

Upper Delaware Council  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**March 24, 2015**

Committee Members Present: Larry Richardson (7:05p.m.), Fred Peckham, Nadia Rajsz (7:05 p.m.), Jeff Dexter, David Dean, Harold Roeder, Jr., Alan Henry, Debra Conway  
Committee Members Absent: Susan Sullivan  
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, March 24, 2015 at the Council office in Narrowsburg, NY. Vice-chairperson Debra Conway called the meeting to order at 6:40 p.m. Chairperson Richardson conducted the meeting upon his arrival.

A motion to approve the February 24 meeting minutes was made by Peckham, seconded by Henry and carried. There was no public comment on the agenda.

**Discussion Items Report**

**Project Review Update**

**Millennium Pipeline:** T. O'Dell reported that an article in the March 18<sup>th</sup> edition of the *Hancock Herald* stated that Millennium Pipeline Co. is seeking new customers. The company would like to expand capacity on the pipeline between Corning, N.Y. and Ramapo, N.Y. and is holding an "Open Season" seeking customers to support the expansion. The anticipated new expansion would be in service as early as November 1, 2017.

**Town of Highland:** O'Dell said he received the plans for the River Market on March 12<sup>th</sup>. The application didn't include a proposed mini golf course, only a site plan to reconfigure their parking lot to a total of 3,120 sq. feet and 25-26 spaces. Conway noted she believes the objective of this project is to have a single entry and exit for NYS Route 97 so drivers don't have to back out onto that road. O'Dell stated that the Town is also considering a revision to Section 190-10 of the Town Code for Supplementary parking regulations in all districts. The proposal is to add a definition "Publicly Accessible Floor Space", and delete the requirement for 2 spaces per 200 square feet of floor area and insert 1 space per 200 square feet of publicly accessible floor space. A public hearing is scheduled for April 14, 2015 and the Town board has requested the UDC's opinion. O'Dell noted that the Land and Water Use Guidelines have no specific provisions for parking standards but do recommend no more than 12,000 square feet of impervious surface per equivalent dwelling unit and encourage sound landscaping management practices. O'Dell read a letter from Charles Petersheim sent to UDC members individually regarding the proposed zoning change. A brief discussion about the proposed Dollar General Store in the Town of Highland took place. Peckham questioned if the proposed Dollar General store is in the corridor. O'Dell said it is not, but the zoning change for parking would be town wide. Members shared various ideas about responding to the Town's request for the UDC's opinion on the proposed zoning change. Peckham made a motion to have O'Dell contact the Town of Highland either via letter, email or phone call, to request clarification of their request. The motion was seconded by Henry and carried. Peckham asked if T. O'Dell could share the information he receives with the committee. Members discussed the Land and Water Use Guideline noted in O'Dell's Discussion Items Report. As a result of the discussion, Peckham withdrew his original motion. Dean made a motion for a comment letter to be sent to the Town of Highland on the proposed revision to the Town Code for Supplementary Parking Regulations which quotes the related Land and Water Use Guidelines reference for the river corridor. The motion was seconded by Henry and carried.

**Shohola Township:** O'Dell said he attended a Shohola Township meeting on March 12<sup>th</sup>. The Township is currently in the midst of a zoning change and was seeking public feedback regarding the proposed changes. The Township is trying to expand business opportunities by expanding their General Commercial (GC)

zoning district. This proposed change would affect a small portion of the river corridor in the hamlet of Shohola by changing a parcel that is in the Rural Development (RD) district and putting it in the GC district. O'Dell noted that there are a number of uses that are allowed in the General Commercial district that are incompatible in the river corridor such as landfills. He noted this proposed zoning change has not gone to the public hearing stage yet. He suggested how these incompatible uses in the corridor could be addressed should the zoning be changed. Richardson questioned if the UDC should comment on this proposal. After a brief discussion, members agreed they should comment on the proposed change, but determined there is time to work on this. Richardson suggested O'Dell continue to monitor the proposed zoning revision to expand the GC Zoning District and prepare a UDC comment letter when appropriate.

**Masthope Sewage Discharge:** O'Dell stated that the National Park Service met with Aqua PA on March 13 to discuss the Masthope Mountain Community sewage issue. A representative from Aqua PA is tentatively scheduled to address the Council at the June 4 meeting. Richardson questioned if we have received a response from our January 8 letter to the PA DEP. O'Dell said we have not.

**Pond Eddy Bridge:** O'Dell said there was a comment letter to PennDOT regarding the Pond Eddy Bridge Replacement Project Section 7 Authorization and Aid to Navigation Boater Safety Plan circulated for review in advance of the meeting. This letter will be addressed under New Business.

**Oil Trains:** O'Dell noted a letter to NYSW Railway/Central New York Railroad regarding the transportation of hazardous material through the Upper Delaware Corridor was circulated for review in advance of the meeting. This letter will be addressed under New Business.

**Enforcement Programs:** O'Dell said that page 47 of the River Management Plan states that "The Council, therefore, shall make an annual review of each town's enforcement program within the river corridor area, by examining building permits issued, variances granted, and any patterns of ordinances, amendments or project approvals which may have a bearing on the purposes for which the Upper Delaware was designated a Scenic and Recreational River." O'Dell noted there is not currently a mechanism in place to accomplish this. Henry suggested reaching out to all the code enforcement officers in the towns and townships and request that they review their records and provide information on any projects or variances that were approved within the river corridor. O'Dell said he believes this task is calling for the UDC to review whether the towns are enforcing their own zoning. Henry believes the Code Enforcement Officers (CEO) would know if there have been any violations in the river corridor. He said O'Dell could ask them this. Dean questioned what will be done if a violation is discovered. Ramie said a letter explaining the findings would be written and O'Dell explained the process that is to take place. O'Dell suggested that he could put together a form letter to send out to the town and township code enforcement officers requesting the required information. Roeder asked how far we would expect the CEOs to go back. After a brief discussion, it was determined that it would not be unreasonable to request they check back to January 1, 2014. Richardson said the Council needs to rely on the CEOs and their response to accomplish this review as we do not have the staff or the legitimacy to carry it out on our own. Henry said he feels the Council is accomplishing these reviews continuously. O'Dell reiterated that this task calls for the UDC to review whether the towns and townships are enforcing their own zoning. Ramie added that we don't review enforcement at this time. Rajsz questioned if we had ever gotten a response from the Town of Highland to our September 2013 letter regarding the Reber River Trips project. A very lengthy discussion took place concerning the Reber livery in Barryville. Richardson suggested writing another letter to the Town. He added that the committee could offer to sit down with the parties involved and discuss the matter. Henry noted another letter should be sent to the Town. Richardson stated the letter needs to go to the Town because if there is a violation of their code, it is a code enforcement issue and the Town will need to direct the Code Enforcement Officer to take the necessary steps to resolve the issue. Henry suggested consulting with the National Park Service on this issue as Reber is the recipient of a Commercial Use Authorization (CUA) license issued by the NPS. The requirements of those licenses were questioned. Hahn suggested copying NYS DOT on the letter concerning the Reber issue as the property in question is located under the Barryville Bridge.

A motion to initiate the UDC enforcement program by sending letters to the Code Enforcement Officers in the participating towns and townships asking them to furnish information on any projects or variances that were approved within the river corridor since January 1, 2014 and advise whether they remain in compliance with local zoning codes was made by Henry, seconded by Peckham and carried.

A motion to send a second letter to the Town of Highland inquiring about the status and operation of Reber's livery in Barryville, with copies to NYS DOT and NPS, was made by Peckham and seconded by Henry. Ramie said a copy of the first letter could be included with the letter for reference. After a brief discussion, a vote was taken and the motion passed.

Richardson reiterated that he would like to know what the language is for the National Park Service to issue a Commercial Use Authorization license. Henry noted having Heister come in and discuss this is a good approach. A lengthy discussion took place regarding the Reber livery and their operation under the Barryville Bridge. Members decided to request of Heister an explanation of the NPS CUA permitting program at the April 28<sup>th</sup> Project Review Committee meeting and for her to provide maps and documentation relevant to the property where Reber's business is being conducted if possible. Henry noted that a commercial business cannot do business on state owned property. Dean questioned what the ultimate goal is regarding the Reber business. Richardson said the ultimate goal is to encourage them to change the operation in such a way that it complies with the applicable regulations.

#### **TAG Update:**

T. O'Dell noted that he has not received a Mid-term Progress report from the Town of Highland. Those reports were due by February 28<sup>th</sup>. O'Dell was directed to send a notification to the Town that Technical Assistance Grant 2015-02 will be terminated if no mid-term progress report is received within 30 days. O'Dell stated that the final TAG projects are due by August 21, 2015.

#### **New Business:**

**Draft Letter to PennDOT: Pond Eddy Bridge Replacement Project – Section 7 Authorization and Aid to Navigation Boater Safety Plan Comments:** A motion to send this letter to the full Council at the April 2<sup>nd</sup> meeting was made by Henry, seconded by Rajsz and carried.

**Draft Letter to NYSW Railway/Central New York Railroad: Transportation of Hazardous Material through the Upper Delaware Corridor:** Richardson referred to the draft letter in members' packets. He said it was his opinion that the letter should have been "stronger". Several members suggested the references to crude oil and particular train cars be removed. After brief discussion, a motion to send the letter with the suggested changes to the full Council at the April 2<sup>nd</sup> meeting was made by Henry, seconded by Conway and carried. It was suggested that the letter also be copied to U.S. Senator Charles E. (Chuck) Schumer and to the Federal Railroad Administration.

**Other:** Ramie said she inquired about the schedule for the release of New York State's Final SGEIS for High-Volume Hydraulic Fracturing for an article she was working on for the upcoming Spring/Summer edition of the *Upper Delaware* newsletter. She received a response from Tom Mailey, Director of Media for NYS DEC, on March 18<sup>th</sup>. The response read: "DEC is diligently working to complete the SGEIS. At this point, we can't provide a more exact date the SGEIS will be issued. SEQRA does not require that DEC release the FEIS for public comment. However, no sooner than ten days after publication of the notice of completion of the FEIS, DEC Commissioner Joe Martens will issue a Findings Statement. Until the Findings Statement is issued, the moratorium remains in effect."

Ramie said she received a phone call from Iris Helfeld earlier today informing her that she had received responses to the petition drive for the Narrowsburg Bridge from Susan E. Hazelton, P.E., Assistant District Executive from PennDOT and Scott Vergason, P.E. Assistant to the Regional Director, Region 9 of NYS DOT. Ramie read from the PennDOT letter which stated, "The bridge will remain open to bi-directional traffic utilizing one lane controlled with a traffic signal from now through the restoration of the structure. Upon completion of the project, the bridge will be open with no lane or weight restrictions. The design of the rehabilitation of the bridge is ongoing which includes environmental clearances and permitting as well as Right-of-Way acquisitions needed prior to advertising for contractor bids. During the design phase, communications with emergency services and local businesses will continue. During construction, every effort will be made to restrict full bridge closures to the times suggested in your letter. The estimated bid date for the rehabilitation project is October 2016, as presented at the August 2014 public meeting." The letter from the NYS DOT letter stated, "To comment on these complaints specifically, it is our understanding that the Narrowsburg bridge will not be closed during construction except for very short term periods (most likely less than five minutes at a time) to allow the contractor to

move material or equipment or perform activities that would not allow traffic to pass. This is the intent from both the New York State and Pennsylvania Departments of Transportation.” Henry suggesting trying to obtain a statement from PennDOT which states that the bridge will not be closed except for short term periods. Ramie said the UDC or Upper Delaware Scenic Byway have not received responses to their letters. Dexter said that PennDOT notified the Pennsylvania Townships that it was their decision not to close the Narrowsburg bridge during construction.

**Old Business**

**Use of 1988 Project Review Workbook:** Because of the time, members agreed to table review of the Workbook until next month.

**Other:** None

**Public Comment:** None

**Adjournment:** A motion by Rajs, seconded by Peckham to adjourn the meeting at 8:10 p.m. was carried unanimously.

*Minutes prepared by Cindy Odell, 3/27/15*