

**Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
February 26, 2019**

Committee Members Present:	Larry Richardson, Jim Greier, Harold Roeder, Jr., David Dean, Al Henry, Jeff Dexter, Aaron Robinson, Fred Peckham
Committee Members Absent:	Susan Sullivan, Debra Conway
Staff :	Laurie Ramie, Pete Golod, Ashley Hall-Bagdonas
NPS Partner:	Carla Hahn, Jennifer Claster
Guests:	Roger Saumure (Shohola alternate)

The UDC's Project Review Committee held its monthly meeting on Tuesday February 26, 2019 at the Council office in Narrowsburg, NY. Chairperson Richardson called the meeting to order at 6:32 p.m. There was no public comment on the agenda.

**Approval of January 22nd Meeting Minutes:** A motion by Peckham seconded by Robinson to approve the January 22<sup>nd</sup> meeting minutes was carried. There was no public comment on the agenda.

**Discussion Items Report:**

**Town of Highland:** On January 17<sup>th</sup> the UDC electronically received the Town's 2019 draft zoning law. On February 12<sup>th</sup> the Town had scheduled a Public Hearing for the zoning law with plans to adopt. A preliminary review of the 2019 draft zoning law found more than half of the 22 objectives to be out of conformance with regard to the Land and Water Use Guidelines. On February 7<sup>th</sup> the full Council was apprised of the status of the cursory review and the condensed timeframe from the Town's submittal to the public hearing. The full Council voted to submit a letter to the Town explaining the UDC's obligations regarding substantial conformance reviews and request postponement of adopting the current 2019 draft zoning law. A copy of that letter is in the meeting packets. Due to weather the Town's Public Hearing had been postponed to February 25<sup>th</sup>. In that time Golod performed an initial draft substantial conformance review of the Town's 2019 draft zoning law and shared it with the planning consultant, Laberge Group, as well as members of the Town Council. Golod explained that the initial draft substantial conformance review is to be used as a guidance document with the 'review' and 'recommendation' sections acting as comments or suggestions to help bring that specific Objective into conformance with respect to the Land and Water Use Guidelines. On February 25<sup>th</sup> Golod attended the Town's public hearing which took comments from the public but did not adopt the draft zoning law. Golod said there was a lot of public in attendance, however, only a few people spoke. The Town Board did not address Golod or Jennifer Claster of National Park Service, who was also in attendance. They didn't have any questions regarding the Substantial Conformance Review, which Golod forwarded to the planning consultants and the Town. They said they were going to be accepting comments up until March 5<sup>th</sup>, which is when the Planning Board is meeting. Up until that point they are going to evaluate all the comments from the public. Golod is hoping they are going to be including UDC's Draft Substantial Conformance Review of the Town's Draft Zoning Law. The public hearing was then recessed to March 12<sup>th</sup> with plans to adopt. Golod said the Town Clerk did acknowledge that UDC submitted a letter but they did not read the letter. Golod said in the county's response with their GML§239, they did not find anything that was out of context or anything that would raise any red flags as did the Planning Board. Golod said that the consultant from Laberge Group, Joshua Westfall, responded to the letter that was sent on February 8<sup>th</sup> on February 11<sup>th</sup>. Golod responded back to him that day. Westfall responded: "Good afternoon, thank you for getting back to me and the Town outlining in writing the issues UDC takes with the Draft Zoning Law. I will review this with the Town and they will best determine how to proceed with the Adoption and update process and if modifications are necessary. In working with the Town I will let you know and appreciate any assistance offered from you should there be any questions and concerns or any need for further explanation resulting in this provided review." Westfall wasn't at the meeting but another consultant was, Nicole Allen. Golod said Allen was introduced by the Town Supervisor as the consultant working with the Town. Saumure asked if they offered any rationale to why they were changing the plan. Golod said no, they didn't. This is still an echo from 2017. They announced they were going to revisit their zoning law and essentially rewrite it. They had a Zoning Rewrite Committee, which had been working with the UDC. The 2017 draft Substantially Conformed. This version has been stripped apart, moved around, everything that was in conformance is now out. Roeder asked if the county had Golod's concerns about this. Golod said "No". Roeder

said, "It seems that they are looking at this as a whole, not looking at this in regards to the Land and Water Use Guidelines. That tells me that the Planning Department needs to have a little understanding of what the Corridor means, and what they have to do." Golod said one problem he's finding in his experience in reviewing Ordinance Amendments and Zoning Laws for Substantial Conformance, going through many municipalities Zoning Laws, pretty much each municipality refers to a River District in their Zoning. The Town of Highland has completely eliminated all mention of a River District and the Upper Delaware is mentioned only six times in the Zoning Draft. Golod said that the letter was on record from the UDC as it was handed to the Clerk though it was not read. Discussion ensued. Hahn asked if the group that went to meet with the Town talked about Zoning issues or just a particular Project issue. Richardson said just Project issues.

Robinson asked if there were any liveries there and did Golod get a sense of their concerns? Golod said Kittatinny Canoes, Landers, Ascalona and Indian Head. Golod felt that they didn't realize that the Boat Liveries section of the 2017 Draft is gone. The Recreational section has also been virtually eliminated with the exception of campgrounds. The only person who spoke was Dave Jones of Kittatinny. It seems the town's concern was regarding the livery owners that have camp sites and would want to expand their camping facilities. The town is going to require a special use permit for them to build on their already preexisting land. Discussion ensued. Claster said someone from Indian Head also talked at the meeting sharing, similar concerns about not being able to expand without getting a Special Use Permit. They also thought the road widths that were required within the campground were too wide. It did seem that in general that they were pretty happy with the business-friendly nature of the changes to the zoning. Golod said he also has to say he felt that there was some confusion on the way that the board presented this because Golod received a call from one of livery owners who was there last night asking when the rest of the ordinance was going to be submitted for review. Golod responded that was the entire Zoning Law. The person said "No, that was only part of it, the attorney was going to get us the rest." Golod asked them if they noticed there was no Boat Livery section and they were completely shocked. The way Golod interpreted that was, people are so used to the 2017 draft, now they are getting the 2019 draft, they think there is still more coming because so much has been omitted. Discussion followed. Henry said don't forget about the \$10,000 TAG Grant. Ramie said that was for the 2017 version. The end result was drafting the plan. Richardson asked the staff to research whether the UDC's criteria for any plans and ordinances that are developed should require successful adoption in order to fulfill the project terms.

**Damascus Township:** On January 9<sup>th</sup> Golod received a Floodplain Ordinance Amendment and completed a substantial conformance review.

**Westfall Township:** A docket was issued by the DRBC to Westfall Township Municipal Authority for an application to renew the Waste Water Treatment Plant (WWTP) and its discharge of 0.374 million gallons per day. The WWTP will continue to discharge treated effluent into the Middle Delaware, in Water Quality Zone 1C at River Mile 252.5, via Outfall No. 001.

**UDC 2019 TAG Update:** On February 25<sup>th</sup> Golod notified the four municipalities (Berlin, Tusten, Shohola, and Lumberland) that the FY 2019 Mid-Term Progress reports are due this Friday, March 1<sup>st</sup>. On February 25<sup>th</sup> the Town of Lumberland submitted its report.

**Resource Specialist's Update:** January 23<sup>rd</sup>: Golod met with Damascus Township ZCEO to discuss and work through some issues regarding the Floodplain Ordinance Amendment. February 7<sup>th</sup>, February 14<sup>th</sup>, and February 22<sup>nd</sup>: Golod, Hahn, and Claster met and worked on Project Review issues (Damascus Township Comp Plan Update, Damascus Township Floodplain Ordinance Amendment, Town of Highland 2019 draft Zoning Law), and continued working towards completion of the Project Review Guide. Another working session is scheduled for February 28<sup>th</sup>. February 19<sup>th</sup>: via webinar Golod attended the 4<sup>th</sup> Subcommittee on Ecological Flows (SEF) meeting which was held in West Trenton, NJ. A report was delivered to the February 19<sup>th</sup> WU/RM committee. February 25<sup>th</sup>: Golod attended the Town of Highland Public Hearing regarding the 2019 draft Zoning Law.

### **Old Business:**

**Renewable Energy Position Paper and Minor Amendment Steps:** Golod provided a copy last month he asked all to review. He said he would re-send a clean copy of the Renewable Energy Position Paper to the Committee without

color or comments. Richardson said the committee didn't address small-scale geothermal. Golod said they have for solar, and wind, but not geothermal.

**Other:** Peckham asked if a letter was written to Adam Bosch and if he can give a presentation on the reservoir emergency notification improvements. Ramie said she has been in touch with Bosch. The engineering consultants' contract was extended and they don't have the results yet. They are hoping for April.

### **New Business:**

**Substantial Conformance Review: Town of Highland Draft Zoning Code Update and Feb. 25<sup>th</sup> Public Hearing Report:** Robinson asked if Golod would have to go over this again since the Town is likely going to have to go back to the drawing-board. Golod said absolutely. Ramie said they had this conversation earlier, and if the committee knows this is not conforming should we go over this or not. Golod wanted to leave it to the committee and NPS's discretion. Ramie suggested Golod go straight to the conclusion which summarizes all of the aforementioned points. The committee agreed to hear the summary. Golod wanted this conclusion to be unlike the one that was done for Damascus's Comp. Plan Update; he wanted to list where UDC stands when doing Substantial Conformance Reviews. He outlined in the first few paragraphs what the UDC's initiatives are as a Council. He also pulled from the RMP and listed the responsibilities of the Towns and Townships as members of the UDC but also being bound to the Land and Water Use Guideline and River Management Plan as a whole. Starting on page 19; The Highland River Overlay District (HROD) has been removed from the 2019 draft along with most mention of the Delaware River and any zoning laws protecting it and its tributaries. Only mentions are: "The preservation and protection of viable agricultural land, hunting lands, lakes, streams, ponding areas, floodplains, reservoirs, wetlands, and the Delaware River."; "RIDGELINE- The highest elevation that can be seen from the Delaware River or NYS Route 97 in the Town of Highland."; "UDRC- Meaning the Upper Delaware River Corridor as if fully spelled out." – which is not used again.; "Given the rural nature of the Town and the associated environmental resources, including vast tracts of forested areas, steep slopes, ridgelines and the Upper Delaware River, a majority of commercial growth is located in designated Hamlet areas."; "There shall be no quarrying and/or removal of sand and gravel in any quantities in the Upper Delaware River Corridor". Golod said it is recommended that the 2019 draft zoning law reinstate the HROD in order to assist many of the 22 aforementioned Objectives which are currently non-conforming in respect to the Land and Water Use Guidelines to again achieve conformance as they had in the 2017 draft zoning law with the implementation of the HROD. In essence, of the Town's 33,204 municipal acres the reinstatement of the HROD would only affect 3,162 acres, or 9.5%, of the Town's acreage which are located within the 'delineated river corridor'. Richardson said when Golod is talking about the reinstating the Overlay District, just reinstating the Overlay District itself doesn't accomplish anything. They would have to rewrite those ordinances that in effect would say if it falls within this district these rules would apply. Golod said that was in the 2017 draft. Richardson said he doesn't read that in Golod's recommendation. Golod said being that it wasn't adopted he doesn't know how to refer to it as it was in the 2017 version where they spelled out what the Highland River Overlay District was. Discussion ensued.

The next section Golod reviewed was The Minisink Ford Hamlet-Commercial Zone: The Land and Water Use Guidelines define Hamlets as "The following spatially discrete, developed areas of concentrated residential, commercial, and or industrial development, in or adjacent to existing developed areas: in the State of New York-...Minisink Ford, Barryville..." (p. 127). The Guidelines also state that, with regard to Hamlets, "Each town must define the extent of such areas (including appropriate land areas for growth)...based on existing patterns of settlement." They continue that, "Each town...shall be given the opportunity to determine the hamlet's precise boundary. This determination shall be guided by the criterion that areas within the hamlet should have an existing density of at least one dwelling unit (or equivalent dwelling unit) per two acres, unless the area is surrounded or bordered on several sides by land developed at such densities and would constitute a logical infill area taking into account the existing pattern of development" (p. 117). The River Management Plan further states that, "Hamlet boundaries will be defined by the towns and townships in concert with their normal planning procedures, and they will be refined...during the review to determine substantial conformance" (p. 60). Golod said one of the items that's a concern currently in the Hamlet-Commercial District, it's not quite developed as the Barryville area. The way the current zoning is listed the Hamlet-Commercial District requires only a one-acre minimum. To have a principle or a primary dwelling, a single family residence requires one acre. However, the zoning also allows for accessory dwellings which can be a mother-daughter home that also require one-acre. By allowing the Hamlet-Commercial

District to pass you're allowing the principle structure to have half an acre and the other half have half an acre. That completely negates onsite sewage requirements which is a two-acre minimum. Minisink Ford is one of the hamlets identified in the Land and Water Use Guidelines. Please demonstrate the following: That the Hamlet-Commercial district as drawn on the Zoning Map has an existing density of at least one dwelling unit (or equivalent dwelling unit) per two acres or that it would constitute a logical infill area taking into account the existing pattern of development. That the Minisink Ford Hamlet-Commercial district, as drawn, is a spatially discrete, developed area of concentrated residential, commercial, and or industrial development. That designating the Minisink Ford Hamlet-Commercial district for a one-Acre minimum lot size is consistent with Principle F of the Land and Water Use Guidelines: "Maintain existing patterns of land use and ownership." If these cannot be demonstrated, the boundaries of this district should be reconfigured to more closely reflect existing patterns of land use and ownership in the Minisink Ford hamlet area at the time the Plan was adopted (1986).

Per the 2019 draft clearcutting is the removal from more than three acres of a forested tract of substantially all trees, for other than agricultural or approved wildlife management purposes. The Town's District Schedule of Use Regulations permits clear cutting of over 3 acres in the R-1 (Residential) and R-2 (Residential Agricultural), and the H-C (Hamlet Commercial) with a special use permit. The Land and Water Use Guidelines prohibiting clearcuts over two acres in size, or making them conditional uses within the river corridor, subject to a professional forester's review, with exceptions for agricultural purposes and wildlife management programs of the type conducted by the States. Communications Towers have been removed from 2019 draft and are not mentioned in the zoning law but are listed on the Town's District Schedule of Uses as permissible in all districts with a Special Use Permit. Campground regulations have been loosened. Restrictions on Automotive Repair Shops loosened. With the exception of a definition in the glossary Bed & Breakfasts, Boat Liveries, Canoe Access and camping have been entirely eliminated from 2019 draft. There is no guiding information provided in the zoning law regarding these uses yet are listed as allowable uses within the Town's District Schedule of Uses. Additionally, within the Town's H-C (Hamlet Commercial) district the Town only requires a 1-acre minimum for Boat Liveries where the Land and Water Use Guidelines state, "A minimum of 2 acres should be required for any new river related recreational facility (Pennsylvania Fish Commission and New York State DEC fishing only access sites excepted) used for the parking of vehicles or the erection of any structures." Per the 2019 draft § 190-30 (F) Farm Breweries states, "Operate a restaurant, hotel, catering establishment, or other food and drinking establishment in or adjacent to the premises and sell at such place, at retail for consumption on the premises, beer manufactured by the farm brewer and any New York State labeled beer." Cluster added they would also allow bulk beer sales to beverage manufactures from a farm brewery; wholesale and retail sale, so it wouldn't all necessarily become commercial and onsite. Portions of these uses would be Incompatible per the Land and Water Use Guidelines Schedule of Uses in Recreational and Hamlet segments. Motels and Hotels are listed as incompatible uses in the Recreational Segment and Hamlet per the Land and Water Use Guideline's Schedule of Uses unless they do not exceed 12 rental units in size, but are listed on the Town's District Schedule of Uses as permissible in all districts with a Special Use Permit. There is no mention of the River Management Plan and Land and Water Use Guidelines which the Town's zoning is required to comply with.

The UDC's Project Review Committee met on July 25, 2017 and conducted a review of the Town of Highland's 2017 draft zoning law. Four questions and several comments had been submitted to the Town. No response had been received and two of their four questions and comments from the 2017 draft were as follows and still have not been addressed in the 2019 draft zoning law: 1. One of the Substantial Conformance criteria reviewed is the orderly development, operation, and maintenance of campgrounds and recreational parks, which states "Prohibiting independent onsite sewage disposal or water supply systems for individual recreation vehicle campsites." The Town's draft Zoning Law does not address sewage treatment plants or sewage management systems. The only mention is found under Rural Commercial Floating District's requirements for Preliminary Site Plan, which states "Layout of proposed development along with the location, areas and dimensions of proposed uses, structures, access and internal roads, parking areas and spaces, water and sewer system facilities and laterals, and all other site development features." Does the Town prohibit the aforementioned? If so, where in the zoning can this be located? If not, we recommend addressing this issue in some capacity.

Golod said in summary, the Land and Water Use Guidelines provide 6 Principles with 22 Objectives that the towns and townships have used as standards when developing or modifying their plans, laws, and ordinances to carry out the purposes of the Final River Management Plan. Upon completion of this comprehensive draft substantial conformance review of the Town of Highland's 2019 draft zoning law, it was determined that at this time 14 out of

the 22 objectives do not substantially conform to the Land and Water Use Guidelines. The Upper Delaware Council recommends utilizing this initial draft substantial conformance review of the Town's 2019 draft zoning law as guidance. After each Objective throughout the review there are two sections labeled 'review' and 'recommendation' which act as a comment or suggestion to help bring that specific Objective into conformance with respect to the Land and Water Use Guidelines, and the current draft zoning law as a whole. Furthermore, it should be noted that aside from a substantial conformance review of the River Management Plan's Land and Water Use Guidelines, the Final River Management Plan also includes a Water Use Program with a set of 9 Principles which include 28 specific objectives that further quantify each Principle that a municipalities zoning law should be adhered to: Principle A: Protect the outstanding and highly valued attributes of the river for the enjoyment of area residents and visitors. Principle B: Encourage cooperation and coordination among all levels of government. Principle C: Provide an enjoyable recreation experience. Principle D: Provide a variety of compatible recreational activities and situations. Principle E: Prevent river recreational accidents and minimize hazards. Principle F: Respect and protect riparian landowner rights. Principle G: Maintain the private sector as the major provider of needed recreational facilities. Principle H: Strictly enforce existing laws. Principle I: Educate and inform river users about protecting the river, reducing river conflicts, and respecting rights of others. The Water Use Program outlines specific management responsibilities for all parties involved with the River Management Plan including the Towns and Township, some of which include: Implement and enforce zoning ordinances to manage land uses within the river corridor in a way that is not detrimental to the goals and objectives of the Water Use Program. Use the (Upper Delaware) Council to review recreation development plans and other matters which may affect river use. Golod stated when he first started at UDC he would debate with Hahn if one or two objectives would make an amendment let alone a zoning amendment not conform. Here we have 14 out of 22. Discussion ensued. Henry asked isn't there a planners Oath of office? Cluster said there's a Code of Ethics. Golod's last email to Laberge Group was "Lastly, if there is any way I can further assist Laberge Group or the Town in any way please do not hesitate to contact me." Golod also reemphasized that to Nicole Allen at the hearing. Golod said in the email chain of correspondence the last question asked by the consultant was something to the effect of "what are the ramifications if the Town does not conform?" Golod's response was the RMP outlines pretty clearly what happens to a non-conforming Town but he would prefer that be directed to the full Council for discussion. Golod said there is no deadline to respond to his documents. By recessing this public hearing the Town Attorney had said they were going to take all of the public's and other agencies' comments into account and make changes to the Draft Zoning Law as needed. Then they were going to submit it to the Planning Board by March 5<sup>th</sup>. On March 12<sup>th</sup> the Town Board is reconvening and will hold a Public Hearing with hopes to adopt. Their drop-dead date is April 1<sup>st</sup>. They were pushing to get this done because they had received a large grant from the county. The original date was March 1<sup>st</sup> but they received an extension to April 1<sup>st</sup> which is why they postponed the vote last night. Discussion ensued. Motion by Robinson to have Golod send Town of Highland a letter informing them they have UDC's concerns, we are available to work with the Town, the Planning Board or the consultants to work through these issues before it comes for final vote cc'ing Laberge Group and the Chairperson of the Planning Board was seconded by Roeder, motion passed.

**Substantial Conformance Review: Damascus Township's Floodplain Ordinance:** Golod reviewed his report of this Substantial Conformance Review starting with Principle A: Maintain the high water quality found in the Upper Delaware River. 1. Soil erosion and sedimentation from construction on steep slopes is limited by: F. Other. The Township has developed a River District (RD) with the intent to conform to the requirements of the National Wild and Scenic Rivers Act and the regulations developed by the U.S. Park Service, the managing agency for the river corridor; i.e., to allow for the enjoyment of the Delaware River valley by providing for housing, agricultural pursuits, river-related recreation and other activities in harmony with the intent of the Act. Per Damascus Township ZCEO; with the exception of steep banks from the top of the river which cannot be developed there are no areas in the flood plain that approach 15% grade. Principle A, Objective 1 is substantially met. 2. Maintain natural cover to control storm-water runoff, limit flooding, protect groundwater supplies and provide erosion control by: E. Other. 705.3 Design and Construction Standards: B. Drainage Facilities Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. 703.4 Application Procedures and Requirements: (F)(7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control and storm water management. Zoning Ordinance: 417 Steep Slope Areas B. A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work. C. The total amount of impervious surface that may be installed or maintained on steep slopes shall not exceed fifty (50) percent of the maximum amount of impervious surface permitted for such use on any lot

in the underlying zoning district. Provision shall be made for control of runoff from impervious surfaces to prevent erosion and stormwater damage to downstream properties. F. At least fifty (50) percent of the area to be used for any building or construction purposes shall be less than fifteen (15) percent slope. J. Removal of, or disturbance to, existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effects on slope stability, erosion potential, transpiration and recharge of stormwater, aesthetic and traditional characteristics of the landscape, and existing drainage patterns. Mitigation measures may be required by the Board as it deems appropriate. Principle A, Objective 2 is substantially met. 3. Protect special erosion hazard areas along river banks through one or more of the following A. Requiring that buildings be setback from the river consistent with State required setbacks of septic systems from streams. In New York: 100 feet, in Pennsylvania 50 feet. The River District (RD) requires 100 ft. minimum yard to river setback from the Delaware River. Principle A, Objective 3 is substantially met. 4. Protect special erosion hazard areas along the ridge lines through one or more of the following D. Other. There are no ridgelines located in the Township's floodplains. Principle A, Objective 4 is substantially met. 5. Limit pollution problems from septic systems located on poor soils, by one of the following A. Requiring a town or district wide minimum lot size for new river corridor lots of not less than two acres (outside of hamlets); The River District (RD) development standards require a 2-acre minimum lot size. Principle A, Objective 5 is substantially met. 6. Solid waste disposal sites must be located outside of the river corridor. Review: 705.3 (C)(3): Water and Sanitary Sewer Facilities and Systems. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood. Essential services such as towers, wires, mains, drains, sewers, pipes, conduits, and cables are listed as Special Exceptions on the Township's River District (RD) schedule. Solid waste disposal facilities and sewage treatment plants are not considered essential services. Principle A, Objective 6 is substantially met.

Principle B Provide for the protection of the health, safety, and welfare of residents and visitors while also providing for the protection of natural resources. 1. Provide for light, air and an uncluttered landscape through adequate separation of principal structures by: D. Requiring a 100 feet minimum separation of all principal structures located along the river. Clustering may be permitted as a conditional/special use provided it meets density guidelines for the district. The River District (RD) requires a minimum lot width of 200 feet and states within any Identified Floodplain Area as defined and regulated by Article VII of this Ordinance, no new construction or development shall be located within the minimum distance of 100 feet to the River. Principle B, Objective 1 is substantially met. 2. Provide for light and air and maintain an uncluttered landscape by limiting the height of principal structures by: A. Limiting building height to 35 feet with exceptions for farm structures, water and grain towers, small windmills, bridges, etc. It is addressed in the underlying zoning that the River District (RD) requires maximum building height of 35 ft. Principle B, Objective 2 is substantially met. 3. Provide for light and air and maintain an uncluttered landscape by requiring adequate setbacks of principal structures from highways by: A. Requiring a minimum front yard of 35 feet. The River District (RD) requires a minimum front yard setback of 50 feet. Recommendation: Principle B, Objective 3 is substantially met. 4. Prevent unnecessary sign proliferation by limiting off-premises signs by: D. Other. Off premises signage is not related to Floodplain Ordinance Amendment review. Principle B, Objective 4 is substantially met. 5. Business identification (on premises) signs larger than 10 square feet in size should be limited by: F. Other. The objective does not apply to a Floodplain Ordinance Amendment review. Principle B, Objective 5 is substantially met.

Principle C Provide for recreational and other public uses while protecting the Upper Delaware as a natural resource. 1. Encourage recreational providers to locate intensive use recreational facilities outside of undeveloped or scenic segments of the river by: Although this review is for a Floodplain Ordinance Amendment it should be noted that boat/canoe liveries, campgrounds, private recreational facilities, and tourist recreational facilities are all listed as conditional uses in the River District (RD) schedule. This entire Principle does not apply Golod felt it was important to note they do have it on the schedule as a Special Use Permit.

Principle D Provide for the continuation of agricultural and forestry uses 1. Encourage and support agricultural uses in the corridor by: B. Making agricultural activities principal permitted uses within existing zoning districts; D. Other. Agriculture and forestry use are not related to Floodplain Ordinance Amendment review however, the River District (RD) schedule of uses lists agriculture in all forms including horticulture and forestry, excluding intensive livestock, as a permitted use. Principle D, Objective 1 is substantially met. Objective two does not apply. Objective three does not apply; however, there is a comment: 3. Provide for sound timber practices within the corridor by: F.

Other. Timber practices are not related to Floodplain Ordinance Amendment review however, the Township's zoning ordinance states, "...requiring the conservation of trees and other vegetation, especially during the land development process, and by requiring property line buffers. This will also minimize the detrimental effects of soil erosion and sedimentation and storm water run-off". Principle D, Objective 3 is substantially met.

Principle E Conserve river area resources. 1. Ensure traditional resource extraction operations (not including subsurface and major surface mining) are permitted but consistent with the protection of the public health, safety and welfare by C. Other. Resource extraction is not related to Floodplain Ordinance Amendment review however; the Township's zoning ordinance lists subsurface mineral extraction as a Special Exception on the River District's (RD) schedule of uses. Principle E, Objective 1 is substantially met. 2. Ensure town, county, state, and federal activities will promote the conservation of the river corridor resources by: F. Other. The objective does not apply to a Floodplain Ordinance Amendment review. Principle E, Objective 2 is substantially met.

Principle F Maintain existing patterns of land use and ownership. 1. Limit housing density and intensity of uses with consideration to the existing character of the River corridor by: A. Establishing a special zoning district for the river corridor within which the minimum lot size is two or more acres. Although the Floodplain Ordinance Amendment does not address these criteria directly the Township's River District (RD) Development Standards require a 2-acre lot size minimum. Principle F, Objective 1 is substantially met. 2. To control density the following considerations must be remembered: D. Other. The objective does not apply to a Floodplain Ordinance Amendment review. Principle F, Objective 2 is substantially met.

Golod's conclusion was that in 2013 Damascus Township was required to update their floodplain ordinances to be in compliance with FEMA regulations. They based their ordinance on the model ordinance provided by the Pennsylvania Department of Community and Economic Development (DCED), which oversees PA floodplain ordinances. In October 2018 the Township was notified that their ordinance was no longer in compliance with FEMA regulations and again had to be updated. Damascus Township has a River District (RD) which is to conform to the requirements of the National Wild and Scenic Rivers Act, the Upper Delaware Scenic and Recreational River Land and Water Use Guidelines, and the 1988 Project Review Workbook which guides the Upper Delaware Council (UDC) and the NPS on Substantial Conformance reviews. This is achieved through the Floodplain Development Standards as defined and regulated by Article VII of Damascus Township's Ordinance. The proposed amendment to the Township's Floodplain Ordinance Amendment has met the principles and objectives as laid out in this Substantial Conformance review. Therefore, Golod would recommend that this committee vote to approve to the full Council the recommendation that Damascus Township's Floodplain Ordinance Amendment be found to be in substantial conformance. Henry asked on page five under Review what "The River District (RD) requires 100 ft. minimum yard to river setback from the Delaware River." Golod said the property line yard to the river; it's quoted from their zoning. He said it was probably the front yard setback but did not have it on hand. Henry said you don't know if it's a side yard, front yard or back yard without definitions. Golod said in the Town's Schedule for the River District it says "Minimum yard to river 100 ft\*." The asterisk says water course setback; within any identified floodplain areas defined and regulated by article seven of this ordinance no new construction or development shall be located within the area measured 50ft landward from the top of the bank of any water course... in the case of the Delaware River the minimum distance to the river shall be 100 ft. measured landward from the normal high water mark. A motion by Roeder, seconded by Henry to approve that recommendation to the full council carried.

**Times Herald-Record article regarding siren alerts:** At the time that Richardson found this article NYC didn't think the sirens worked and here's California saying "we need sirens". Richardson said at the Upper Delaware Scenic Byway (UDSB) meeting last night communications along the corridor were discussed and UDSB is ready to work with UDC in any way to further that project. Ramie said this specifically was for the cellular service gaps. They are looking for a project that would be fundable to request a grant as beneficial to all. Hahn said her carrier at home has better coverage than her carrier at work. Is the goal to make it so all carrier cell service works in the corridor? Robinson said the common denominator on them is the 9-1-1 frequency; even if you don't have service and you're an AT&T customer you will get on to 9-1-1. If there is cell service, 9-1-1 is supposed to work over all bands. As far as cell service data stream and voice connection is strictly carrier specific. Getting three main carriers throughout the corridor is a tall order but at least 9-1-1 would work. Saumure agreed but the problem is if you don't have cell coverage you can't trust that 9-1-1 will work. Robinson said you need a presence of a cell carrier. Roeder said yesterday Assemblywoman Gunther even mentioned the need for cell service in the whole corridor. Ramie has been speaking with Mid-State Communication; the distributor for the mass notification outdoor warning system that



was installed in Schoharie County. Ramie had a conference call with them on January 29<sup>th</sup> to provide additional information so they can tailor a presentation to the UDC. They weren't aware that NYCDEP was undertaking this study with Schnabel Engineering to come up with recommendations for improving the system. They are hopeful to be the business that is tapped for that. On February 12<sup>th</sup> Kevin Zimmer of Mid-State Communications had reached out to Greg Daviero of Schnabel Engineering saying: "Greg, after speaking with Laurie Ramie, UDC, Executive Director, she mentioned your firm was putting together a study to recommend procedures to improve the feed of downstream emergency alerts. Our company installed an outdoor warning system consisting of 20 sirens funded by grants by NYDEP several years ago for Schoharie County. Therefore, we have real world working experience regarding this topic. We have very valuable information regarding the use of outdoor warning systems in Schoharie County based on feedback from Sherriff Ron Stevens. He would be the first to inform you that the sirens that we installed saved lives in his county during the flooding that occurred in 2011 due to Tropical Storm Irene. Can you provide me with your contact in your organization to speak with regarding the Cannonsville Reservoir study? I would really appreciate your feedback." Ramie said Daviero responded that he is the contact. "For the moment, trust that the information was received and we will keep your contact on file. Have a nice day." Mid-State Communications provided Ramie with a National Study of the warning sirens called "A Flood in a Small Community: A Test of the National Planning Foundation." Ramie can forward the study to anyone that may want to review it.

**Other:** Greier recommends that the reports at the UDC meetings be read as summaries, to save time and try to keep it to two minutes. As everyone has read and reviewed the minutes already, a summary of items will be a good refresher for the Council.

**Public Comment:** None

**Adjournment:** A motion by Roeder, seconded by Robinson, to adjourn the meeting at 8:23 p.m. was carried.

*Minutes prepared by Ashley Hall-Bagdonas, 3/6/19*