

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
September 25, 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: Travis O'Dell

The UDC's Project Review Committee held its monthly meeting on Tuesday, September 25, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:31 p.m. A motion by Rajs seconded by Roeder to approve the August 28 and September 11 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 said that he did not have any updates on the bridge, and asked if any members had any updates. No updates were reported.

Sullivan County Emergency Communications System Upgrade Update: Soete referenced a Sept. 14th article from the *Sullivan County Democrat* that stated "In concert with consultant Blue Wing, Inc. and utilizing 18 months of research and surveys, county leaders have chosen an upgrade plan that will cost \$9.1 million, including four additional towers in Callicoon, Narrowsburg, Pond Eddy and Monticello, to supplement the existing (and to-be-upgraded) towers in Wurtsboro, Eldred, Liberty, Grahamsville and Tennesse Lake. Public Safety Commissioner Dick Martinkovic said the new towers would help eliminate dead zones where current radios simply can't get a signal." Soete noted this is something that Council should continue to follow up on.

Johnston & Rhodes Bluestone Company (Manchester Township): Soete asked McGuinness if he had any updates on this issue. McGuinness said no. Soete then asked if there was any update on the NYS DEC investigation of the illegal fish hatchery on Big Island in the Town of Delaware. McGuinness said no.

Proposed major PJM Mid-Atlantic power lines update: Soete stated that in reference to the Susquehanna to Roseland transmission line, the one that is supposed to go through the Delaware Water Gap, an article on the 9/6/12 *Wayne Pike News* website stated, "The National Park Service released the final Environmental Impact Statement for the Susquehanna-Roseland Transmission Line right-of way and special use permit for public review." Discussion about the proposed Tennessee Gas Pipeline pipeline also took place and Soete noted they do not intend to use the existing right-of-way, they are looking into a seven-mile loop. Peckham said people will not be happy with that as they will be going through much private land as opposed to going through public property. McGuinness noted that it is not public land, it is a National Park. He added that National Parks are taken off public land record and are now reservations. Congress then dictates what happens on these reservations. He added that these lands are set aside for certain purposes where public lands are still available for multiple use.

Holbert Bros. Bluestone update: Soete reported that he received an e-mail from a member of Save Lackawaxen who informed him they are still waiting to hear back on their June hearing on the Holbert Quarry. McGuinness said he has not heard from PA DEP since the last time that he spoke to them.

Natural Gas Leasing/Drilling in the Region update: Soete noted there is a lot of new information in his report and said that the most recent is from a 9/24/12 *Reuters* article that states, "A federal judge in Brooklyn dismissed a lawsuit on Monday brought by New York state and environmental groups challenging proposed natural gas drilling in the Delaware River basin. U.S. District Judge Nicholas

Garaufis threw out the action on procedural grounds, saying there was no basis for the lawsuit since the regulation it sought to halt had not yet been finalized. The Court concludes that this dispute is not currently fit for judicial review,” Garaufis wrote. “The harms that plaintiffs ultimately are concerned about are speculative, and rely on a chain of inferences that may never come to pass.”

Upper Delaware River Roundtable update: Soete reported that the next Roundtable meeting is scheduled for October 4th from 1 pm to 4:30 pm at the Tusten Town Hall in Narrowsburg. The topic will be the Upper Delaware River Corridor Local Waterfront Revitalization project, reviewing what’s next up for the project and how it intersects with a proposed greenway on the PA side in Wayne and Pike counties.

Town of Delaware Proposed Zoning Law and Zoning Map Changes update: Soete asked Roeder if there was anything new. Roeder believes the town is waiting for Sullivan County to complete maps, but that the town is about done with its part.

Lackawaxen Township Proposed Zoning Ordinance Amendments update: Soete said that the township expressed appreciation for the Council’s comments, but he has not heard if they are moving forward.

Shohola Township Proposed Zoning Ordinance Rewrite update: On September 20th, Shohola UDC Alternate George J. Fluhr called Soete to say that the Shohola Township Planning Board invited Fluhr to their next meeting that evening to explain why a Delaware River Overlay zoning district is needed. Soete noted that there is a movement to make the Zoning Law less conservation, and more job-oriented. Fluhr said there is a recognition that there are an awful lot of people in the township who are out of work and the supervisors are looking for ways to make it easier for businesses to grow. Soete noted that just a small portion of the township is in the river corridor and Fluhr added that in general, the river corridor is pretty well protected because of the type of property it is and because of the people who own it. Soete said it is still good to have the zoning to back it up. Fluhr was asked what kind of business. Fluhr said that it is not any particular business, they are just looking to make the ordinances a little bit less restrictive to make it easier for people who want to start businesses to not have too many things to worry about.

West of Hudson Hydroelectric Project: Soete said it does seem like the Cannonsville proposal is moving along. He noted that Carla Hahn is doing some research on this issue. Soete said that an August 13 letter from the North Delaware River Watershed Conservancy to FERC supports the hydroelectric project, but expresses environmental concerns regarding impacts on flooding and adjustments to the Flow Management Plan during construction. They contend that further study is needed. Soete feels the UDC WU/RM Committee should look at this issue.

Town of Tusten Zoning Law update: The Town of Tusten has applied for a UDC FY 2013 TAG to “Finish Town’s Zoning Law re-write and put in binders and on CDs.”

Simon Arscott variance request – Town of Lumberland: Soete said the UDC did comments on this request for a couple of area variances. He reported that on September 24th, the UDC did receive a copy of the Town of Lumberland Zoning Board of Appeal’s August 21 decision granting the area variances. A copy of the decision was provided in members’ packets. The decision did include the UDC’s suggestions.

River Road, Damascus PA construction: Soete said in reference to the new driveway/river access being constructed on the Delaware River side of River Road and the intersection of Maccubbins Road in Damascus Township, as of September 25th, the Wayne Conservation District has still not heard from PennDOT whether a state highway occupancy permit is required. McGuinness stated that he does not know if the road is intended for use by vehicles.

National Park Service Stormwater Filtration System installation demonstration: On September 6th the National Park Service invited partners and local businesses to observe installation of a stormwater filtration system at the NPS Headquarters Office. According to a NPS press release, “Stormwater runoff can significantly threaten and impair the health and enjoyment of our nation’s water resources, natural habitats and scenic beauty, and we want to be a leader in finding affordable ways to reduce that impact”, said Superintendent Sean McGuinness. “The system is designed to be installed into existing roadside drains

(commonly called catch basins). Located just below the grate, they capture and filter the water as it leaves the surrounding surfaces, thereby reducing source pollution. 'We were surprised at the elegant simplicity of the system', said McGuinness. This application can be included in projects with a minimum investment. The cost of maintenance is also very low, involving occasional vacuuming and geotextile bag replacement. 'Stormwater filtration systems also assist municipalities, agencies, storm water managers and contractors in meeting the Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) Phase II storm water regulations regarding runoff from new construction site activities', according to the manufacturer. For more information, contact Chief of Maintenance Pat Connolly at 570-729-7137." Soete attended the event and took photos that he gave to the NPS on a DVD.

Lackawaxen River livery issue: Soete noted that the old Threshman property along the Towpath, ca. 6 miles up from the Rowland Café, is now currently owned by Dave Jones of Kittatinny Canoes and they want to use it as a livery. He said an e-mail from the Lackawaxen River Conservancy stated that the township has been lax in enforcing the ordinance that forbids commercial liveries on the Lackawaxen River. Ramie questioned how it is that Dimitri Zaimis of Two Rivers Junction rents boats on the Lackawaxen River. Soete was not sure but believes he may have been established before the zoning was put in place. Fluhr asked if this is the kind of thing that the UDC should not get involved in. Ramie said she felt that Soete was just bringing it up for informational reasons and it is not an action item. Soete confirmed that he mentioned it just for awareness purposes.

Shohola Township Nuisance Ordinance: A Public Notice in the 8/30/12 issue of the *Pike County Dispatch* states that on 8/9/12 following a public hearing, Shohola Township enacted Ordinance No. 74, entitled "The Shohola Township Nuisance Ordinance." The Ordinance regulates the following (in summary): Junk, dangerous properties, structures, and building, burning, noise, vehicles, animals, debris and odors, and abatement of other activities and property conditions which constitute public nuisances, and proscribing penalties for violations and related procedures. The Ordinance may be reviewed, or a copy obtained (for a fee reflecting the cost of copying) at the Township building. Fluhr noted that all of Shohola's ordinances are now on the township's website thanks to a grant they received last year.

Westfall Township Zoning Ordinance: A Public Notice in the 9/13/12 issue of the *Pike County Dispatch* states that the Westfall Township Board of Supervisors will hold a special meeting on Wednesday, September 26, 2012 at 7 p.m. for the purpose of considering an amendment to the Westfall Township Zoning Ordinance. Peckham asked what the amendment is. Soete said he does not know, but plans on calling to find out. He noted that quite often, these amendments do not affect the river corridor. Discussion took place about the potential tax that may be imposed in Westfall Township on liveries and fireworks.

Soete said that the other items in his Discussion Items Report are ongoing or not much has happened during the past month.

A brief discussion about Soete's files being current on his computer took place. Soete noted that he would be available for informal consultation after his retirement if there were any questions about his system. Richardson thanked Soete for all his work and Rajszyk noted that he will be missed.

Old Business

Use of the 1988 Project Review Workbook: Richardson noted that due to the time, review of the workbook would be deferred to next month's meeting.

Other: None

New Business

Draft Resolution 2012-10: Approve Technical Assistance Grants for FY 2013: Ramie noted that what this committee is doing is approving sending this resolution to the full Council on October 4th. Peckham asked what the Addendums A and B for the County of Sullivan provided in members' packets were for. Soete said they had been asked to re-do their TAG budget proposal as full funding was not being

considered to ensure that the project would move forward and be completed within the designated time frame. A motion to forward the resolution to the full Council was made by Roeder, seconded by Fluhr and carried unanimously.

Other: McGuinness stated he had a conversation with Chief Ranger Hinkes and discussed putting together some information concerning the inconsistent recreation policies for both the New York and Pennsylvania sides of the river. He said there are issues coming up about different regulations for each side of the river and he stated that he would like to move for a more consistent recreational experience. He will bring the information back to the Council and then he would like to discuss ways to get Pennsylvania and New York to be more consistent on the public recreating and using the river. Soete suggested also bringing this issue to the WU/RM Committee. McGuinness said the Park Service is also working with the Pennsylvania Fish and Boat Commission and the NYS DEC in order to establish some consistency on fishing guide requirements on the Delaware. Peckham said it would be helpful for the two states to establish the same regulations. McGuinness said that would be a great recommendation to come from the Council. He added that the River Management Plan calls for the managing of recreation. He feels this is a positive issue that perhaps everyone could "get behind", and we need a few of those. Richardson said that it could be as simple as honoring the other state's license. McGuinness said again that he would like to move towards a more consistent recreation experience for our visitors and others. Soete believes we asked for this in the past, but were declined as the state needed the funds generated from the licensing. Fluhr commented that there is no place on this entire river from Hancock to Cherry Island where you can legally access the river for wading or swimming. Richardson said this has been discussed over the years and it is a real issue.

Public Comment: None

Adjournment: A motion by Peckham seconded by Roeder to adjourn the meeting at 9:10 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 10/1/12