

Upper Delaware Council  
PROJECT REVIEW COMMITTEE MEETING MINUTES  
October 23, 2012

Committee Members Present: Larry Richardson, Nadia Rajsz, Harold Roeder, Jr., George Fluhr,  
Debra Conway, Fred Peckham  
Committee Members Absent: None  
NPS Partner: Carla Hahn  
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell  
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, October 23, 2012 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:25 p.m. A motion by Rajsz seconded by Roeder to approve the September 25 meeting minutes was carried. An acknowledgment of the death of Noel van Swol took place. There was no public comment on the agenda.

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

**Town of Hancock:** O'Dell noted that he intends to initiate substantial conformance reviews beginning with the Town of Hancock as a practical way of learning the review process and accomplishing a long-term goal of the Project Review work plan. Some of the members questioned starting with that town. Ramie explained that Hancock is the town that remains to be done so we are committed to doing it. Hahn added that it may not be accomplished easily as the town has ordinances, but does not have zoning in place. Hahn noted that the Park Service has spent a lot of time getting their substantial conformance files in order and as up-to-date as possible. There is still some information that they need from Berlin and Manchester townships. The purpose of this project is to gather as much information about zoning and ordinances to have it all in one place. Richardson said that the UDC is charged with reviewing the Town of Hancock and it has been put off for quite some time. Ramie said there is no negative consequence to being declared "not in substantial conformance" and it will be a great opportunity for O'Dell to go through the Project Review workbook and use it. Ramie said that at the end of the process, a letter could be sent presenting our recommendations as to how the town could be in substantial conformance and she feels that itself could be helpful. Fluhr stated it is his opinion that we need to be extremely diplomatic in our approach. Hahn told O'Dell that there are many towns that had been reviewed for substantial conformance in the past and have subsequently had many ordinance changes that have not been reviewed. She said she is telling him this so that he can decide if he wants to take a comprehensive look at where the records are and then figure out how he would like to proceed. Richardson suggested a meeting with the Town of Hancock Supervisor before this review begins. Conway asked if Hancock needs to be reviewed first. Richardson said that they have never been reviewed and the Council has been remiss on this. He added it is our obligation and has been listed in work plan after work plan.

**Town of Highland:** O'Dell reported that on October 5, 2012, a Notice of Claim was filed by the Highland Field & Stream Club, Inc. against the Town of Highland and its elected officials. The Notice of Claim is a precursor to legal action against the Town of Highland and its elected officials for conflicts between the town board and the Highland Field & Stream Club, Inc. It alleges the Town of Highland violated the constitutional rights of the Highland Field & Stream Club, Inc. by depriving the Highland Field & Stream Club, Inc. of its mineral rights without proper compensation when the town passed Local Law 3 on July 10, 2012, banning gas drilling. Additional causes of action are also pled in the Notice of Claim filed with the Town of Highland Clerk on October 5, 2012 by Brian Troy, Esq., attorney for the Highland Field & Stream Club, Inc. Richardson stated that because New York State has not even said if they will allow drilling in the state, he wonders if the court may not look at the case until after the regulations are in place.

**Johnston & Rhodes Bluestone Company (Manchester Township):** O'Dell said that on October 19, 2012, Len Grover of the Wayne Conservation District wrote to him that on "Tuesday, October 9<sup>th</sup>", Carl Deluca at DEP's Northeast Regional Office (NERO) in Wilkes Barre, mentioned that a permit application

for the Petersen quarry had been delivered to that office. He had not looked at it yet and would contact Wayne CD when he did as we are responsible for E&S review. The DEP reviews the Post Construction Stormwater Management component. We have not seen the plan yet. I can advise you when it comes in.”

**Proposed major PJM mid-Atlantic power lines update:** O’Dell noted that on October 2, 2012, PPL Electric Utilities updated that Susquehanna-Roseland line received final federal approval. See [www.pplreliablepower.com/projectupdates](http://www.pplreliablepower.com/projectupdates) for more information. He noted that construction is underway; key grid reinforcement to be in service by June 2015.

**Holbert Bros. Bluestone update:** O’Dell reported that on October 19, 2012, the UDC obtained a copy of a September 28, 2012 court decision in the case of Save Lackawaxen vs Lackawaxen Township Board of Supervisors and the Holbert Brothers Bluestone Company denying the neighbors’ Land Use Appeal. A copy was provided in members’ packets.

**Natural Gas Leasing/Drilling in the Region update:** O’Dell said the Town of Delaware has established a Gas Drilling Commission. Meetings are open to the public and the next will be held on October 29<sup>th</sup>, 2012 at 5:30 p.m. at the Hortonville Firehouse. Roeder said the commission was to have met October 22<sup>nd</sup>, but had not advertised within the necessary time frame. He is unsure if there will be enough time to advertise for the October 29 meeting either.

O’Dell said that on October 22<sup>nd</sup>, he and Ramie participated in the NPS Marcellus Shale conference call. He covered the agenda items that were discussed and listed in his written report. The first was the recent court ruling on the NY Attorney General case vs. the Army Corps of Engineers. The Court found that there had been a waiver of sovereign immunity, but that, as the proposed regulations had not yet been issued, the issue was not ripe, and the plaintiffs lacked the requisite injury-in-fact to establish standing. The new proposed PA DEP regulations on the Permit Guarantee Policy and the Penn State Marcellus Shale Summit were also discussed. O’Dell said that another level of shale 3,000 feet above Marcellus was mentioned; the formation is called the Rheinstreet. O’Dell said he requested the website link for the presentations made at the conference and he awaits a reply.

**Town of Delaware:** O’Dell noted that on October 19, 2012, the Town of Delaware posted a Legal Notice on their website, “A Public Hearing has been scheduled for the zoning Board of Appeals on October 25, 2012 at 7:30 p.m. at the Town Municipal Building, 104 Main Street, Hortonville, NY for the purpose of an area variance on River Road: Friedland, SBL: 9.-1-9.1.” O’Dell said he plans to attend this hearing in part to establish a relationship with the Zoning Board as well as to determine any potential impacts of the area variance. O’Dell asked Roeder if he knew anything about this. Roeder shared the details of a project in the Town of Delaware, but is not sure if it is the one referred to in the Notice.

O’Dell reported that the Towns of Cohecton, Tusten, Delaware, and Highland are all considering enacting local road use and preservation laws as part of the outcome of the Multi-municipal Gas Drilling Task Force. Rajszyk commented that there are many more towns than that considering this law. Peckham noted that the UDC had given grant money for this project for the towns. He added it is a model being used all over the state now. Richardson said it was interesting to hear that towns upstate have already enacted this law and it all came out of the initiative down here. He added it was proposed to be a template. The towns that have scheduled upcoming public meetings were listed in O’Dell’s written report. Rajszyk noted that none of the towns can approve or enact the law until they receive the findings.

O’Dell said that he read on October 23 a public notice for the Town of Highland for a proposed subdivision on Woods Road in Barryville, NY. He said that Woods Road runs in and out of the corridor. It is a parcel of over 100 acres that the owner is proposing to subdivide into three parcels. Richardson asked if the Council has sets of county tax maps. O’Dell said not that he has found. Rajszyk said that Sullivan County has sets of maps and they are not that expensive. Peckham said that some of these maps are available on-line. O’Dell noted that it is hard to determine if a project is in the corridor or not by reading the notice. Richardson wondered if the tax maps are available digitally. Rajszyk suggested calling the Real Property Tax office. Hahn said that the Park Service is working on a Google Earth map that will have an overlay of the river corridor and the towns and townships on it. She said they are also working on converting the forms in the Project Review Workbook so that they can be available on-line as a fillable form. She said she feels it

would be beneficial to know the GPS coordinates of any projects if that information is available. Peckham believes that GPS is becoming more common.

### **Old Business**

**Status of FY 2013 TAG Contracts:** O'Dell said he has received signed contracts back from the Towns of Cochection, Lumberland, Tusten, Deerpark, Fremont, Delaware, and Damascus Township. We await contracts from Sullivan County and Pike County. Ramie noted that Odell prepared the nine TAG contracts as they had been approved during our time of staff transition. She said that O'Dell will be the administrator of the program.

**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**

**Letter of Support: Equinunk Watershed Alliance Grant Application:** Ramie noted that this letter was supposed to have come up at the October 16 WU/RM Committee meeting, but there was no quorum at that meeting. She said she felt that Project Review would be appropriate as well. Ramie said that John Fletcher, the Alliance president, asked the UDC to write a letter. They have applied for a \$6,000 planning grant from the Coldwater Heritage Partnership to facilitate the identification of potential issues and opportunities associated with its stream conservation efforts for Equinunk and Factory Creeks. Peckham said he would have to recuse himself as he is on the Alliance Board of Directors. Fluhr asked if this was Damascus Township. Peckham said no, Buckingham and Manchester townships. Ramie said she had included both township Board of Supervisor's chairs on the Cc list to let them know that the Council does provide assistance like this. After a brief discussion, a motion to forward the letter of support to the full Council was made by Rajsz, seconded by Conway and carried with Peckham abstaining. Fluhr suggested that in order to cement relationships with the participating towns and townships, some letters of support should be discussed with local officials in order to avoid any potential conflicts. It was noted that Buckingham and Manchester, however, are not participating townships.

**Other:** Ramie said a couple of handouts were included in members' packets for informational purposes. There is to be a meeting of the Port Jervis Whitewater Park Committee on Thursday, October 25, in Port Jervis at 6:30 p.m. The engineer for the project will be there to answer any questions from the public. O'Dell said the second handout is a letter that he wrote and sent out introducing himself to the town and township supervisors and planning and zoning board chairpersons. He said that it is his intention to work with the towns and townships on substantial conformance and any other issues that may arise.

**Public Comment:** None

**Adjournment:** A motion by Roeder seconded by Rajsz to adjourn the meeting at 9:13 p.m. was carried unanimously.