

Upper Delaware Council  
**PROJECT REVIEW COMMITTEE MEETING MINUTES**  
**September 22, 2015**

Committee Members Present: Larry Richardson, Harold Roeder, Jr., Susan Sullivan, Nadia Rajsz, Debra Conway, Alan Henry  
Committee Members Absent: Fred Peckham, Aaron Robinson, Jeff Dexter, David Dean  
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, September 22, 2015 at the Council office in Narrowsburg, NY. Chairperson Larry Richardson called the meeting to order at 6:31 p.m.

A motion to approve the August 25 meeting minutes was made by Roeder, seconded by Conway and carried. A motion to approve the September 8 Special TAG meeting minutes was made by Rajsz, seconded by Conway and carried. There was no public comment on the agenda.

**Discussion Items Report**

**Project Review Update**

**Town of Fremont:** O'Dell reported that there will be a public visioning session at the Long Eddy Hotel on September 28<sup>th</sup> to provide opportunities for input and ideas for the proposed improvement to the river access adjacent to Ferry Street. Buck Moorhead, architect and founding partner of Building Consensus for Sustainability, as well as representatives from Delaware Highlands Conservancy, Sullivan County Planning Department and the New York State DEC will be on hand to answer questions and guide the discussion. Three sessions are scheduled from 8 am – 10 am, 12 pm – 2 pm, and 6 pm – 8 pm. O'Dell said he intends to attend the evening session. A Delaware Highlands Conservancy press release was provided in members' packets.

**Town of Highland:** O'Dell noted that on September 18<sup>th</sup>, we received a reply from NYS DOT to our July 23<sup>rd</sup> letter regarding the Barryville-Shohola Bridge property issues. A copy of the letter was provided in members' packets. The letter recommends a meeting of the involved public entities to help resolve the issue. This topic will be discussed under New Business.

O'Dell said also in the Town of Highland, NYS DOT is planning on replacing a small bridge on Route 97 over Beaver Brook due to the bridge's hydraulic vulnerability. The project is expected to go out to bid in February of 2016 with construction to begin in the spring and completed by fall of 2016. A one-way alternating traffic pattern will be maintained over the existing structure during construction with temporary traffic signals. Ramie attended an agency meeting concerning this project on September 17<sup>th</sup> at the Yulan Firehouse. She provided a picture of the existing bridge noting it has been elevated on the state's list due to scouring. She added that the estimated cost of the bridge is \$1.05 million. The replacement bridge is to be wider and two feet higher in order to avoid the scouring issue.

**Town of Lumberland:** O'Dell said the proposed work plan for a rock scaling project on Route 97, approximately 5.3 miles south of Barryville, NY, was received on September 21<sup>st</sup>. There are approximately 200 cubic yards of unstable rock that need to be removed to protect the highway infrastructure and traveling public. The project will proceed in accordance with their SPDES permit for sediment and erosion control and the NYS DEC's recommended construction timetable to avoid potential impacts on Timber Rattlesnakes and Bald Eagles. The recommended construction timetable to avoid rattlesnakes is between November 1 and March 31 and between September 1 and December 31 for bald eagles.

**Damascus Township:** O'Dell noted he received an inquiry on August 27 about some land clearing on River Road in Beach Lake, PA. He spoke with Damascus Code Enforcement Officer Lagaranne regarding the project who advised him that he had received a permit application for a single family residence at the

location. According to the Damascus Township zoning, single family residences are not classified either Class I or II projects and therefore are not required to be submitted to the UDC for project review.

**Shohola Township:** O'Dell noted that Shohola is in the process of renewing their zoning. A Draft Substantial Conformance Review was provided in members' packets. O'Dell said he discussed the review with Aaron Robinson of the Shohola Township Planning Commission. He plans to attend the Planning Commission meeting on September 29<sup>th</sup> for further discussion.

**Enforcement Programs:** O'Dell reported that Lackawaxen Township is the only report that is pending. A comprehensive draft report is being compiled and will be presented to the committee when complete.

**Project Review Workbook Review:** O'Dell stated that draft Resolution 2015-16: A Resolution of the Upper Delaware Council Executing a Contract with Environmental Planning & Design, LLC was provided in members' packets and will be taken up under New Business.

**Telecommunications Tower Presentation:** O'Dell reported that Dick Comi from the Center for Municipal Solutions will present on the recent trends in the telecommunications industry and how that may apply to the Upper Delaware region at the November 5<sup>th</sup> full Council meeting.

**Substantial Conformance:** No update

**FY 2016 TAG Program:** O'Dell noted that Resolution 2015-15: A Resolution of the Upper Delaware Council Approving Technical Assistance Grants for Fiscal Year 2016 was provided in members' packets and will be taken up under New Business. These are recommendations of the Project Review Committee determined at a Special Project Review meeting which took place on September 8<sup>th</sup>.

**Other:** Conway questioned if there was any update on the permits for cabins built by Indian Head Campgrounds at their Barryville site. O'Dell said he intends to follow up with Town of Highland Code Enforcement Officer Dave Kuebler.

#### **New Business:**

**Draft Resolution 2015-15: Resolution Approving FY 2016 Technical Assistance Grants:** A motion to forward this resolution to the full Council for final approval was made by Conway, seconded by Rajsz and carried.

**Draft Resolution 2015-16: Resolution Executing a Contract with Environmental Planning & Design, LLC:** A motion to forward this resolution to the full Council for final approval was made by Rajsz, seconded by Conway and carried.

**Letter from NYS DOT: Property Ownership Adjacent to Barryville-Shohola Bridge:** Richardson referred to the letter dated September 15 from NYS DOT Regional Director John R. Williams provided in members' packets. Members took the time to read through the letter. O'Dell stated that there were maps that accompanied the letter and they were available to members for review. Rajsz stated the letter reads, "Unfortunately, NYSDOT does not have a certified survey of this site, which you requested." Conway referred to the request for a meeting in the letter which read, "We would like to propose a meeting with NYSDOT and the public entities that have had past involvement so that every consideration can be taken to progress this issue in the best interest of the community for the use of the land." A very lengthy discussion about the ownership of the property, maintenance jurisdiction, cooperative management agreements, and history of the bridge construction project took place. Henry provided details of the conversation that took place at the September 15<sup>th</sup> Water Use/ Resource Management Committee meeting regarding the listing of the Barryville Fishing Access site as a public, walk-in river access in future NPS and UDC map publications. Heister recommended focusing on the topic of ownership. Richardson agreed that determining ownership of the sites should be a first step. Members eventually decided that a workshop meeting be set at

the UDC office to discuss ownership, maintenance and management of the property around the Barryville-Shohola Bridge. Invitees would include New York State Department of Transportation, Pennsylvania Department of Transportation, New York State Department of Environmental Conservation, Sullivan County Departments of Public Works and Real Property, the Town of Highland, National Park Service, and the Upper Delaware Council. It was noted that representatives should be asked to bring any documentation relevant to the access site including maps, agreements, and deeds. A proposed date of Wednesday, October 21 at 9 a.m. at the Council office was set.

**Shohola Township Zoning Changes Substantial Conformance Review:** O'Dell referred to the draft report "Shohola Township Substantial Conformance Review of Proposed Zoning Ordinance No. 79" provided in their packets. He noted that he will be meeting with the Shohola Township Planning Commission on September 29<sup>th</sup> to go over the report. He stated there were a couple of objectives of the Land and Water Use Guidelines that were not met. It is hoped that the township can come up with solutions to bring the objectives into conformance. Ramie noted that ultimately, the Project Review Committee will make a recommendation regarding conformance to the National Park Service. Richardson suggested removing the "Recommendation" found on page 27 of the report pending committee action prior to his meeting with Shohola Township. O'Dell said he would do that. Committee members reviewed the non-conforming findings collectively and discussed the recommendations. A brief discussion regarding projects over 15% in grade took place. Heister noted that substantial conformance determinations have not been updated since 1990. She stated that substantial conformance is a holistic look at zoning and ordinances for a municipality. She questions if we are really making a determination that they are in substantial conformance. O'Dell said we would be making a determination that the zoning change is in conformance. Heister said that what we would be saying is that this zoning change is "consistent with the Land and Water Use Guidelines." It doesn't necessarily mean that the township as a whole is in substantial conformance as there are many changes that have not been reviewed for substantial conformance. Hahn noted that if only one portion of the zoning is being reviewed, a determination of whether the township is or isn't in substantial conformance can't be made. Richardson disagreed and shared his reasoning why. He understands there have been a lot of changes in the towns and townships over the years, but does not feel any changes would have been serious enough to change the original determinations. Hahn said that a comprehensive substantial conformance review would have been done initially for each town/township. Any ordinance amendments or changes, or zoning changes relevant to the Land and Water Use Guidelines that took place after that should have been reviewed for substantial conformance and a determination made, and that didn't happen. Richardson said those changes have been reviewed and determinations made; he noted that perhaps the documentation of those reviews was lacking. Members were asked to review the Draft Report on Substantial Conformance Review for Shohola Township Proposed Zoning Ordinance No. 79 and provide any comments to O'Dell prior to his September 29<sup>th</sup> meeting. Heister stated we are going to have to resolve the matter of bringing the substantial conformance reviews up to date. Ideas for how to accomplish this were shared.

**Other:** Ramie reported that a workshop meeting of the Upper Delaware Scenic Byway, Inc., NYS DOT Regions 8 and 9, the DOT Regional Scenic Byway Coordinator, and the county resident engineers will take place on October 2<sup>nd</sup> at the UDC office from 10-11:30 a.m. Topics to be covered include NYS Route 97 Pavement, Bridge and Culvert Conditions, Upcoming Construction and Maintenance Projects.

**Old Business:** None

**Public Comment:** None

**Adjournment:** A motion by Rajs, seconded by Roeder to adjourn the meeting at 8:15 p.m. was carried unanimously.