

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
April 24, 2012

Committee Members Present: Larry Richardson, Debra Conway, Nadia Rajsasz, Harold Roeder, Jr., Fred Peckham, George Fluhr
Committee Members Absent: None
NPS Partner: Sean McGuinness
Staff: Dave Soete, Laurie Ramie, Cindy Odell
Guests: David Dean, David Peters, Jack Niflot

The UDC's Project Review Committee held its monthly meeting on Tuesday, April 24, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:27 p.m. Odell reported that Conway notified her that the Town of Highland public hearing will be held in early May as opposed to April as she stated during the last Project Review Committee meeting. A motion by Rajsasz seconded by Roeder to approve the March 27 meeting minutes was carried. There was no public comment on the agenda.

Discussion Items Report: Soete reviewed his written discussion items report that contained information on project review/substantial conformance developments. Highlights were as follows:

Pond Eddy Bridge update: Richardson stated that Glenn Pontier resigned as the Upper Delaware Scenic Byway representative to the Design Advisory Committee and that he had stated publicly his reasons for doing so. There is now a blog up called "Save the Pond Eddy Bridge". Fluhr cautioned the Council to avoid anything that would delay the bridge. He added that the Council should be concerned about liability.

Town of Highland: Soete reported that the Town of Highland is working on their zoning law now. A public hearing has been scheduled for Friday, May 4th at 6:30 p.m. at the Eldred Central School regarding the adoption of the proposed Local Law #3-2012, a local law to prohibit certain high impact industrial uses. Soete said the proposed amendment is posted on-line.

Sullivan County Emergency Communications System Upgrade update: NPS UPDE Chief Ranger Joe Hinkes gave a presentation on improving communications in the river corridor at the last UDC meeting on April 5th. Soete reported that the Masthope cell tower is up. He noted that the tower is visible from Route 97 out of Narrowsburg past the old Tusten quarry. He assumes the tower can not be seen from the river.

Johnston & Rhodes Bluestone Company Quarry Road update: Soete asked McGuinness if there was anything new with the road. McGuinness said the investigation is continuing. The PA DEP has not set a date for a public hearing. The Park Service has asked to take part in the public hearing just to get the facts. McGuinness said he told the landowner that the Park Service will only get involved if the road affects the Wild and Scenic River corridor. McGuinness said a letter was sent to Manchester Township asking that conversations about issues like these can continue in the future.

Pennsylvania Senate Bill 1100 and House Bill 1950 (Act 13 of 2012): Soete reported that Act 13 has been challenged by some municipalities and different groups, mostly out in the western part of Pennsylvania. As a result of the challenge, the PA municipalities have been granted an additional 120 days to respond to the provisions of Act 13. Peckham said that Damascus Township is waiting to hear back from the Pennsylvania Public Utilities Commission regarding their inquiry about being out of substantial conformance with the River Management Plan.

Holbert Bros. Bluestone (Lackawaxen Township) update: Soete reported that the Pike County Court of Common Pleas has issued two orders.

Town of Lumberland Zoning: Soete reported that the Town of Lumberland did approve their new zoning law. Rajsasz said that was done on April 11th.

Natural Gas Leasing/Drilling in the Region update: Soete noted there is always something going on with this subject. He reiterated that the Pennsylvania municipalities have been granted an additional 120 days to respond to the provisions of Act 13. Peckham said that the New York towns of Dryden and Middlefield bans of natural gas drilling have been appealed.

Pike County 2012 Hazard Mitigation Plan: Soete noted an article dated April 21, 2012 on the *Pocono Record* website that stated the Shohola Board of Supervisors is considering repealing its approval of the Pike County 2012 Hazard Mitigation Plan because it includes references to a controversial law that would require the township to redo its zoning. Discussion took place concerning Act 167, the Pennsylvania Stormwater Management Plan. He provided this article for informational purposes.

Town of Delaware Proposed Zoning Law and Zoning Map Changes update: Soete said that he and Carla Hahn attended a Town of Delaware Planning Board meeting on April 11th. The proposed changes were discussed at the meeting and are posted on the town website. The Zoning Map will be revised to follow property lines more than the original lines, such as the Delaware River corridor boundary. They do include wording that they will still conform with the River Management Plan. Discussion took place about defining the river corridor on the ground. Fluhr believes that someday work will need to begin to identify where the corridor is. McGuinness said this is an issue that is coming up more often and suggested that it maybe is a project that the UDC and its partners can take a look at. Richardson said that years ago Superintendent Hutzky said that if there is a corridor line dispute, the Park Service would go out and identify where it is. McGuinness said that no matter what park it is, if there is a dispute, the Park Service would go out and survey the area that is being contested. Dean questioned if there are metes and bounds of exactly where the river corridor boundary is. McGuinness said that Congress has a map that has a line drawn on it. More discussion took place about defining the corridor.

National Park Service Outstandingly Remarkable Values (ORVs) Workshop: Soete reported that last week he attended this workshop at the Best Western in Matamoras, PA. Participants included representatives from the National Park Service and some partners. Segments looked at included the Upper Delaware River, Middle Delaware River (Delaware Water Gap), Musconectcony River, Lower Delaware River, Tinicum Creek, Tohickon Creek, and Paunacussing Creek. The five ORV eligibility criteria include scenic, recreational, ecological, geologic, and cultural/historic. Technical Specialist Reports for each river segment had been prepared in advance of the workshop. The NPS will prepare a draft workshop report that can be shared with partners, finalize the report and develop various publications. McGuinness said before the report is finalized he will make it available to the Upper Delaware Council and give members the opportunity to comment on it. Soete passed around the final report that was done on the Rio Grande Wild and Scenic River for members to see. Peckham noted that the July 1952 issue of National Geographic contains an article on the Delaware River and includes a fold-out picture of Point Mountain. He said there is a notable difference between what it looks like now and what it looked like then.

Town of Tusten: The Town of Tusten Zoning Rewrite Committee met on 4/23/2012 following a kickoff meeting of the Narrowsburg Waterfront Revitalization Project.

Old Business

Use of the 1988 Project Review Workbook: Due to the time, Rajsiz recommended tabling this item until next month.

New Business

Pennsylvania Act 13: Ramie noted staff had been asked at the full Council meeting to refer this topic to the Project Review Committee for further discussion. She said they found a fairly comprehensive article in the April 2012 edition of the PA Township News magazine. It was provided in members' packets for their information. Ramie added that Soete reported earlier that municipalities have additional time to decide whether they will sign on or not for the impact fees.

Other: Roeder said he was approached by a gentleman last fall, who had just recently contacted him again for assistance with an issue. This person owns a piece of property on the river and has been trying to get a stairway from the roadway to the river on his property. He has been trying for over two years to accomplish this. He feels like he is being kicked around from one regulatory organization to the next. Roeder reported the individual has just one leg and is not able to access his river frontage without a stairway. Fluhr said there is an organization in Harrisburg, Americans with Disabilities, that should be able to advocate for him. Roeder said he will get this information to him. Discussion about the Americans with Disabilities Act took place. McGuinness also suggested consulting with our Pennsylvania Representative Dennis DeMara.

Richardson wanted to mention about the tax implications of the IDA granting the tax exemptions to the Millennium Pipeline. He recently came across a 2009 tax projection put together by the Town of Cochection tax assessor. She projected over fifteen years if they built the pipeline and did not get the tax break, it meant \$1,152,347.40 to the Town of Cochection. The IDA is projected to pay the town \$497,500. That shorts the town over \$650,000 in tax dollars as a result of the IDA action. He added it equates to over \$43,000 a year the town is losing in tax dollars.

Roeder wanted to address a concern of his. He said the River Management Plan talks about its purpose of making sure the river and the corridor are safe and nothing happens to them. He continued that the RMP also talks about private property rights. He stated that the Project Review Committee took the position that we should not allow drilling sites in the river corridor and he concurs with that. He added that beyond the corridor, people could drill underneath to access their minerals. However, with the new zoning regulations just passed recently in several towns, you can no longer access those minerals and he feels as a result, those zoning regulations violate the River Management Plan by taking away property rights. Rajsiz said it is the right of the towns and its people to enact its own zoning. Richardson feels this is an issue that is between the towns and the townspeople. The council has an obligation to support the River Management Plan (RMP) and so do the towns, he added. Much discussion took place on this issue.

Public Comment: None

Adjournment: A motion by Roeder seconded by Rajsiz to adjourn the meeting at 9:24 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 5/1/12