

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
June 26, 2012

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

The UDC's Project Review Committee held its monthly meeting on Tuesday, June 26, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:21 p.m. A motion by Rajs seconded by Conway to approve the May 22 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: Soete reported we received a copy of a letter dated June 20th from PennDOT to Pond Eddy, PA resident Lori Ayers regarding her concerns of discontinued fuel delivery service and fire protection. An invitation-only meeting arranged by NYS Senator Bonacic of interested parties of the Pond Eddy Bridge on the New York side will be held on June 27th.

Town of Highland: Soete said there is a message from the Town of Highland Supervisor Andrew Boyar posted on the town's website regarding their proposed zoning amendments. There is a public meeting on July 3rd to go over the most recent changes to their proposed zoning amendments and there is also a public hearing on July 9th. Soete said he will be on vacation July 9th and asked if anyone would want to cover that hearing. There have been some revisions, but he does not think they've changed the contents that much. Peckham noted that if they use the word "fracking"; fracking is a process, it is not drilling, it is not everything, it is one phase. He added that if they want to restrict everything, they better use a word other than fracking. Conway said they are. Soete hopes to be able to look over the latest revisions before his vacation starts.

A brief discussion about the Tennessee Gas Pipeline Company's request to build a seven mile pipeline loop around the Delaware Water Gap National Recreation Area took place.

Holbert Bros. Bluestone (Lackawaxen Township) update: Soete said this issue is still ongoing, they are still applying for state permits. The Save Lackawaxen land use appeal continues. He said as far as the state permits, Holberts have applied for what they're calling a Small Flow Treatment Facility permit. He said it is his understanding it has something to do with the drainage for the reclamation process. McGuinness questioned if these applications are all under the umbrella of the permits that had been previously discussed. Soete thinks this is the case, although he is not entirely sure. McGuinness said he will contact PA DEP for clarification of the different permits. Ramie said we would like to get a context for these applications as they keep coming across the environmental notices. Roeder said it doesn't hurt to communicate with DEP to make sure everything is going along. Soete said there are renewal and new permit application notices that have been appearing on the *Pennsylvania Bulletin*.

Upper Delaware River Roundtable update (www.upperdelaware.com/visioning): Soete reported the next Roundtable meeting is scheduled for August 2, 2012 from 1:00 - 4:30 pm at the Tusten Town Hall in Narrowsburg. Ramie said she understands that Carla Hahn from the National Park Service will be delivering a program on the River Management Plan.

Natural Gas Leasing/Drilling in the Region update: Soete said he had run out of time to add anything new to this issue, but said that New York State's Governor has indicated that they may allow drilling in the

Southern Tier. Peckham said Gov. Cuomo confirmed that the decision is imminent but gave no indication which way the decision was going to go. Soete said he believes that Pennsylvania Act 13 is still proceeding through the courts.

Town of Delaware Proposed Zoning Law and Zoning Map Changes Update: Soete reported that Sean McGuinness and Carla Hahn met with Town of Delaware Supervisor Ed Sykes and UDC Representative and Town of Delaware Councilman Harold Roeder on June 18th. McGuinness added that Tom Shepstone and Gerald Euker were also at the meeting. Richardson asked if the issue in the vicinity of the hospital is resolved. McGuinness said Hahn had a conversation with Supervisor Sykes and advised him the town could be out of substantial conformance. Sykes wants to be in substantial conformance with the River Management Plan so he called McGuinness and scheduled the meeting. McGuinness said they pointed out to him what the issue was and Sykes wanted to know how to fix it. Shepstone and Euker said a footnote will be added that says everything in the corridor has to be managed according to the River Management Plan. They do still want to zone the property in question as an RU District. Richardson said one of the issues always becomes what somebody understands today, years down the road, a project comes before the Planning Board and no one knows and no one remembers that part of it. Roeder commented that once the Town of Delaware makes the changes that were discussed at the meeting, he would like to see this brought back to the Park Service to ensure the communication is there. Soete asked Roeder if there is a timeline as to when these changes may be voted on. Richardson noted that the changes will need to go to the county for review. McGuinness said the Park Service has been in contact with the county to talk about this process. He added that everyone is talking. Roeder said there is no intention of going against the River Management Plan.

Millennium Pipeline Company, LLC – Hancock Compressor Project (Town of Hancock) update: Soete noted that he and Don Hamilton attended the Open House in Hancock on May 29th. Peckham was also there. There were separate booths set up that one could go to for information. Discussion of the location of the proposed project took place. Roeder said if you go out of Long Eddy on Route 97 about a mile, it is a very hard right onto Hungry Hill Road, then approximately 3 to 4 miles up that road. Soete said that he and Hamilton took a ride up to the proposed site prior to the open house. Roeder commented that FERC has a lot of control on where these compressor stations go. Soete said he found out that the compressor should not run 24 hours a day, it is only when they need certain pressures so it would be shut off at times. He added that gases are vented on occasion and that it is powered by a 15,000 horsepower natural gas engine. Peckham said he was told it was going to be 42 decibels to the nearest neighbor. Soete added that is how they measure it, to the nearest neighbor, not to the property line. Soete said he asked how they measure emissions, in pounds or tons, and the representative told him tons, but did not have any figures. Peckham noted they have to follow EPA guidelines.

Lackawaxen Township Proposed Zoning Ordinance Amendments Update: Soete said that there was a public notice in the June 2nd edition of *The News Eagle* stating that Lackawaxen Township was proposing zoning amendments. A copy was requested and received on June 11th from the township secretary. Soete reviewed it and attended the hearing held that evening in Lackawaxen where he spoke and asked questions. Soete said the resolution included at the beginning of the proposed amendment states that “it is the intent of the Supervisors that the Township should allow for and encourage commercial and industrial development on suitable properties within the Township...”. Soete prepared a comment letter dated 6/18/12 to the Lackawaxen Township Supervisors regarding the amendments. He noted the concern that some of the Principal Permitted Uses, Accessory Uses, and Conditional Uses being proposed in the RU District are not compatible uses in the Scenic Segments and Recreational River corridor and might some day be allowed there. Soete was asked if the township was working with a planner. He said he does not believe so. Soete said Lackawaxen Township Supervisor Brian Stuart attended the UDC workshop on June 23rd. He thanked Soete for attending the hearing on the 11th and pointing out certain aspects of the zoning. Soete feels the township is in pretty good shape. He believes the Pike County Planning office must still review the proposed amendments. Soete said the UDC received a copy of the NPS comment letter dated June 19th concerning this issue. Richardson asked if all zoning changes in Pennsylvania have to go before their planning department for review. Soete said for the county, yes.

Shohola Township Proposed Zoning Ordinance Rewrite update: Soete reported he attended a planning commission meeting on June 21st at which they began reviewing the existing Zoning Ordinance adopted on March 12, 2009. He feels their intent is to be sure it corresponds with definitions from the Subdivision and Land Development Ordinance and also to make it comply more with the comprehensive plan which was done in accord with Lackawaxen Township. Soete will e-mail Planning Board Chairperson Peter Wulfhorst, reminding them to consider the Land and Water Use Guidelines in the River Management Plan and letting them know that the UDC has a Technical Assistance Grant (TAG) program which could be applied for to help fund the project.

Pennsylvania Bulletin Notice: A remediation notice appeared in the June 16th issue of the *Pennsylvania Bulletin* concerning a property on the Peggy Runway Road in Berlin Township, Pennsylvania. It had to do with a fuel oil spill. Don Hamilton was consulted initially. He said it appeared that the address was a good distance from the river and the spill would not have an impact on the Delaware River. Peckham believes he read somewhere that fuel oil tank leaks are the largest contaminant in New York State. Discussion about fuel oil tanks capacity and restrictions took place.

Hurleyville, NY Proposed Development: Soete said this issue of a proposed large housing development near Hurleyville, Sullivan County, NY was discussed at last month's meeting and it was the feeling of the board that it was pretty far out of the watershed and it would probably not have an impact on the Delaware River. Richardson noted there is much protest building against the site.

Old Business

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

New Business

Millennium Pipeline Hancock: Soete noted this was covered during his Discussion Items Report and that no further action was needed.

Lackawaxen Township Zoning Amendment Comment letter: Soete said a copy of his comment letter and a copy of the Park Service's comment letter were provided in the packets, and that this issue was also covered during his Discussion Items Report.

FY 2012 Technical Assistance Grants update: Ramie noted the FY 2012 Technical Assistance Grants completed projects are due by July 24, 2012. A list with the seven outstanding projects was provided in members packets. Ramie added there will not be any extensions. Soete noted that the Town of Lumberland's project is complete, it just needs to be handed in and costs submitted for reimbursement. Ramie asked Soete if he plans to more directly contact the Supervisors. Soete said he does. Ramie said that effort is made because we don't want anybody to lose out on the money. Soete reported he just posted the FY 2013 TAG program information on the website and we will also be sending it out via the post office to the towns and townships. He added all forms are on the website.

Other: McGuinness said he received this morning three phone calls and two e-mails about the use of motorized boats on the river. People are noticing that this use is increasing. He referenced an ad for a "Mokai Summer River Rally" to be held at the Zane Grey Boat Access on Friday, July 13th that has been circulating via e-mail. McGuinness said he is asking people to keep track of the use and if it starts impeding the Outstandingly Remarkable Values (ORV's) for which this river was designated, we may need to look into setting some restrictions. Peckham said right now you need to keep them away from the Dwarf Wedge Mussel beds. "That's bad", Peckham added. McGuinness said that the Superintendent's Compendium limits where they can go as well as other restrictions. Discussion about boats on the river being registered took place. McGuinness said he e-mailed the organizer of the Mokai River Rally event and advised them they needed to apply for a special use permit to have any kind of event on the river and they need to get in touch with Pennsylvania Fish and Boat Commission to see what their requirements are. McGuinness said the Park Service will be paying attention to this issue.

Soete said that John McKay brought a photo of a new home construction site down on Crawford Road in the Town of Tusten to the June 19th WU/RM meeting. He was concerned whether the clearing met the town regulations and the River Management Plan. Don Hamilton of the NPS followed up on it with the Tusten Code Enforcement Officer and found out it does meet the regulations.

Peckham told McGuinness that liveries are using the Lordville fishing access as a boat ramp. He asked if the Park Service has any ability to patrol that. He stated that as soon as you go across the Lordville Bridge, you immediately go onto the railroad tracks and he has seen buses park on the tracks to let kids out since the area gets so crowded. McGuinness said the NYS DEC has proposed to make that access bigger and to open it up. He told them to bring the project to the UDC for review.

Public Comment: None

Adjournment: A motion by Roeder seconded by Peckham to adjourn the meeting at 9:11 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 7/3/12