

Upper Delaware Council
PROJECT REVIEW COMMITTEE MEETING MINUTES
July 28, 2015

Committee Members Present: Debra Conway, Alan Henry, Fred Peckham, Harold Roeder, Jr., Aaron Robinson, Jeff Dexter
Committee Members Absent: Larry Richardson, David Dean, Susan Sullivan, Nadia Rajsz
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, July 28, 2015 at the Council office in Narrowsburg, NY. Vice-Chairperson Debra Conway called the meeting to order at 7:58 p.m.

A motion to approve the June 23 meeting minutes was made by Roeder, seconded by Peckham and carried with Robinson abstaining. There was no public comment on the agenda.

Discussion Items Report

Project Review Update

Town of Highland: O'Dell reported that he has received complaints regarding Indian Head campgrounds in Barryville. He said he was informed that they have constructed a series of cabins at their Barryville access, seemingly without building permits. O'Dell spoke with Town of Highland Code Enforcement Officer Dave Keubler who told him that he was in the process of working on their permits.

O'Dell said Lander's River Trips had been using property on River Road in Barryville as a carry-out access for tubes and recently received a stop work order for failure to obtain a special use permit.

O'Dell referred to the copy of the July 23 letter to Jack Williams, Regional Director of NYS DOT Region 9, regarding the Barryville NY River Access. He noted the letter seeks clarification as to the ownership of the property on the immediate downstream side of the Barryville NY – Shohola, PA interstate bridge and the size of the NYS right-of-way underneath and adjacent to the bridge.

O'Dell shared details of a meeting that took place between him, Rick Lander and Henry. Conway shared some history of the property Lander was using as a carry out access for tubes and safety issues concerning the property. Henry noted that he and O'Dell suggested that Lander use the Barryville access for carrying out the tubes as the access was set up for ingress and egress. Henry added that the meeting with Lander was at Lander's request. A brief discussion concerning 300 kids tubing down in the Barryville area took place.

O'Dell will share any information he receives regarding any of the Town of Highland issues. He hopes to receive a response from NYS DOT concerning the Reber issue at the Barryville access.

Town of Tusten: O'Dell stated there will be a public meeting July 29 at 6 p.m. at the Tusten Town Hall to discuss the rehabilitation of the Narrowsburg Interstate Bridge. A July 20th press release was provided in members' packets. Ramie noted that the meeting will be exclusively on the Narrowsburg Bridge. She added that Hahn had suggested at the May 13 NY/PA Joint Interstate Bridge Commission Annual Meeting that a meeting to discuss schedules for bridge work up and down the river would be beneficial. Ramie said that no such meeting has been scheduled at this point.

O'Dell reported that a public hearing was held on July 20th for a proposed special use permit for a home business, Natural Contents Kitchen at 266 4th Street in Narrowsburg. He noted that home based businesses are appropriate special uses in all sections of the river corridor.

NYC DEP: O'Dell referenced a NYC DEP news release titled "Department of Environmental Protection Begins Repairs to End Turbid Flow Below Cannonsville Dam" provided in members' packets. He noted the release provides much of the pertinent information regarding the Cannonsville issue. A brief discussion about the repair work that is underway took place. Henry commented that a lot of people still are not aware of the situation. O'Dell provided an update and spoke of the plan for the two step repair. Step one is to drill a series of relief wells downstream of the dam, but upstream of the original bore holes that created the

turbid flow followed by sealing off the original bore holes by using a technique known as compaction grouting. O'Dell said he plans to provide an update at the August 6 full Council meeting.

Heister noted that she recently met with Fred Reber who provided her with copies of letters including one he had written to NYS DOT offering to purchase the property in question and the response from them stating that they did not own the property. Henry commented that Reber does not own the property. Conway questioned if a letter should be written to Sullivan County inquiring if they own the property. Hahn suggested waiting for a response from NYS DOT to the Council's letter of inquiry. Henry noted that the co-management agreement in place for the access does not include Sullivan County. Robinson noted that the agreement should not be used as a basis for ownership and shared his reasoning why. He added it is going to take a lot of work to determine ownership of the property. A discussion about the cul-de-sac upstream from the Barryville Bridge took place. Hahn shared the information she had on the property. Henry stated that one of the goals of the Council is to try and establish public access to the river. The Barryville access should be a public one and he does not feel it is being used as such. Emergency access to the river upstream of the bridge was discussed. Robinson stated that a title search would need to be done to establish ownership. Henry commented that according to the Cooperative Agreement with the NPS, O'Dell is to be monitoring if the towns and townships are enforcing their own zoning. Conway commented that consistent enforcement is not happening in the Town of Highland and needs to be. O'Dell feels that the UDC has exhausted their options dealing with this issue. Ramie noted that the letter to NYS DOT only went out on July 23rd. She added we are seeking a formal answer to the questions of ownership or if permission has been given to the business that is allegedly operating on the property in question.

Damascus Township: O'Dell reported that on July 20, Code Enforcement Officer Ed Lagarenne submitted a project review form for a minor subdivision at 679 Plank Rd. The application was to subdivide 4.22 acres with the remaining land consisting of 69.95 acres. O'Dell said he thanked Mr. Lagarenne for submitting the project but advised him that as a minor subdivision, the project is not a reviewable Class II project.

Aqua Pennsylvania Wastewater: O'Dell said Aqua recently applied to renew their DRBC docket to continue to discharge treated effluent from the Mast Hope Wastewater Treatment Plant. The NPS water quality monitoring has not documented any violations this season.

Enforcement Programs: O'Dell stated that letters were sent to all UDC member code enforcement officers requesting copies of all building permits issued, variances granted and ordinance amendments approved since January 1, 2014. He noted it is the Council's responsibility to make an annual review of these documents issued within the river corridor to ensure substantial conformance. He said this task has always been in the Cooperative Agreement, but has not been done to date. He noted that Berlin and Lackawaxen Townships are the only reports he is waiting on. A comprehensive draft report is being compiled and will be presented to the committee when it is completed. Heister asked O'Dell how he plans to address the projects that have been presented to him that have not been permitted. O'Dell said he plans to address such issues under "other comments" in his final report.

Substantial Conformance:

FY 2015 TAG Program: O'Dell stated that final FY 2015 projects are due by August 21, 2015. He referred to his written report which contains a list of those projects that are finished and paid and those that remain open. Applications for FY 2016 are due by August 28, 2015.

Other: Hahn referred to the Substantial Conformance section of O'Dell's report. She noted there has been a lot of activity in the towns and townships since 1996 or since the initial reviews were done that should have been reviewed for substantial conformance, but haven't. Hahn added there is a lot of work that needs to be done to get all the reviews current. Heister recommended that the Substantial Conformance section of O'Dell's report should note those dates are that of the initial determination of substantial conformance.

New Business:

Approval of Town of Fremont TAG 2015-09: Purchase Code Enforcement Software: Conway remarked that this payment has already been conditionally approved by the Operations Committee. A motion to approve TAG 2015-09 was made by Roeder, seconded by Dexter and carried.

Approve Scope of Work and RFP for Project Review Workbook Update: O'Dell noted that this is an idea for an outside consulting project. He feels that updates to substantial conformance determinations may not have been kept current due to a disconnect from the process laid out in the Project Review Workbook. O'Dell said the goal would be to have a consultant look through the book and offer suggestions to streamline the project review and substantial conformance processes. Ramie suggested that towns and townships may be more compliant if the processes were not so onerous. She is not sure this project could be accomplished this fiscal year. Ramie referred members to the draft Request for Proposals provided in their packets. She said staff is offering this project to see if members feel it is a worthy one to pursue. Peckham asked who originally wrote the Project Review Workbook. Hahn said it was Foresight Consulting. Henry made a motion to proceed with this project with a FY 2016 timeline. The motion was seconded by Dexter. Heister recommended that the scope of work be re-worded to clearly articulate the problem statement. The Project Review Workbook is based on conformance with the Land and Water Use Guidelines, she added. She re-iterated that the scope of work needs to clearly articulate what is wrong with the current workbook and it needs to be stated that it must remain consistent with the Land and Water Use Guidelines. O'Dell stated it is primarily an issue with the process and not the content. He referred to the many pages of checklists as onerous. Hahn agreed with that statement, adding that the forms could be consolidated. Henry amended his motion to include that the fact that the workbook needs to remain consistent with the Land and Water Use Guidelines. Dexter seconded that. A vote was taken and the motion carried.

Other: O'Dell reported that he received a response letter from the National Park Service to our June 15th inquiry regarding the NPS procedure for "making the final determinations of substantial conformance" with the Land and Water Use Guidelines following a Upper Delaware Council recommendation. A copy of the letter was provided in members' packets. He noted the response refers to the procedure laid out in the Project Review Workbook that was used for the initial determinations. He read a sentence from the letter that states, "To date, review of records documenting substantial conformance reviews being conducted by the UDC and NPS have not revealed examples associated with subsequent ordinance amendments, challenges and variances, or significant projects." Heister shared an example of documents and correspondence associated with the initial substantial conformance review determination for the Town of Cohecton. Ramie feels the UDC has been reviewing projects all along, but the documentation has fallen by the wayside. Hahn spoke of the work she has done in the past five years to compile substantial conformance documentation. She said there is no substantial conformance review documentation for any changes that have taken place in the towns and townships since the initial determinations noting there is a long "laundry list" of changes that have been made. Heister noted the "next steps" do not have to be decided tonight. She suggested that since the NPS has a list of all the changes that have been made, a first step may be to review the list to see if there may be anything major in it that may have taken a town or township out of substantial conformance.

Old Business

Use of 1988 Project Review Workbook: Members discussed that if an update of the Workbook may be forthcoming, it didn't make sense for the committee to continue its verbal review. A motion to take "Use of the 1988 Project Review Workbook" off the agenda was made by Peckham, seconded by Roeder and carried.

Other: None

Public Comment: None

Adjournment: A motion by Peckham, seconded by Roeder to adjourn the meeting at 8:50 p.m. was carried unanimously.

Minutes prepared by Cindy Odell, 8/5/15