

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
January 28, 2014

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Debra Conway, George Fluhr,
Fred Peckham, Nadia Rajsz
Committee Members Absent: Jeff Dexter
NPS Partner: Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: Susan Sullivan, David Dean, Andy Boyar (6:38p.m.)

The UDC's Project Review Committee held its monthly meeting on Tuesday, January 28, 2014 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 6:30 p.m.

Election of Chairperson and Vice-Chairperson: Current Chairperson Richardson called for nominations. A motion to re-nominate Richardson as Chairperson was made by Rajsz and seconded by Conway. Richardson was elected by a voice vote. A motion to nominate Conway as Vice-Chairperson was made by Rajsz and seconded by Richardson. Conway was elected by a voice vote.

A motion to approve the December 18th meeting minutes was made by Rajsz, seconded by Conway and carried. There was no public comment on the agenda.

Richardson noted that he attended the SEQR conference held on January 15th at which T. O'Dell offered a presentation about the Upper Delaware Council. He said O'Dell did a "really good job with the presentation." He feels this is the program that the UDC may want to take "on the road" to our member towns and townships.

Discussion Items Report

Project Review Update

Town of Delaware: T. O'Dell reported that on January 20th, the UDC received a variance report form for 452 River Road, Callicoon. The variance is for a side yard setback to replace a dilapidated garage on a 20.5' x 20.5' footprint with a proposed 28' x 24' garage. The side yard setback is currently grandfathered in at 10'; current zoning code requires a 50' setback. A public hearing is scheduled for February 20, 2014. O'Dell said that he does not see any problems with this request. Richardson asked O'Dell how he found out about the project. O'Dell told him the Town of Delaware sent the paperwork to him. Richardson suggested sending a note thanking them for voluntarily sending it to us. O'Dell said the towns sending their projects to us is how the process is supposed to work. After a brief discussion, T. O'Dell said he will write a letter to the Town of Delaware noting there were no objections to this project.

Town of Highland: T. O'Dell noted that in the January 28 edition of the *Sullivan County Democrat*, legal notices announced that the Town Board will hold two public hearings on February 11th regarding two local laws affecting the Town's zoning map. Boyar said in a separate matter, the Town of Highland planners are considering zoning changes that would allow a facility to open at a former camp site and he explained the proposed zoning map changes.

A lengthy discussion about zoning changes and the effects on the river corridor boundaries took place. Hahn said she has been trying to get river corridor boundary information onto a map for a while. She noted it has been worked on and this information does exist in draft format. She suggested that the Council request copies of these maps. The NYS DEC's new mapper program was talked about. Boyar said it is a great resource. O'Dell said the mapper program is a good tool, but it is not regulatory. He noted there is an opportunity to get the corridor on those maps.

A discussion took place about the river corridor boundary line. Richardson said the Park Service has always maintained that it is defined to the point that they can go out and put a line on the ground. Peckham wondered why a survey has never been done. Richardson suggested money may be a factor and

T. O'Dell commented that the property is privately owned. Hahn stated the definition of how the boundary was formed is in the River Management Plan. She added that current definition is "direct run-off into the Delaware River if you're standing on the hilltop."

Damascus Township: T. O'Dell said that on January 17 he, NPS Superintendent McGuinness, Hahn, Ramie, UDC representatives from Damascus, Berlin and Tusten, and Malcolm Wilbur attended an in-house meeting with Verizon Wireless consultants Greg Ritter, Rich Rusnok, Jason Egal, and Duncan Masemore. The meeting was held at the request of the Verizon representatives to discuss possible options to mitigate the effects of the two proposed towers in Damascus Township. Options discussed included subsidizing a comprehensive viewshed analysis of the entire corridor, sponsoring a workshop, and developing a plan for the optimum location of future towers to service the corridor. Additionally, there was a request to perform another balloon test at the Narrowsburg site due to weather complications on the recent attempt, and to provide a speaker at the UDC communication tower workshop. Verizon representatives stated that the discussed options were reasonable, but would require concurrence from the UDC and NPS that the two proposed towers will have no significant impact to the resource. Richardson stated he does not see how we can say they are not an impact; they certainly are an impact. Peckham said that the proposed towers are incompatible uses according to the River Management Plan. Discussion about locating cell towers and the cell tower workshop took place. O'Dell said he can write a letter to Verizon stating that it may behoove them to provide a presenter at our workshop, but that the towers are still an incompatible use.

The proposed towers currently have conditional use approval from the Township. The land development plans were said to be on track for submission to the Township in the near future. One major condition that the Township attached to the towers was that they must be able to provide voice coverage, which currently the technology to provide voice is not available. Once a building permit is issued, construction generally takes 45-60 days. PA Chapter 30 initiative sets a December 2015 deadline for broadband towers to be in-service.

Discussion took place regarding the process to make changes to the River Management Plan. Dean commented that if there is a way to put these towers in less conspicuous places; those places should be entertained. He added that most people want cell service and he thinks we should be reasonable about this and try to strike some common ground.

Sullivan said she was in attendance at the meeting with the Verizon representatives and she felt they were very dismissive about the idea of co-location, but she does not think that we should be. She spoke of towers being put up on both sides of the river in close proximity to each other.

Hahn said that in the St. Croix National Scenic Riverway region, their council requested communities to enforce a moratorium until they were able to work through the issues.

Dean suggested that towns and townships seek to have cell towers located on public grounds, so that income comes to the municipality.

O'Dell asked the committee for direction with the issue at hand. Members agreed that they are an incompatible use. Hahn noted that the Project Review Handbook contains the information for working through an issue like this. The process was discussed. Fluhr questioned what the responsibility of the Project Review Committee is at this point. He was told that according to procedure, the committee has the responsibility to work through the issue with the township. From there, a recommendation would go to the full Council and they have the option to work through it. All this happens before any recommendation goes to the National Park Service.

Peckham said the Council has been talking about a comprehensive plan for cell towers for years and that it is time to stop talking about it, and do something about it.

Richardson suggested that the committee review the checklist. He noted that the cell towers are not a compatible use as presented. He wonders if the UDC should sit down with the township to discuss ways of mitigating the impact of the proposed towers. O'Dell spoke of the zoning where the proposed towers are to be located stating they would be within the federally designated boundary. Members discussed the towers being located outside of the boundary and the need for putting a comprehensive plan in place. T. O'Dell said he will continue to negotiate with the township to try to resolve the issues.

Lackawaxen Township: T. O'Dell reported that a conditional use application was submitted to the Township and forwarded to the UDC for the purpose of a single family residence. Single family residences are permitted uses in the district, however because the house will be visible from the Delaware River, it requires a conditional use permit under the Township's zoning. The proposed action is consistent with the

Land and Water Use Guidelines. The Design Handbook was discussed. A draft letter is enclosed in member's packets for approval under new business. Ramie reiterated that the project form was independently submitted to us. She is encouraged our process is working.

Westfall Township: T. O'Dell stated that in December 2012, Westfall supervisors adopted a 1 percent tax on entertainment which was to include canoe liveries. An article in the January 14 *Times Herald Record* reported that a judge recently ruled, and permanently blocked, the tax from being applied to canoe rentals.

PA DEP: The Pennsylvania Department of Environmental Protection's proposed Chapter 78 oil and gas regulation comment period has been extended till March 14, 2014. A comment letter will be discussed under new business, O'Dell noted.

Communication Tower Workshop: The tentative date for the workshop is Saturday, March 29, from 9 a.m. – 12 p.m. at the Tusten Town Hall. There is one speaker committed and O'Dell said he continues to solicit others.

TAG Update:

T. O'Dell reported that mid-term progress reports are due February 28. He asked members to remind their town or township. The forms are available at www.upperdelawarecouncil.org.

Training:

T. O'Dell noted that on January 15, he presented on the UDC's project review procedure and gave a brief overview of the UDC at the Sullivan County Partnership for Economic Development sponsored training for New York SEQRA changes. A summary of the event was provided in member's packets. Ramie commented that O'Dell really did a fabulous job and noted he put a lot of work into the presentation. Conway asked if the presentation scheduled for the February 6 full Council meeting is the findings of the Town of Hancock's TAG project. O'Dell told her yes. Ramie noted they have not submitted their project completion form, but they have until August to do so.

New Business

Draft Letter: Comments on PA Chapter 78 Regulations: T. O'Dell stated that the comment review deadline has been extended so the Council does have more time to act on this if necessary. Members reviewed the letter. Hahn suggested changing the sentence "We believe this should be expanded to include both scenic and recreational rivers or any river included in the Wild and Scenic Rivers System" under **Section 78.15 (f) and (g)** to "We believe this should include any unit of the National Wild and Scenic Rivers System". After brief discussion on some of the other comments, a motion to forward the letter with the suggested change to the full Council was made by Rajs, seconded by Conway and carried with Peckham abstaining.

Draft Letter to Lackawaxen Township: Conditional Use Application: T. O'Dell said the letter thanks the township for submitting the project and advises them that the proposed single family dwelling is a compatible principle use in the proposed location and is consistent with the Land and Water Use Guidelines. A motion to send the letter was made by Rajs, seconded by Conway and carried unanimously.

Other: None

Old Business

January 15 SEQRA Training Report: T. O'Dell stated there is a summary in members' packets.

Cell Tower Workshop Update: This topic had been addressed during O'Dell's Discussion Items Report.

Use of 1988 Project Review Workbook: The consensus of the committee was to table this review until next month due to the time.

Other: Hahn made the suggestion that T. O'Dell offer his presentation on the UDC's project review procedure at a full Council meeting. Richardson reiterated that O'Dell's presentation is what he feels should be "taken on the road" to our participating towns and townships. Peckham suggested having the presentation at the March full Council meeting. Dean suggested inviting the chairs of the planning boards for a presentation. O'Dell commented that he likes Dean's idea of inviting the planning board chairs here for the presentation as traveling to all the municipalities, if staff time is only counted at the meeting, is not the best use of his personal time. Richardson commented that if the Council sends O'Dell on the road, he would expect that he would be compensated for travel time. He added that the best way to reach these planning boards is to go to them. Rajsz agreed that O'Dell is on the clock when he is traveling and would receive mileage expense as well. Fluhr suggested reaching out to these boards in advance to be sure of his spot on the agenda in the event there is lengthy business to be tended to. Richardson said he would suggest that the presentation be a joint one for the planning boards, zoning boards, and any other town board members that may want to attend. Discussion took place about extending invitations to the chairman of each municipality's planning and zoning boards when the presentation takes place at a full Council meeting. Dean said that by "bouncing it" off the chairs, we could find out if they feel it would be beneficial to go to their town or township to present it to their entire board.

Public Comment: None

Adjournment: A motion by Rajsz, seconded by Roeder to adjourn the meeting at 7:53 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 2/4/14