

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
June 23, 2015

Committee Members Present: Larry Richardson, David Dean, Debra Conway, Alan Henry, Fred Peckham, Harold Roeder, Jr., Susan Sullivan, Steve Adams
Committee Members Absent: Nadia Rajasz, Aaron Robinson, Jeff Dexter
NPS Partner: Kris Heister, Carla Hahn
Staff: Laurie Ramie, Cindy Odell, Travis O'Dell
Guests: None

The UDC's Project Review Committee held its monthly meeting on Tuesday, June 23, 2015 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 8:44 p.m.

A motion to approve the May 26 meeting minutes was made by Henry, seconded by Adams and carried. There was no public comment on the agenda.

Discussion Items Report

Project Review Update

Town of Highland: O'Dell reported that on June 9th, the UDC office received a copy of a letter addressed to the Upper Delaware Scenic Byway from NYS DOT regarding the anticipated replacement of the State Route 97 bridge over Beaver Brook. The anticipated timeline to begin construction is spring 2016 with completion by fall of 2016. More details will be shared as they become available, O'Dell stated.

Town of Lumberland: O'Dell said he was contacted by the Sullivan County Planning Department on June 1st regarding a Special Use permit/site plan review for Morry's Camp Inc. He noted the camp is located within and outside of the corridor boundary. The project is close to the boundary line. This project is to construct a 14' x 24' program barn, a 182' x 75' basketball pavilion, and install a new well. Comment by the UDC was requested by June 2nd. As the project is considered a recreational use, O'Dell said he notified Travis North from the Planning Department that if all State, county, and local laws were adhered to, the project would not represent a clear and direct threat to the Upper Delaware. O'Dell said he clarified that if a project is in question of being located within the corridor, it is better to submit the project to the UDC than not.

NYC DEP: O'Dell noted that Ed Jackson, Chairman of the Town of Tusten Planning Board, shared a copy of a May 20th letter from the New York City Department of Environmental Protection soliciting current and future projects and zoning ordinance amendments that will be completed by 2023 from the New York towns from below the dams to Port Jervis, NY as part of the preparation of the Environmental Impact Statement (EIS) for the eight-month shutdown period to construct the Delaware system bypass tunnel. A copy of the letter was provided in members' packets. A brief discussion regarding the project took place.

Damascus Township: O'Dell reported that on June 16th the Damascus Zoning Hearing Board held a public hearing for a variance application for a property at 69 Tammany Flats. Rd. The variance was for the purpose of a small storage shed in the flood hazard area. According to Code Enforcement Officer Ed Lagarenne, the variance was granted. O'Dell said he advised Lagarenne that the Council is supposed to review such projects.

Lackawaxen Boundary: O'Dell said he participated in a meeting at the National Park Service headquarters on June 8th with Lackawaxen Township Supervisor Krochta, Township Secretary James, Code Enforcement Officer Dolan, and UPDE Superintendent Heister regarding the corridor boundary discrepancy in Lackawaxen depicted in the River Management Plan (RMP). The consensus was to approve the boundary depicted on page 5 of 8 in the Final RMP. The Township adopted a resolution to the effect on June 17th. A UDC Resolution will be taken up under New Business, O'Dell noted.

Pond Eddy Bridge: On June 2, 2015 the UDC received a summary document of agency comments for the Pond Eddy Bridge replacement bridge from Paul DeAngelo of Skelly and Loy, Inc., O'Dell noted. Commenting agencies included the U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection, New York State Department of Environmental Conservation, National Park Service, Pennsylvania Fish & Boat Commission, UDC, United States Fish & Wildlife Service, and the DRBC. Heister said a follow up meeting took place to discuss some concerns with a proposed geo-cell system and the possibility of leaving part of an abutment of the old bridge.

Enforcement Programs: O'Dell stated that letters went out to all member code enforcement officers on April 17, 2015. He said he sent follow up letters to the towns and townships that he did not hear from. To date he has received packages from Damascus Township, the Town of Hancock, Town of Tusten, Town of Delaware, Town of Cochection, Town of Lumberland, and Town of Deerpark. He said he has been advised that there were no permits issued within the corridor in the Town of Fremont, Town of Highland or Shohola Township. He awaits a response from the townships of Berlin, Westfall, and Lackawaxen. Once these packages are received from all members, a complete report will be produced.

Substantial Conformance: O'Dell said that at last month's meeting he reported on the dates that the National Park Service recognizes as official dates of member substantial conformance. A letter was sent to Superintendent Heister on June 15 requesting a written explanation of the NPS process for making the final determination of substantial conformance following a UDC recommendation. A copy of that letter was included in members' packets. Heister said that Hahn is working on the response. Richardson said it would be interesting to obtain the dates of latest zoning ordinances for each member. O'Dell clarified that the list is of dates of the determination of each member's substantial conformance status; it does not state if they are or are not in conformance. Hahn noted that the last substantial conformance review done on anything was in 1996. She said there have been a lot of amendments and changes that should have been reviewed since then. O'Dell said that historically the Council has reviewed projects and zoning changes, made recommendations, and copied the NPS on these. Hahn stated that is not a substantial conformance review. She noted that the Project Review Handbook lays out the steps for a substantial conformance review. She discussed those steps with the committee. O'Dell noted that cooperation by the member municipalities is crucial and having projects in the corridor given to him in a timely manner is important as well. He added that the Project Review Handbook was written to make the initial final determinations of substantial conformance and has not been updated since. Ramie noted that an update of the Project Review Handbook was belatedly added to the list of projects for outside consulting services. She said this project might be one that members consider in a future fiscal year. Richardson spoke of the UDC review process as it has been done and noted he felt that when the Park Service was copied on a UDC decision, that was where the UDC responsibility ended. He said it is now his understanding that the Park Service needs a more formal request in order to make their final substantial conformance determination. Heister said the original process needs to be defined and taken up again. Dean said that if a process is onerous, you find fewer and fewer people willing to comply. He added that a process should be clear, simple, obtainable, and easy to do. Henry questioned if there is a list that has been approved by the NPS of the towns and townships that are in substantial conformance as of today. Heister said the list they have is the same as the one in O'Dell's Discussion Items Report. Hahn said that efforts have been made recently to gather UDC zoning and substantial conformance recommendations together. She added that member zoning has been updated as of September 2014. O'Dell stated a process that is easy to follow is needed moving forward. Hahn recommended that substantial conformance reviews could be conducted now and everyone could move forward. She added that trying to recuperate the last 25 or so years of variance amendments and changes, etc. would be ridiculous. She suggested reviewing the codified zoning as of now and move forward. Richardson noted this would be a good opportunity to spend outside consulting monies. After a brief discussion, a motion was made by Henry that estimated costs be sought for an outside consultant to review each UDC member for substantial conformance since the original determinations were made. That motion was seconded by Dean. A vote was taken and the motion carried.

FY 2015 TAG Program: O'Dell's report contained a status of each of the FY 2015 TAG projects. He noted that all final projects are due by August 21, 2015. Applications for the FY 2016 TAG program are due by August 28th. The Special TAG Meeting of the Project Review Committee to review the applications is scheduled for September 8, 2015, O'Dell added.

Other: Conway questioned if a response from NYS UDC Representative Bill Rudge to the UDC's letter regarding Reber's River Trip potential encroachment of business operations on New York State land had been received. Heister noted that the Town of Highland permitted the operation for where it is currently operating. She said she spoke with Rudge about the situation and was told it is not a high priority. Heister added that she spoke with the Park Service solicitor's office about options to potentially revoke Reber's Commercial Use Authorization (CUA) license. A clause exists that this can be done "at the discretion of the Superintendent." Henry stated they are not in compliance and they are in violation of state law as they are operating a commercial enterprise on state property. He suggested contacting New York State DEC Law Enforcement. Ramie said a Lieutenant from NYS DEC will be present at the July 2nd full Council meeting. Henry said he will be bringing up this issue at that meeting. Dean asked if a licensed fishing guide uses a public launch with a client, are they in violation of any laws? He was told no. Henry said if they have a CUA, they can use the access; what they can't do is set up a private business on a state land unless they have a permit from the state. They cannot operate a commercial enterprise on state-owned property, he reiterated. Heister said that this conversation can continue at the July full Council meeting.

New Business:

Approval of Town of Lumberland TAG 2015-04: Create Topographic Maps & Purchase code Enforcement Software: Richardson remarked that these payments have already been conditionally approved by the Operations Committee. This is not typical procedure, but was done as the meetings were reversed for the sake of the discussion with the auditor and bookkeeper at the Operations Committee meeting which preceded this meeting. A motion to approve TAG 2015-04 conditionally upon receipt of their final project was made by Roeder, seconded by Peckham and carried.

Approval of Damascus Township TAG 2015-06: Update Township Communication Ordinance: A motion to approve TAG 2015-06 was made by Roeder, seconded by Peckham and carried.

Draft Resolution 2015-13: Establish the Boundary of the Upper Delaware Scenic & Recreational River Corridor within Lackawaxen Township: A motion to forward this resolution to the full Council for approval was made by Roeder and seconded by Adams. Henry questioned Heister if the Park Service knows where the boundary is located. Heister told him to the best of their ability. Hahn told him it could be shown to him in GIS. Henry commented that nobody knows where the boundary is. Heister noted that when the GIS project is complete, the park boundary will be known within plus or minus 350 feet. Peckham spoke of a map depicting the corridor boundary of the Upper Delaware from 1986 that he found in his home. Adams suggested that when landowners in the corridor are having their property surveyed, there may be an opportunity to have the boundary defined at that time. Dean questioned if he would pay the additional cost to have that done on his property, noting he would not agree to those terms. Heister noted that a lot of National Park boundaries are not legally surveyed. She noted that common sense will need to be applied when it comes to projects in the corridor. Hahn suggested that this boundary issue be made part of the River Management Plan errata and that the UDC resolution state that the resolutions by the UDC and Lackawaxen Township will be appended to the RMP as part of the Errata sheet for record purposes. Heister agreed with that. Roeder amended his motion to forward that resolution with the suggested changes to the full council. Adams seconded the amended motion. A vote was taken and the motion carried.

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 Roeder, seconded by Dean to adjourn the meeting at 9:40 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 6/26/15