry recommends that the UDC oppose non-disclosure agreements that prevent municipalities, agencies, or the public from understanding a proposed facility's resource demands. The DRBC had difficulty in obtaining information about water consumption at existing facilities. Members agree that water withdrawals remain an important concern anywhere a data center could potentially have access to a significant water source, including the Delaware River. The committee discussed whether the position paper is primarily needed to protect the river corridor itself or to provide guidance to member municipalities for areas outside the designated corridor. The River Management Plan and existing Land and Water Use Guidelines already provide substantial protection within the corridor. Large-scale industrial development and major electrical transmission infrastructure are generally incompatible with those guidelines, making a large data center unlikely to satisfy substantial conformance requirements. Members suggested that the position paper may ultimately be most useful to municipalities considering how to address data center proposals elsewhere within their boundaries.

Another potential issue is battery energy storage associated with data centers and their generating facilities. Richardson reported learning at a recent training that battery storage may increasingly accompany large energy users because data centers experience varying peak demands. A dedicated generating facility could produce excess electricity during periods of lower demand, which could either be returned to the grid or stored in batteries for later use. Members agreed that rapidly evolving energy and battery technologies add another consideration that may need to be incorporated into the position paper. Martin raised concern about noise impacts, particularly the continuous mechanical hum associated with larger data centers. Pais said that her research suggests this concern is primarily associated with larger facilities rather than very small data centers, again reinforcing the importance of clearly defining facility size and scale in the UDC's position. The Committee recognized that there are numerous environmental, infrastructure, energy, water, and quality-of-life issues still to be examined as work on the draft continues.

8/14 UDC Preliminary Comment Letter on Town of Highland Comprehensive Plan: Ramie said that the purpose of submitting comments at this stage is to become involved early in the planning process and provide guidance while the Comprehensive Plan is still being developed. This is not a formal UDC review of the Plan. The goal is to identify issues early so the town's Comprehensive Plan Committee can consider the UDC's suggestions before a later draft comes before the Council for official review. Martin observed that the comments in the letter are generally minor and largely involve correcting terminology, such as the names of agencies, rather than raising substantive concerns about the Plan itself. Pais agreed and noted that the review does not identify any significant issues at this stage. The Plan appears to give appropriate attention to the River Management Plan, and more substantive comments can be reserved for a later draft if necessary. Pais's comment letter has already been sent to the town on August 14, so no Committee action or motion is necessary.

Status of Responses to 2025 Annual Code Enforcement Activity Requests: Pais reported that responses are coming in and that eight municipalities have submitted their information, leaving five reports still outstanding. The Discussion Items in the meeting packet identify the municipalities that have responded, so any municipality not appearing on that list still owes its 2025 code enforcement information. She will continue to contact the municipalities that have not responded and asks members to help reinforce the request with their respective towns or townships where necessary.

Substantial Conformance Review Response: Solar Ordinance & Data Centers, Berlin Township: Ramie said the reports on the ordinances were sent on July 29 to Berlin Township Supervisor Cathy Hunt, including the complete Substantial Conformance Reviews prepared by UDC consultant Kerry Engelhardt and the conclusions and recommendations for both ordinances. Hunt responded on July 30, thanking the UDC for the feedback and indicating that the township will review the information and contact the UDC with any questions. Regarding the data center ordinance, Ramie reiterates Engelhardt's recommendation that, because industrial uses are incompatible within all segments of the river corridor in Berlin Township, the ordinance should be revised to specifically prohibit data centers within the river corridor. The UDC is hoping Berlin will incorporate that recommendation; otherwise, substantial conformance concerns will remain.

The large-scale solar electric energy facilities ordinance requires consideration of additional revisions as well. The recommendation is for the UDC to work with Berlin Township to revise the ordinance so that large-scale solar facilities are not permitted within the scenic segment of the river corridor and any facilities proposed within the recreational segment comply with the Land and Water Use Guidelines of the River Management Plan. Ramie hopes the Township will take these recommendations into consideration and return revised ordinances, noting that such changes could substantially affect the outcome of the conformance reviews.

Martin asked whether Berlin is considering data centers or solar facilities within the river corridor or whether the township is simply developing regulations that apply throughout the municipality. The township appears to be proactively establishing regulations for data centers, as many municipalities are currently doing. The UDC's concern is that the ordinance, as written, does not specifically prohibit such facilities within the river corridor. If development of a data center within the corridor appears economically or practically unlikely, the ordinance should clearly state that it is prohibited rather than leave the possibility open. The next step rests with Berlin Township. The township acknowledged receipt of the UDC's recommendations and is reviewing them. Henry offered to speak directly with Cathy Hunt and reinforce the UDC's concerns.

Other: None.

Public Comment: None.

Adjournment: A motion moved by Henry, seconded by G. Dudko to adjourn at 7:33 p.m. carried.

Minutes prepared by Stephanie Driscoll, 9/1/2026