

TOWN OF DELAWARE

SULLIVAN COUNTY, NEW YORK



COMPREHENSIVE PLAN

2007 UPDATE

Town of Delaware Planning Board
Town of Delaware Town Board



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THE UPPER DELAWARE COUNCIL

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INTRODUCTION

This update of the Town of Delaware Comprehensive Plan (previously known as the “Master Plan”) was undertaken by the Town Planning Board and the Town Board for the following purposes:

- A. *Identifying and analyzing changes that have taken place in the Town since 1996, when the last update of the original 1983 Plan was adopted;*
- B. *Re-establishing the framework for the conservation of the Town's character and natural environment while concurrently providing for economic growth and development; and,*
- C. *Continuing to provide for the most efficient administration of Town government and delivery of community facilities and services.*
- D. *Providing Town of Delaware residents with the recent demographic and other information available on their community.*
- E. *Establishing guiding Town policies with respect to land use, community facilities, transportation, economic development, recreation and housing.*

The 1983 Plan addressed the typical range of planning issues and provided detailed information on the physical and social characteristics of the Town, many of which remain valid. Further detail and analysis was provided at the time of the 1996 update. This 2007 Update builds on those documents, refining the goals and recommendations set out in them, while providing new information.

A comprehensive plan is never more than a starting point - a blueprint to guide the future development of the Town. It must be revised and updated periodically, as this one has been, to reflect the changing conditions, trends and goals of the community. The effectuation of the Plan is the ongoing responsibility of the Town Planning Board, and Town Board. It is an information source, policy guide and reference point for municipal action, although it carries no legal weight in its own right insofar as land use or other regulations. Every action recommended by this plan requires separate action by the Town Board or Planning Board to be effectuated.

GOALS AND OBJECTIVES

Any community planning process, by its very nature, must include goals for managing growth. Objectives are specific actions designed to achieve goals and address more specific community needs. The goals and objectives set out here are intended to outline the Town's vision for itself and provide a foundation to build upon. Additional, more specific goals and objectives are included in the various plan elements of this *Update*, along with specific implementation strategies.

The goals of residents will never be the same. Some residents favor increased economic development, while other residents demand environmental protection. Some desire more community services, while others prefer lower taxes. Some strive for land use diversity, while others are content to live in a "bedroom community." The major function of plan is to strike a balance between these varied expectations.

The goals and objectives for this *Comprehensive Plan Update* were developed by the Town Planning Board and Town Board based on the goals and objectives from the *1983 Master Plan*, the *1996 Plan Update*, community input and the background studies conducted as part of the planning process.

Goal 1: Maintain the Town's Existing Rural/Agricultural Community Character

The Town's physical environment, regional location and past development practices have shaped its character. The Town is perceived as an attractive rural/agricultural community offering a high quality of life and has long been known as a tourism-recreation area. Future development should be managed to sustain the Town's rural community character, maintain agriculture as an important part of the economy, and preserve and strengthen the tourism-recreation element.

Objectives:

- A. *Preserve and respect the rights to use of private property by limiting land use regulations to those essential to the health, safety and welfare of the community and for addressing land use conflicts.*

- B. *Develop local land use controls including flexible zoning performance*

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standards to control density and minimize conflicts between existing and future development, and update the controls periodically to address changing conditions.

- C. Carefully control the location and scale of commercial and industrial establishments while recognizing the importance of such development to the tax base.*
- D. Encourage the use of soil based methods for sewage disposal; that is, on-site subsurface disposal and land application, instead of collection and treatment facilities with a surface water discharge.*
- E. Provide for conservation subdivision as an optional form of development that will cluster residential development so as to preserve important farmland, open space and natural, scenic and cultural features.*
- F. Cooperate with local historic preservation groups to identify and preserve the remaining historic structures and sites in the Town.*
- G. Continue to cooperate with Upper Delaware Council efforts to conserve the unique character of the Upper Delaware Scenic and Recreational River and implement the Upper Delaware River Management Plan.*
- H. Avoid zoning regulations that unduly restrict agriculture.*
- I. Control common law nuisances and threats to public health and safety resulting from, among others, noise, lack of property maintenance, poor building practices, junk accumulation, odors and uncontrolled burning.*
- J. Incorporate as much flexibility as possible into land use standards to fit individual development circumstances and offer bonuses for developers who provide additional open spaces, protect important environmental features or otherwise contribute to quality forms of development.*
- K. Continue to provide in the Town Zoning Law for tourism and recreation related businesses in all areas where conflicts with residential uses will not occur.*

Goal 2: Conserve Open Land and Natural Resources as Economic Assets

Open land was the cornerstone of the foundation of the Town when its earliest settlers arrived, and has played a key role in the growth and development of the Town. Without this open land and the natural resources it offered, followed by the recreation opportunities it now offers, the character of the Town would be dramatically different. From the time of the tourism development associated with the railroad, through the time of tremendous increase in the number of second homes, tourism and recreation have remained an important part of the local economy.

Objectives:

- A. *Continue to provide in the Town Zoning Law for tourism and recreation related businesses in all areas where conflicts with residential uses will not occur.*
- B. *Plan and promote the development of organized public and private recreational activities and facilities.*
- C. *Offer incentives to encourage conservation subdivision as an optional form of development, considering also related options such as purchases and transfers of development rights, density averaging, large-lot zoning and similar measures.*
- D. *Cooperate with local organizations such as the Upper Delaware Council, Chamber of Commerce and Callicoon Business Association to promote tourism that will not destroy qualities of the Town that make it so attractive.*
- E. *Avoid the construction of growth inducing community facilities such as central sewage collection and treatment facilities where they would encourage the development of important open spaces; except as needed to correct existing sewage disposal problems and where they would promote development of existing or proposed new centers and adjoining areas transitioning to extensions of centers.*
- F. *Cooperate with the Upper Delaware Council in their efforts to conserve the unique character of the Upper Delaware Scenic and Recreational River.*

- G. *Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas.*
- H. *Evaluate Town land use controls in terms of effects on open space and modify to maintain open space to the greatest extent possible.*
- I. *Maintain up-to-date standards in Town laws for stormwater management, soil erosion and sedimentation control, sewage disposal, solid waste disposal and other environmental issues.*
- J. *Promote use of natural infiltration and related techniques for stormwater management and sewage disposal to replenish groundwater, avoid stream discharges and minimize risks from poor facility maintenance.*

Goal 3: Protect Agriculture and Farmland as Community and Economic Assets

Agriculture was an early cornerstone in the development of the Town of Delaware and remains vital to its future, providing for both attractive landscapes and important economic opportunities.

Objectives:

- A. *Provide in the Zoning Law for a wide range of agricultural/forestry uses throughout the Town, including ancillary uses.*
- B. *Offer options such as conservation subdivision, transfer of development rights and density averaging to permit development of less desirable farmland while preserving cropland and other prime farmland.*
- C. *Avoid the construction of growth inducing community facilities such as central sewage collection and treatment facilities where they would encourage the development of agricultural areas; except as needed to correct existing sewage disposal problems and where they would promote development of existing or proposed new centers.*
- D. *Direct higher density housing away from agricultural areas.*

Goal 4: Encourage Compatible Commercial and Industrial Development

A healthy economy fosters a healthy community by providing business development and employment opportunities. Local government may choose not to take a direct role in economic development, but can institute land use control and development policies that have a positive effect on the local economy and tax base, while addressing community conservation concerns. While recognizing the importance of the tourism-recreation sector of the local economy, Town Officials also acknowledge the need for economic diversification.

Objectives:

- A. Use the Town Zoning Law to direct new, large scale commercial development to areas of existing commercial development and where community facilities are adequate.*
- B. Encourage commercial cluster development to avoid commercial strip development.*
- C. Promote local economic viability by allowing home occupations consistent with residential zoning districts and the overall community character.*
- D. Recognize the importance of the regional economy and monitor and participate in County and regional business development activities.*
- E. Adopt, monitor and update commercial and industrial development standards to protect the public health, welfare and safety, preserve community character and minimize conflicts with the tourism industry.*
- F. Provide within certain zones a broad range of allowable commercial and industrial uses, relying on performance standards to mitigate any environmental impacts and protect the community.*
- G. Rely on the designation of special uses that require Planning board approval and allow imposition of conditions, thereby modifying projects as may be necessary to mitigate impacts while permitting the development.*

- H. *Periodically reassess the Zoning Law and map to better reflect actual development patterns and future needs.*
- I. *Provide incentives for energy-efficient forms of development, allowing the use of alternative energy sources and allowing the sizing and siting of facilities so as to minimize energy use.*
- J. *Establish standards of design with respect to lighting and other physical aspects of building development that minimize off-site impacts through shielding, buffering and similar measures.*

Goal 5: Provide for Housing Opportunities for All Segments of the Community

Families and individuals of all income levels reside in the Town of Delaware and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed.

Objectives:

- A. *Allow residential development within designated areas at a density of approximately one dwelling unit per acre so as to accommodate moderately priced housing for existing residents and workers.*
- B. *Encourage the rehabilitation and adaptive reuse of existing older homes which typically are larger and more difficult to maintain, especially for individuals on fixed incomes.*
- C. *Investigate and encourage participation in all county, state and federal housing rehabilitation and assistance programs to assure Town residents have the opportunity to receive full benefit from such programs.*
- D. *Require in the subdivision law the formation of Homeowners Associations, where applicable, to assure the continued private ownership and proper maintenance of all improvements and facilities associated with new residential development (roads, recreational amenities, sewer and water utilities and the like).*

Goal 6: Provide Community Facilities and Services to Meet Future Needs

Town residents rely on community and public facilities and services to meet their transportation, educational, water supply, sewage disposal, police protection, emergency response, recreation and other daily living needs. A small rural town does not, and cannot, provide all the facilities and services demanded by its residents. Many such services are provided by other levels of government or volunteer organizations. Nevertheless, the Town is responsible for certain community facilities and services, and recognizes the need to provide the same cost effectively.

Objectives:

- A. *Systematically identify local community facilities and services needs and develop a capital improvements budget to meet the needs.*
- B. *Encourage and support volunteer fire, ambulance and other public service organizations.*
- C. *Implement a program of sewerage for those densely populated portions of the Town with serious health threats stemming from inadequate sewage disposal (e.g., Hortonville).*
- D. *Assure that adequate and safe water supply and sewage disposal, well designed and constructed roads, and other facilities are provided by developers as part of any residential development.*
- E. *Cooperate with other area local governments in regard to community facilities planning, sharing of equipment and taking advantage of economies of scale in joint purchasing and providing for recreation and other services.*

Goal 7: Safely and Efficiently Move People and Goods Through the Town

Safe and well maintained roads are vital to all communities, serving not only as the means of travel within the community, but as the direct link to the region and beyond. The Town has direct jurisdiction over many of the roads in the community, being responsible for improvements and maintenance, with the more heavily traveled routes

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generally owned and maintained by the county and state. The Town has responsibility to maintain its roads in a condition adequate to meet the volume of traffic carried.

Objectives:

- A. *Inventory and classify according to function all public roads in the Town and assess maintenance and improvements needed.*
- B. *Develop a road and intersection maintenance and capital improvements program to upgrade roads to the expected classification and coordinate implementation with the county and state.*
- C. *Maintain an up-to-date Town road ordinance setting standards for construction of public roads and establishing procedures for dedication to the Town.*
- D. *Maintain the adequacy of roads by requiring adequate off-street parking and loading, limited curb cuts, and well defined access points.*
- E. *Require, when approving new or expanded uses, the issuance of highway occupancy permits by the Town, County or State, as applicable.*
- F. *Maintain an up-to-date Town road occupancy ordinance setting standards for driveway access to Town roads and stormwater and utility improvements within the road right-of-way.*
- G. *Mitigate higher traffic impact development by limiting it to areas with adequate highway capacity to accommodate such development, applying reasonable impact fees negotiating off-site highway improvements in conjunction with development approvals.*
- H. *Actively participate in all county and state highway planning programs to assure the Town's needs are addressed.*
- I. *Require, wherever possible, the use of joint highway accesses onto Town, County and State roads and the use of marginal access roads to minimize the potential traffic conflicts.*

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- J. *Reduce speeds on those roads possessing specific hazards and avoid new hazards by adopting speed restrictions and using traffic calming measures in conjunction with new development.*
- K. *When reviewing site plans, require new roads to be designed to preserve natural topography and tree cover, minimize cuts and fills and preserve important views and features such as stone walls.*
- L. *Require developers to provide for walking as well as vehicular connections to adjacent land uses and open spaces wherever practical.*
- M. *Where practical, scale street widths and alignments to neighborhood size (typically 18 feet width) while meeting minimum standards for safety and maintenance.*
- N. *Require land developers to mitigate existing traffic safety issues, wherever possible, with offsite improvements.*

PLANS

The individual plans contained in this update are intended to build on the foregoing Goals and Objectives by setting out specific recommendations for implementation.

LAND USE PLAN

Existing Land Use Controls

The Town amended its Zoning Law and adopted a number of land use control provisions based on recommendations of the 1983 *Master Plan* including subdivision regulations, a mobile home law, a recreational vehicle park law and a junkyard law. Both the Zoning Law and the zoning map were extensively revised and updated in 1993 to strengthen density, environmental, development performance, and community facility requirements and controls and to address the recommendations of the *Upper Delaware River Management Plan*. Additional revisions were made in 2006, concurrently with this update to extend the provisions of the Town Subdivision Law to smaller subdivisions, expand Callicoon commercial zoning and simplify sign regulations. These regulations, along with several other special purpose laws adopted by the Town, now include standards for road construction, wetland protection, floodplain management, storm water control, setbacks from waterbodies and wetlands, development on steep slopes, soil erosion and sedimentation, earth disturbance and forest clear cutting.

The Subdivision Law provides standards for the development of residential and non-residential projects, assuring the provision of adequate community facilities such as roads, water supply and sewage disposal, utilities, proper highway access and storm water control. The Zoning Law, in addition to the typical regulations governing lot size, setbacks and building height, includes specific standards for a broad range of land uses including for example: signs, junkyards, solid waste facilities, home occupations and multi-family dwellings.

Also included in the Zoning Law are general performance standards on facility operation and storage, fire and explosion hazards, radioactivity and electrical disturbance, vibration, lighting and glare, smoke, odors, air pollution, surface and groundwater protection, and waste material disposal; and, special standards for development in the Upper Delaware Corridor. The Zoning Law also designates certain uses as special

uses requiring site plan review which enables the Planning Board to review each project and attach conditions of approval necessary to protect the public interest. The requirement for compliance with the State Environmental Quality Review Act is also incorporated in both the Zoning and Subdivision Laws. Summarizing, the Town has adopted a wide range of land use control measures which can be effectively used to assure rational community development.

Future Land Use

The Town's proximity to metropolitan areas, coupled with its attractive rural character, is expected to continue to stimulate new residential development. At the same time, increased demand for retail and service establishments will be generated by the residential development. The need to provide improved employment opportunities in the community is recognized, as is the importance of preserving agriculture as part of the fabric of the Town and maintaining existing and encouraging new recreation based businesses. It is the intent of the Town to conserve the community's rural/agricultural character, while concurrently encouraging economic development and job opportunities consistent with the rural character.

Based on this philosophy and *Comprehensive Plan Update*, the Town of Delaware reaffirms its current zoning map, and the densities established by the Zoning Law, as its future land use plan in terms of the location and separation of residential, commercial, industrial and public land uses. The plan will be implemented by the continued enforcement of the Town Subdivision Law, Zoning Law and other special purpose regulations.

Open Land Preservation

Open land is a key ingredient of the Town of Delaware's attractive rural character, and the Town should encourage the conservation of open land with incentives. The Town Zoning Law has always provided for cluster development where reductions in minimum lot sizes are allowed so as to set aside land as permanent open space. This technique also reduces development costs given shortened road, water and sewer line length, minimizes long term maintenance costs of such improvements and limits the negative environmental affects from soil disturbance and storm water runoff. The Natural Lands Trust, a nationally known land conservation organization suggests the cluster concept be taken to a higher level by providing incentives (or disincentives) to encourage the

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conservation of open land and establishing specific techniques for the design of open space subdivisions.

The Natural Lands Trust suggests in its *Designing Open Space Subdivisions, A Practical Step-by-Step Approach* how cluster developments can be turned into “conservation subdivisions.” Incentives typically include allowing higher density for open space design. Alternatively, a disincentive could be applied to traditional land subdivision but this is impractical in the Town of Delaware where a market has yet to be created for these types of lots and smaller lots have not sold well, discouraging



landowners and developers from pursuing the concept. Some communities have mandated the use of open space design for all development but, once again, the Town’s limited experience with this form of development suggests it does not yet sell well and, therefore, has to be first introduced successfully with positive incentives.

Assuming some positive incentives for conservation subdivision can be created (this is recommended), the design process involves the following six steps:

1. Yield Plan

The number of units that can be developed on the site using the traditional subdivision approach is first determined through a process of negotiation between the landowner/developer and the Town Planning Board. This basic number establishes threshold density for purposes of applying any incentives that may be given.

2. Conservation Areas

All potential open space areas including primary conservation areas such as soils suitable for on site sewage systems, waterbodies, floodplains, wetlands and very steep slopes are identified and mapped. These are areas generally to be avoided. Secondary conservation areas such as mature woodlands, prime

farmlands, significant wildlife habitats, historic, and cultural features and views into and out from the site are also identified and mapped. These are areas that should be worked into the plan to maximize value to both the community and the developer.

3. Potential Development Areas

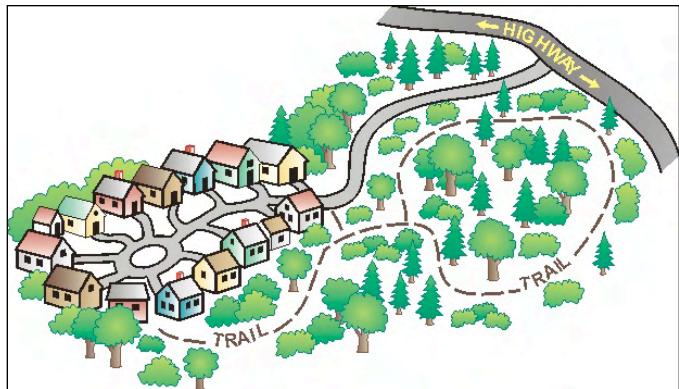
Using the map of primary and secondary conservation areas, potential development areas that are free of major development constraints and offer the opportunity to best take advantage of other site features are identified in general terms. This process is designed to assess where groups of houses can be logically located on the site.

4. Potential Home Sites

Once potential development areas are identified, the design process moves to pinpointing where individual units should be located, focusing on how to take advantage of views, soils suitable for community septic systems and similar features.

5. Design of Roads and Trails

Once the best house sites are identified, road alignments and trails are designed to provide efficient access with the least impact on conservation areas, taking advantage of the tract's natural assets.



6. Lot Lines

The final step in designing a conservation subdivision is the drawing of lot lines at the reduced lot sizes permitted. This permits conservation of the valuable open land designated at the outset. Placing the drawing of lot lines at the end of the process, rather than the beginning, as is normal with traditional land subdivision, maximizes both conservation and development value.

Specific Recommendations

The following specific measures are recommended to implement the Land Use Plan:

- A. *Monitor the effectiveness of Town land use laws and update as necessary.*
- B. *Encourage with incentives (but not mandate) the use of "conservation subdivision" to conserve sensitive natural areas and preserve agricultural land and open space; designating conservation areas for protection of wetlands, floodplain, very steep slopes and scenic views; and putting houses on the most developable areas of the tract.*
- C. *Support and encourage efforts of County and State agencies to maintain agriculture as an important part of the local economy.*
- D. *Evaluate all land use control actions (zoning amendments, subdivision regulations, etc.) to ensure agriculture is not negatively affected.*
- E. *Provide for the development of needed retail and service establishments to meet the needs of new Town residents, and allow for small scale manufacturing and industrial development to provide local job opportunities; but continue to rely on the region as a whole, where community facilities are more adequate, to absorb major commercial and industrial development.*
- F. *Cooperate with area economic development organizations to diversify the local economy by creating zoning that will help facilitate pursuit of agricultural and other tourism opportunities and encourage small businesses (e.g. metal fabrication) that are not infrastructure dependent as well as similar enterprises, including home occupations and telecommuting.*
- G. *Discourage the use of non-soil based sewage disposal methods to match development to the carrying capacity of the land.*
- H. *Update stormwater management procedures and standards to comply with New York State law and encourage natural methods of control.*

COMMUNITY FACILITIES PLAN

Community facilities and services are provided by all levels of government, and in certain cases, by non-profit organizations. This element of the Comprehensive Plan update focuses on those facilities and services that are under the direct jurisdiction of the Town. This is not to imply the Town Board should ignore the quality and adequacy of the community facilities and services provided by other entities. Instead, the Town should monitor those facilities and services to assure the needs of Town residents are being addressed.

Town Buildings

The Town Hall houses all necessary Town functions, but is only marginally adequate. Renovations of the first floor improved the efficiency of use of the available space, but it is being used to its maximum with little room for storage and meetings. The *1983 Master Plan* identified the same need suggesting *the* “Town consider an expansion to the existing Town Hall facility to provide space for the storage of records and to provide slightly more room for attendance of the public at Town meetings.” The Town has since purchased the existing facility and intends to renovate and expand the office space. Increased demands on local government over the past two decades have added to the need for additional administrative space but the capital cost of building new is high and one of the appealing features of the Town are its relatively low taxes in a high tax state. Therefore, the Town has been wise to rent space in other public buildings as needed. This continues to be an option in the short-term, while the Town pursues long-term solutions. The Town should consider creating rentable space in any new building for use by other entities who can help pay the associated debt. This has been done in a number of other towns where space has been rented to the Postal Service, for example.

The Town highway maintenance facility is a poor location along the stream and needs to be replaced by a larger facility with an accompanying salt shed and more garage space. The Town Board and Highway Superintendent need to initiate planning for a new barn.

Emergency Services

Four volunteer fire companies and two ambulance corps provide emergency service throughout the Town. The various locations of the fire companies, combined with

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mutual aid agreements, appears to provide adequate coverage for the Town. The companies are very active in terms of maintaining and improving service and provide an invaluable service to the Town of Delaware community in these times when many communities are unable to muster an adequate number of volunteers to provide emergency services. The Hortonville Fire Department is in the process of creating new space for its operations to replace an aging building. Other fire departments have adequate facilities.

Police Protection

The Town Board has determined that continued reliance on the County Sheriff Department and the New York State Police is the most reasonable at present given the quality of the service and the financial resources available versus the cost of providing local police protection.

Utilities

Utilities in the Town of Delaware will continue to be provided by private, state regulated utility companies. The Town Subdivision Law requires adequate community facilities, including utilities, for all new development, and will be enforced accordingly.

Water Supply

Drinking water in the Town is taken primarily from individual and community private wells, and this means is proposed as the principal method for the future. In cases where new, higher density subdivisions are proposed, privately owned community water supply meeting NYS Department of Environmental Conservation and Department of Health requirements can be provided in accord with the Town Subdivision Regulations. The Town anticipates no extension of public water lines from outside the Town nor the creation of any local municipal water company.

Sewage Disposal

On-site sewage disposal systems installed in accord with state standards are the best means of sewage disposal for most new development in the Town, although careful monitoring of existing on-lot systems is also demanded. This is consistent with the plan to rely on the carrying capacity of the soil to determine density of development, rather

than to encourage higher density by the construction of sewage treatment plants discharging to streams. At the same time, the Town recognizes the need to provide for the proper operation and maintenance of the Town-owned Callicoon sewage treatment system and cooperation with the Village of Jeffersonville to provide continued service to the Kohlertown area. The Town will also monitor the current operation of the Villa Roma treatment system and evaluate its use for any future development.

Solid Waste Disposal

The Town plans no direct municipal participation in the collection and disposal of solid waste, which is currently conducted by private haulers. The Town, under the authority of state statute, has the authority to adopt an ordinance to regulate the collection and disposal of solid waste. The Town will monitor the adequacy of private hauler solid waste collection and disposal system, and should any deficiencies be identified, take corrective measures via municipal ordinance. A local ordinance can address such concerns as collection frequency, types of containers, method of transport, destination of disposal and fees charged.

Recreation

Recreation facilities are available to Town residents at the Delaware Youth Center, the school districts and neighboring municipalities. Town residents have not voiced any particular demand for direct Town provision of additional recreation facilities, and given the many other service and facility demands currently facing the Town, this *Plan* does not propose any new Town recreation facilities. Nevertheless, the Town will monitor the need for recreation facilities and cooperate with the Youth Center and other entities providing facilities. Also, a new park has been created along the Callicoon Creek, behind Callicoon's Main Street, which is used for the framers' market.

Stormwater Control

The Town has no existing stormwater management facilities under its direct control, but new development is demanding more and more stormwater facilities. While such facilities are likely to remain private, subject to the management of homeowner associations, they do raise the issue of oversight to prevent exacerbation of flooding problems. The Town needs to develop a policy to ensure the ongoing maintenance of such facilities is financially guaranteed and regularly inspected.

HIGHWAY PLAN

Road Improvements

Given the current economic condition of the Town and limited availability of state and federal funds for the construction and reconstruction of locally important roads, this update takes a practical position with regard to road improvements. With the exception of new roads constructed by developers as part of residential subdivisions, no new road construction in the Town is anticipated in the near future. The Town will focus on the maintenance and improvement of existing Town roads, and monitor the need and ability to correct specific width and alignment problems which would require reconstruction as traffic volumes dictate and available funds allow. Improvements will be evaluated by the Town Board and prioritized to address road functional classifications set forth herein.

The principal concern with Town roads are those routes that serve the Villa Roma Resort and associated residential development. Increasing amounts of traffic, including buses and heavy service and construction vehicles, coupled with the less than adequate width and severe curves, suggests improvements are needed. Short term improvements could include an evaluation of traffic control signs, and long term improvements will likely involve significant capital expenditures. In any case, the Villa Roma Road should continue to be a priority.

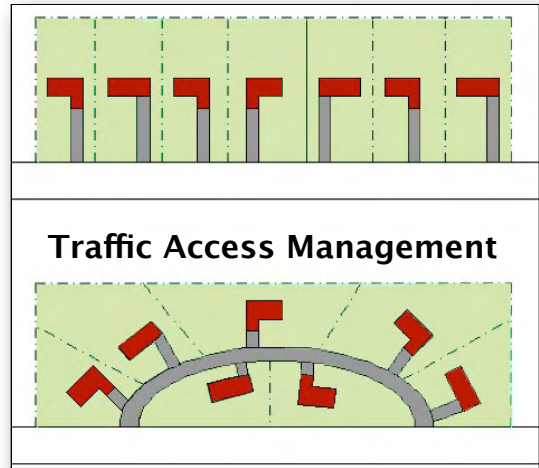
Town officials have no direct control over the improvement of County and State roads. Nevertheless, the Town will work with the County Department of Highways and the New York State Department of Transportation to identify needed road improvements.

Subdivision Roads

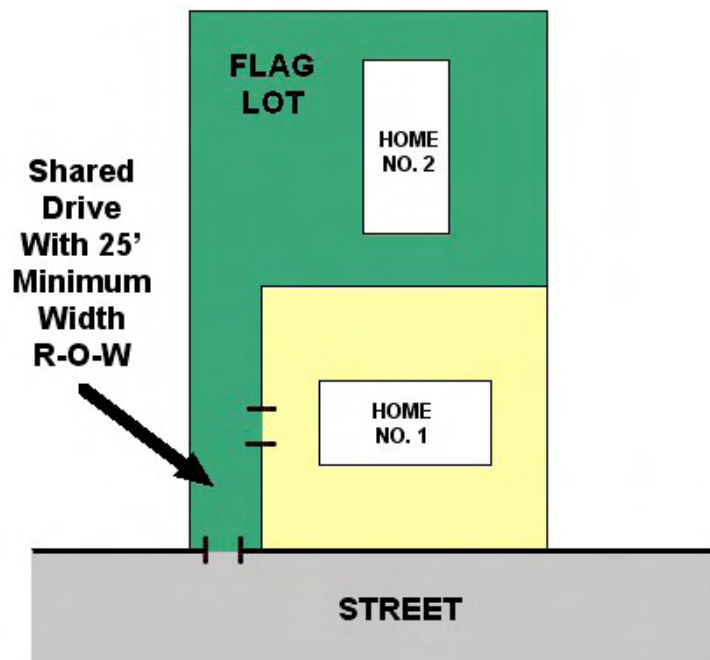
New road construction in the Town of Delaware is associated with residential development. The Town Subdivision and Road Laws set standards for road layout, design, and construction. The Town Road Law is designed to assure any dedicated roads meet current engineering design and construction standards. This Law has been applied as a guide for all new road construction in subdivisions, even where roads are to remain private, although some exceptions on paving requirements have been granted to encourage retention as private roads.

Traffic Access Management

Detailed traffic access management criteria should be incorporated in zoning standards and regularly applied in development reviews. While State and local regulations need to be compatible, municipal standards should apply in addition to State and County standards, particularly in regard to traffic study requirements. All major commercial and residential projects should include traffic studies to ensure safe and convenient highway and intersection levels of service are maintained.



The Town also needs a clear policy with regard to flag lots and use of private drives. This policy should encourage limited use of these techniques to produce more infill development in and around Callicoon, Hortonville, Kohlertown and other hamlets, particularly where support infrastructure exists. Traffic access management standards should also encourage joint driveways, connected parking lots and other mechanisms that will reduce traffic conflicts and the need for excessive driveway entrances onto highways.



HOUSING PLAN

The Town of Delaware's approach to regulating housing types and densities is typical of small, rural municipalities. However, Town officials must continually evaluate their local regulations to ensure they allow and encourage the development of affordable housing. Barriers to affordable housing and means of reducing housing costs are directly linked to land costs per unit which are largely determined by the number of units permitted per acre. Local municipalities must also recognize that housing needs cannot be addressed entirely at the local level. The Town must look to public agencies and housing programs, and their contacts with private affordable housing organizations, for assistance and to assure residents' access to federally funded housing development, rent assistance and housing rehabilitation programs.

Specific Recommendations

The following are recommended housing policies for the Town of Delaware:

- A. *Work with Sullivan County to maximize housing rehabilitation program funding for eligible Town residents.*
- B. *Assess Town land use control barriers to affordable housing and make necessary adjustments based on the need.*
- C. *Consider use of cluster development, planned residential development, and other incentives for providing more affordable housing.*
- D. *Consider increasing densities for single-family, two-family and multi-family dwellings in areas served by public sewer and water.*
- E. *Review and reconsider Town land use standards not directly linked to public health and safety that serve to unnecessarily increase housing costs without commensurate gains in preserving Town character and open spaces.*
- F. *Consider the employment of measures that would ensure a minimum percentage of housing units in large residential developments are targeted toward work force housing.*

IMPLEMENTATION STRATEGIES

This *Comprehensive Plan* provides a framework for the future growth and development of the Town of Delaware. Although it is comprised of four separate elements, each element is inextricably interrelated with the others. Housing goals, for example, cannot be accomplished without taking into account land use regulation and economic development trends. Community facilities and services planning requires an assessment of future development, transportation needs and housing affordability. Many of these relationships are discussed in the individual *Plan* elements. Other relationships are addressed in this section.

A key theme of this and previous *Comprehensive Plan* updates has been the conservation of the Town's rural-agricultural character, while allowing for change and economic development. Major actions taken by the Town should be initially assessed in terms of their impacts on the area's character. For example, the success in providing additional central sewage disposal capacity will in all probability result in the development of more land at higher population densities. Increases in population will, in turn, trigger the need for improved or new community facilities and services such as schools and police protection. Likewise, attempts to slow growth by simply increasing lot sizes can make land unaffordable for existing residents and increase the pace at which open space is consumed. Public actions, like the private activities they are intended to control or serve, often have unintended impacts, every action generating a reaction.

The foregoing *Comprehensive Plan* elements include the following overall recommendations:

- A. *Identify areas for growth both within and adjacent to existing developed areas.*
- B. *Direct development away from environmentally sensitive areas and conserve large blocks of open land.*
- C. *Implement mechanisms to better relate the timing of growth to the capabilities of the area's community facilities.*

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- D. *Recognize agriculture as a critical component of the Town's character and economy and take all necessary actions to preserve agricultural land and activities.*
- E. *Encourage a mix of business and commercial development in appropriate locations in the Town.*
- F. *Encourage a variety of housing types and provide for affordable housing.*

Many of the resources, programs and techniques available for implementing these *Comprehensive Plan* recommendations are not within the direct control of local government. Although land use regulation, for example, is the responsibility of local government, the funding, construction and maintenance of major roads and improvements have historically been the responsibility of the state and federal governments. Likewise, most of the demand for goods and services generated by population growth are met by private enterprise. Therefore, the implementation of this *Comprehensive Plan* requires broad-based community involvement and coordination among various public and private sector organizations. The key implementation strategies include:

- A. *Development of short-term and long-term capital improvements program to prioritize needed improvements and allocate funds to these projects; with annual progress evaluations and adjustments in capital project timing and capital equipment purchases (see discussion on next page).*
- B. *Continuing education for local officials via seminars and workshops;*
- C. *Enforcement of existing land use regulations, and on-going updating of these, to effect the land use plan, preserve agricultural land and activities and achieve community facilities and services and housing objectives;*
- D. *Focusing of limited Town resources on those community facilities and services that are most critical to meet resident needs;*
- E. *Monitoring of community facilities and services provided by the county, state, and federal government to assure such services are efficiently and effectively delivered;*

- F. *Participating in county, state and federal grant funding programs, where appropriate, if such programs can be used to achieve valid community development objectives without excessive cost or delay.*

Capital Improvements Program

The capital improvements program (CPI) is one the most important of tools for the implementation of a comprehensive plan. Although not legally binding, the capital improvements program includes and establishes a time frame for the long-term capital expenditures planned by a municipality. A capital expenditure may be defined as an outlay of municipal funds to purchase, improve or construct a piece of equipment or a facility that is expected to provide service over a long period of time. Typically, a capital expenditure is relatively large when compared to normal operating expenditures included in the budget. Examples include, the construction of major improvements to the Town Hall, land acquisition for a new Town Highway Barn, recreation facilities, highway improvements, and vehicle purchases.

The Town must prioritize its capital needs. One method is to divide needs into four categories: essential, desirable, acceptable, and deferrable. The Town must also consider the revenue side of the equation. The CPI is by necessity an on-going process which must be reevaluated annually, with a planning period of five years being typical. A variety of CPI techniques are available and the Town should develop one which best suits its needs.

BACKGROUND STUDIES

A - DEMOGRAPHICS

The demographic composition of a community is affected by its geographic, physical and economic character. The current demographic makeup of both the Town and the regions from its new residents come has a great impact on how it will develop and how demands for community facilities and services can be expected to evolve. The Town of Delaware and, indeed, all of Sullivan County are very much affected by New York City metropolitan area growth, for example, as well as that of all the areas between here and there. Gaining an understanding of these changes, therefore, is critical to planning.

Historic Population and Recent Trends

The Town of Delaware lies along the Delaware river in western Sullivan County. Similar to the other southeastern counties in New York, Sullivan County remains largely rural but lies at the very edge of the metro area. Beginning in the mid-1960's, residents from nearby metropolitan and suburban areas of New Jersey and New York "discovered" Sullivan County as a place within an easy commute that offered an affordable haven from the rigors of urban life. Thousands of lots were platted around the County in response to the demand for recreation/second homes,. Most of these homes were used as vacation homes, and in many cases, became retirement homes as the owners completed employment obligations in the metro areas. Although the Town of Delaware has not seen the second-home impact or recent population growth of some of its neighbors, the impacts of metro area on growth are obvious and also stimulate much tourism.

The demographic composition and community character of the Town of Delaware and Sullivan County have changed significantly over recent decades, moving from a very rural, agricultural community to a more second-home, recreation oriented community linked to nearby metropolitan and suburban employment centers. Given the geographic location of the Town, with easy access to the interstate highway system and appealing rural character, the continued long term, moderate growth of the Town is relatively certain. The rate of growth will depend on economic and job opportunities as well as the continued appeal of the area as a vacation and retirement area.

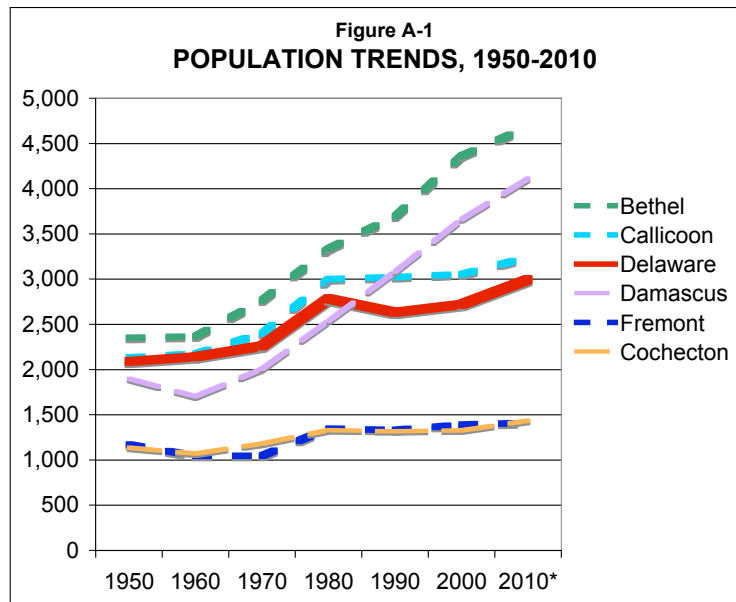
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The historical population growth of the Town of Delaware, along with that of neighboring municipalities, is presented in Table A-1 and Figure A-1 following.

Table A-1 POPULATION TRENDS - TOWN OF DELAWARE AND NEIGHBORS, 1950-2000							
Town	1950	1960	1970	1980	1990	2000	2010*
Bethel	2,351	2,366	2,763	3,335	3,693	4,362	4,682
Callicoon	2,134	2,176	2,398	2,998	3,024	3,052	3,240
Delaware	2,089	2,141	2,260	2,783	2,633	2,719	2,995
Damascus	1,898	1,703	2,006	2,536	3,081	3,662	4,114
Fremont	1,170	1,047	1,047	1,346	1,332	1,391	1,411
Cochecton	1,136	1,070	1,181	1,330	1,318	1,328	1,434
Total	10,778	10,503	11,655	14,328	15,081	16,514	17,876
% Change	N/A	-3%	11%	23%	5%	10%	8%
Sullivan	40,731	45,272	52,580	65,155	69,277	73,966	79,112
% Change	N/A	11%	16%	24%	6%	7%	7%

* 2010 projections based on straight-line extrapolation of Census Bureau estimates of 2000-2005 gains.

The Town's population grew steadily between 1950 and 1980, increasing by almost 700 persons. Most of this occurred between 1970 and 1980 when the Town grew by 523 persons or 23%. This coincided with a gain of 160 housing units and opening of the Delaware Valley Jobs Corp Center. If 430 persons in group quarters are deducted to isolate impacts of the latter, the 1980 population was 2,353 persons, a gain of only 4.1% over 1970.



The Job Corp Center also had an impact on the population of the Town during the 1980's, but has had few effects since then. The 1990 Census reported a loss of 150 persons compared to the 1980 population of the Town. However, the group quarters population declined by 69 persons to 361, accounting for almost half the loss. It then increased slightly to 384 individuals in 2000 (and was 398 in 2007). Therefore, the group quarters population had very little impact on the growth of the Town in the 1990's.

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The Town's recent rate of growth, based on the Bureau of the Census population estimates for 2000-2005, exceeds those of all of its New York State neighbors. Its estimated 2005 population was 2,857 persons, suggesting it is growing at a rate of 10.2% per decade, compared to 8.0% for Cochection, as an example. Only Damascus Township in Pennsylvania is growing faster. There is no indication the Job Corps Center has affected the recent numbers.

Table A-2 POPULATION TRENDS - TOWN OF DELAWARE AND NEIGHBORS, 1950-2000							
Town	1980	1990	% Chg.	2000	% Chg.	2010*	% Chg.
Bethel	3,335	3,693	10.7%	4,362	18.1%	4,682	7.3%
Callicoon	2,998	3,024	0.9%	3,052	0.9%	3,240	6.2%
Delaware	2,783	2,633	-5.4%	2,719	3.3%	2,995	10.2%
Damascus	2,536	3,081	21.5%	3,662	18.9%	4,114	12.3%
Fremont	1,346	1,332	-1.0%	1,391	4.4%	1,411	1.4%
Cochection	1,330	1,318	-0.9%	1,328	0.8%	1,434	8.0%

* 2010 projections based on straight-line extrapolation of Census Bureau estimates of 2000-2005 gains.

Population Projections

The 1983 *Master Plan* projected the Town's permanent population would reach 3,060 persons by 1990 and 3,340 persons by 2010. The actual Census counts and population estimates analyzed above indicate this was too optimistic. The Town population decline by 150 persons between 1980 and 1990 demonstrates projections beyond a few years are meaningless given the small population base, the effect of the institutional population, and the volatile nature of growth in areas so affected by the metro area market forces. It can be said, however, the Town is unlikely to experience large population increases, compared to national trends (13% gain for the 1990's), over the next 10 to 15 years. A Town of Delaware population of 3,300-3,500 is not out of the question by 2020, if growth continues, but this is probably the upper end of any projection that can be made based on current trends.

Age of Population

The age of a community's population is an important factor in determining the community facilities and services that must be provided currently or in the future. Many of those services are age dependent and provided by public entities other than the

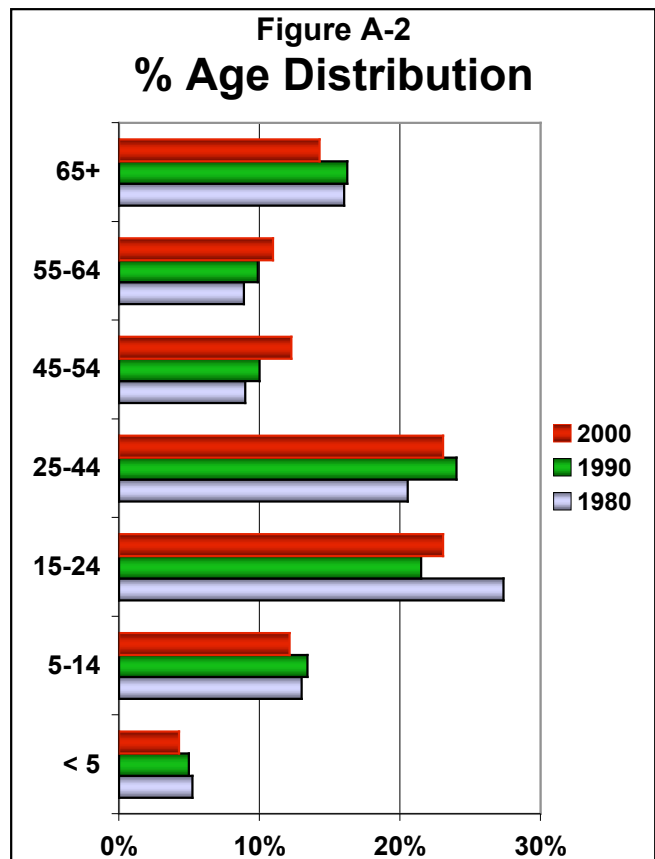
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Town. The number of children determines the size and type of educational facilities and services provided by the school district, while an aging population will require more social services from county and state agencies. Table A-3 Population Age Distribution, includes age data for the Town for 1980 and 1990. (See also Figure I-2.)

Table A-3 POPULATION AGE DISTRIBUTION, 1980-2000						
Age Category	Persons	%	Persons	%	Persons	%
	1980	1980	1990	1990	2000	2000
< 5	145	5.2%	131	5.0%	116	4.3%
5-14	362	13.0%	353	13.4%	330	12.1%
15-24	761	27.3%	566	21.5%	627	23.1%
25-44	572	20.6%	632	24.0%	627	23.1%
45-54	250	9.0%	263	10.0%	333	12.2%
55-64	247	8.9%	260	9.9%	298	11.0%
65+	446	16.0%	428	16.3%	388	14.3%
Total	2,783	100.0%	2,633	100.0%	2,719	100.0%

Source: U.S. Census, 1980-2000

The principal change in the age of the Town's population occurred in the under 5 years and 45-64 year old groups, while the other age groups have varied in pattern. The under 5 years has steadily declined while the 45-64 year old groups have increased over the two decades. The decrease in Job Corps Center participants the drop in 15-24 year olds in the 1980's. Generally, the pre-school and elementary school age population had been dropping on a relative basis while the working age population has been growing. Interestingly, the proportion of the population aged 65+ years declined in the 1990's, suggesting some changes in the pattern of in-migration toward younger pre-retirement households.



Housing Stock

The 2000 Census reported a total of 1,337 housing units in the Town of Delaware (see Table A-4). This represented a 7.5% increase, up slightly from the 6.2% housing growth rate between 1980 and 1990, but far below the 1970's when housing units jumped by 16.1%. The Town of Delaware housing stock expanded faster than Sullivan County as a whole but the latter's numbers (and Bethel's) are distorted by the removal of old bungalow colonies. Interestingly, the Delaware rate of housing growth was about half that of adjoining Damascus Township in Pennsylvania, reflecting the different housing values, taxes and discount relationships that prevail in the two states.

Table A-4 HOUSING UNITS, 1980-2000					
Municipality	Housing Units 1980	Housing Units 1990	% Change	Housing Units 2000	% Change
Bethel	4,425	3,693	-16.5%	3,641	-1.4%
Callicoon	1,562	1,648	5.5%	1,797	9.0%
Cochecton	817	889	8.8%	955	7.4%
Damascus	1,535	1,956	27.4%	2,248	14.9%
Delaware	1,171	1,244	6.2%	1,337	7.5%
Fremont	843	1,084	28.6%	1,182	9.0%
Total	10,353	10,514	1.6%	11,160	6.1%
Sullivan County	45,863	41,814	-8.8%	44,730	7.0%

Source: U.S. Census, 1980-2000

Owner-occupied units account for an increasing share of the housing stock (54.4%), compared to renter-occupied units (17.1%). Table A-5 explains. Nevertheless, the owner units represent a relatively large share of the Town's housing stock. This is probably attributable to upper story apartments and other multi-family units in the hamlet of Callicoon, although the Villa Roma resort may also be a factor.

Table A-5 also indicates seasonal housing growth, after slowing significantly between 1980 and 1990 as compared to the 1970's, expanded again by 18.0%. This confirms a resurgence in second-home activity that has been evident from new development patterns within the Town over the past several years. Units used seasonally or occasionally for recreation use accounted for 22.0% of the housing stock in 2000, a rapidly growing share.

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**Table A-5
HOUSING TENURE AND VACANCY STATUS, 1980-2000**

Unit Type	Housing Units 1980	Housing Units 1990	Change	Housing Units 2000	Change	% Change
Owner Occupied	670	670	0	727	57	7.8%
Vacant Units for Sale	14	41	27	25	(16)	-64.0%
Renter Occupied	209	218	9	229	11	4.8%
Vacant Units for Rent	23	29	6	14	(15)	-107.1%
Seasonal/Occasional	231	241	10	294	53	18.0%
Other Vacant	24	45	21	48	3	6.3%
Total Housing Units	1,171	1,244	73	1,337	93	7.0%

Source: U.S. Census, 1980-2000

The number of manufactured (mobile) homes has recently declined after increasing between 1980 and 1990 (see Table A-6). Growth during the 1980's reflected the need for affordable housing. That need remains, but land values have also risen, making it difficult to justify use of it for manufactured homes. This trend is apparent throughout many parts of the region, with many towns experiencing losses of manufactured housing. Nonetheless, manufactured homes still represent 9.7% of the housing stock.

**Table A-6
HOUSING STOCK BY STRUCTURE TYPE, 1990-2000**

Structure Type	Housing Units 1990	Housing Units 2000	Change	% Change
Single-Family Detached	925	996	71	7.1%
Single-Family Attached	8	61	53	86.9%
Two-Family	73	78	5	6.4%
3-4 Unit Structures	34	48	14	29.2%
5+Unit Structures	26	22	(4)	-18.2%
Manufactured Homes	147	130	(17)	-13.1%
Other	31	2	(29)	-1450.0%
Total Housing Units	1,244	1,337	93	7.0%

Source: U.S. Census, 1990-2000

The predominate type of housing unit in the Town of Delaware is the single-family detached dwelling, which comprised 74.5% of the total stock in 2000, about the same as it did in 1990. Single-family attached units have increased dramatically as a result of

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Villa Roma time-shared unit construction, but most of these units are more properly classified as multi-family and should have been included in other Census categories, there being very little real single-family attached housing in the Town. Multi-family units comprise a growing part of the housing stock, primarily due to the various condominium projects associated with the Villa Roma Resort.

The Census data for 1990 and 2000 includes a number of other demographic characteristics highlighted in Table A-7 below. These are self-explanatory in nature.

Table A-7 GENERAL DEMOGRAPHIC CHARACTERISTICS, 1990-2000				
Demographic Characteristics	1990*	2000	Change	% Change
Housing				
Median housing value	\$110,526	\$92,000	(\$18,526)	-20.1%
Median contract rent	\$442	\$494	\$52	10.5%
Family households with children	283	271	(12)	-4.4%
Place of residence 5 years earlier (persons)				
Same State - Different County	427	402	(25)	-6.2%
Different State or Country	358	258	(100)	-38.8%
Employment and Income				
Median household income	\$39,383	\$40,145	\$762	1.9%
Median family income	\$47,287	\$45,875	(\$1,412)	-3.1%
Per capita income	\$13,316	\$17,884	\$4,568	25.5%
Persons below poverty level	621	539	(82)	-15.2%

B - LAND USE

A community's growth and development are affected by a broad range of interrelating factors including such things as regional location, the transportation system, extent of agriculture, natural resources, land suitability for development, community facilities, condition of the general economy, local land values and real estate taxes. A change in one factor will in all likelihood result in a change in another factor, and the overall character of the community. In short, how a community's character has developed and how it will change into the future, are the result of a complex interaction of sometimes opposing forces ranging from no growth, exclusionary land use controls to unbridled commercial and residential development. Land use patterns in a community are the result of this complex interaction played out over the community's history.

The challenge in developing a land use plan for the Town of Delaware is to strike a balance; that is to provide for the essential economic growth and development of the Town while, at the same time, protecting its scenic and natural environment and rural/agricultural character that has largely been the impetus for the Town's past development.

Importance of Regional Location

The importance of the effect of the Town's regional location on local land use patterns cannot be overemphasized. The Town is within easy access of all sections of the greater New Jersey and New York City metropolitan area. This access has historically provided a market for local agricultural products, and more recently resulted in much of the second-home and tourism development in the Town. Many commuters are also now locating in the Town of Delaware.



Development Pattern

The development pattern that has taken shape in the Town of Delaware in the recent past can best be characterized as recreation/tourism related. Most new development within the Town in recent years has been the residential in nature. Commercial development is concentrated in the Callicoon, Hortonville and Kohlertown areas, with a number of small businesses scattered throughout the Town. Most of the Town remains undeveloped and agriculture continues to be an important part of the community's character. Given this land use composition, economic activity in the Town provides relatively limited employment opportunities and, according to the 2000 Census, the average travel time to work for Town residents was nearly 27 minutes, up from 24 minutes in 1990.

The Town of Delaware's economy and resultant land use and development pattern has depended on its natural resources, for agriculture and tourism, and is inextricably linked to nearby metropolitan areas and environs. During much of its early history the Town of Delaware served as a source of natural resources and food supplies. Agriculture remains an important part of the local economy as cheese-making and other niche enterprises have developed. Service and retail sectors now stand out as the largest employers documenting Town reliance on the regional economy for employment.

However, this is not to say commercial development will never be a key ingredient of the Town of Delaware character. Indeed, Callicoon has been economically revived by the access road and park along the Callicoon Creek. These have made possible the opening up of the rear area of Main Street, a new convenience store and restaurant and a farmers' market. There are now several excellent restaurants in the hamlet. Over the long term, more retail and service establishments can be expected as the residential population increases and the demand for such businesses grows. Home occupations, although difficult to assess in terms of numbers and types, also appear to be becoming an important part of the Town's economy, fitting unobtrusively into the rural/residential character.

Development Balance

As noted earlier, achieving a balance between growth and development and maintaining the Town's character and natural environment will be the continuing land use challenge over the next several decades. As more and more people are attracted to the Town, the

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pressure for the development of vacant land will intensify. Associated with this development will be the pressure on agricultural and open land, the need for adequate water supply and sewage disposal and problems of soil erosion and sedimentation and stormwater as the construction of new roads and other impervious areas disturbs the soil and increases run-off. As development increases, the demand for services also increases. The need for road maintenance and up-grading and other community facilities is heightened, additional retail and service establishments are developed, school enrollment increases, more social services are demanded, and the criminal justice system must respond to a higher crime rate. Local, county, and school taxes increase to meet the need.

The Town's future land use, environmental quality and community character will evolve in response to the actions of community leaders and active citizens combined with the forces of the local and regional economy, and the demand for land and community facilities and services. The Town's growth and development must be tempered by the land's physical limitations and must be guided by the application of traditional and innovative land use controls that preserve its character for future generations and as an economic resource. Likewise, the Town's attempts at growth management must be tempered by the realities of the marketplace, the need for affordable housing and the desirability of economic development that will produce better jobs and a higher quality of life for residents. Balance, in a word, is the most important thing.

Land Use Overview

The Town of Delaware covers a total land area of 35 square miles. Geographically, the Town is the smallest municipality in Sullivan County. Much of this land area is held in relatively large parcels used for agriculture, forestry and hunting.

Residential Land Use

Residential use remains the principle type of developed land and is expected to continue as such. The most dense development is found in the Hamlets of Callicoon, Hortonville, Kenoza Lake and Kohlertown. Many single-family residences are also located on individual lots subdivided from large parcels over the years. A number of more recently developed single-family, residential subdivisions are scattered throughout the Town, including Delaware Ridge Estates and Kenoza Lake Estates. More recent development also includes the condominiums and timeshares at the Villa Roma Resort.

Commercial and Industrial Land Use

The greatest concentration of commercial establishments is found in the Hamlet of Callicoon, due in large part to the historical effect of the railroad; and, Hortonville, Kenoza lake and Kohlertown each include only a small number of commercial establishments. A few additional commercial establishment are scattered throughout the Town. These establishments are comprised primarily of small retail and service businesses serving the daily needs of residents and visitors, along with a number of small scale tourist lodging facilities. Town residents travel to nearby commercial areas in Honesdale, Monticello and Liberty for other retail and service needs, and often look to more distant metro areas for access to a wider variety of goods and services.

Public and Semi-Public Land Use

Publicly owned lands comprise only a very small part, less than 1%, of the Town's land area. Public land owners include the Town, the County, the State and the federal government. The Town-owned land includes the Road Maintenance Barn, and the Callicoon Creek Park and sewage treatment plant. The nine-acre Stone Arch Bridge Park is owned by Sullivan County and the Delaware Youth Center owns the Callicoon Delaware River Access, which is leased to New York State DEC. Finally, the Job Corps Center parcel is owned by the federal government.

Open Land

The Town of Delaware remains largely undeveloped, with forest and agricultural land comprising about 90% of the total land area. Some of the large open land parcels are owned by long established hunting clubs which are likely to maintain the land as open space as long as tax rates permit. Most of the larger parcels, especially agricultural land, are owned by individuals and the eventual fate of the land will depend upon the long-term economics of real estate taxes versus the economic return of the land. Given this high proportion of undeveloped land coupled with the current viability of agriculture and forestry, and the large parcel ownership pattern, the Town of Delaware can be expected to remain rural for many years. Nevertheless, it must be noted that much of this land is prime for residential development should the demand for housing or increases in real estate taxes (or a combination of both) push land owners into developing their land.

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According to the Cornell Cooperative Extension of Sullivan County, the Town of Delaware has one of the most productive agricultural communities in the County. Most of the Town is included in a New York State Agricultural District which affords certain advantages to farmers such as more difficult eminent domain procedures, nuisance protections and limits on local regulations that restrict agricultural practices. It also enables landowners to participate in the ag-value assessment program which bases tax assessed value on soil type and requires a five-year farming commitment by the property owner.

Assessed Land Use

The New York State Office of Real Property Services maintains data on assessed land by Town. This information is summarized in Table B-1 following:

Table B-1 ASSESSED LAND USE, 2006				
Land Use Category	Parcels	%	Assessed Value	%
Residential Land	1,122	58.7%	\$108,104,032	58.2%
Commercial Properties	163	8.5%	\$24,788,244	13.3%
Community Services	35	1.8%	\$15,047,450	8.1%
Public Services	21	1.1%	\$9,865,755	5.3%
Agriculture	103	5.4%	\$9,720,397	5.2%
Vacant Land	443	23.2%	\$9,317,315	5.0%
Recreation and Entertainment	9	0.5%	\$7,899,700	4.3%
Industrial Land	4	0.2%	\$541,300	0.3%
Public Parks, Forested and Conservation Land	11	0.6%	\$466,300	0.3%
Totals	1,911	100.0%	\$185,750,493	100.0%

Source: New York State Office of Real Property Services

The data indicates much of the Town's open space and forested land is connected with what are primarily residential uses for taxing purposes. Residential land accounts for 58.2% of the land value in the Town, although agricultural land is valued by its farm use and not the value it would have for development. Residential land use also represents the bulk of the parcels in the Town, with vacant land being the next largest category. This data portends much more growth for the Town of Delaware over the long term.

C - COMMUNITY FACILITIES AND SERVICES

Overview

Community facilities and services, as provided by local, county and state government and by quasi-public institutions such as volunteer fire departments, hospitals and libraries, represent a governmental or institutional response to service demands of the Town's residents. As the Town and regional population continues to increase, the demand for facilities and services will also increase -- more classroom space, police protection, social services, recreation facilities, etc. will be needed. Public community facilities and services in the Town of Delaware are provided on several levels, and the provision of these facilities and services is dependent on tax dollars, whether in the form of state aid, county supported programs or locally funded facilities and services. Both public and private funds support institutional facilities and services.

Community facilities and services can also serve as a tool, or as an unexpected trigger, to guide or stimulate community growth and development. Provision of a public water supply or sewage disposal system can be used to attract industry, but unexpected (and often undesired) associated commercial and residential development can result in the area where such facilities are provided. The construction or improvement of roads can have similar effect resulting in a change in community character.

In short, the planning and provision of community facilities and services must be undertaken in the overall context of the *Comprehensive Plan* and the community's long-term growth and development goals and objectives. More importantly, the Town of Delaware cannot simply be an island when considering facilities or services, but should cooperate with other local municipal jurisdictions, the school district and county to provide and improve facilities and services that are best provided on a regional basis.

This *Plan* focuses on those facilities and services provided by the Town of Delaware, the school districts and the quasi-public institutions serving the Town. Certainly, the facilities and services provided by the State of New York and Sullivan County are vital to Town residents, but they are beyond the scope of this *Plan*. Should Town residents find that state or county facilities or services are inadequate, Town of Delaware public officials can serve as a conduit for communication with responsible state and county officials to effect facility and service improvements.

Schools

The Town of Delaware is served by the Sullivan West School District formed out of the merger of the Delaware Valley, Jeffersonville/Youngsville and Narrowsburg Central School Districts. There are facilities in Jeffersonville as well as a new school in Lake Huntington. The merger, however, resulted in empty buildings at the Hankins (Delaware Valley) and Narrowsburg campuses. Vocational special education and technical training are provided by BOCES, located in the Town of Liberty.

Town Facilities and Services

Towns in the State of New York are responsible for a variety of public facilities and services. One of the primary functions is the construction, improvement and maintenance of roads. Towns, via the elected Town Board, are also responsible for, in some cases by mandate of the state and federal government, a variety of other facilities, services and programs. These include, among others, land use controls; environmental protection; police protection; water, sewer and storm water facilities; parks and recreation, and solid waste disposal. The level of service is typically dictated by the density and demographic character of the a town's population.

The principal facility maintained by the Town of Delaware, aside from roads, is the municipal building owned by the Town of Delaware. Located in Hortonville, the Town Hall houses the Town administrative offices including the Town Supervisor, Clerk, Assessors, and Building Inspector; the local Court; and a County Sheriff's substation. The Town Hall also serves as the meeting site for the Town Board, Planning Board and Zoning Board of Appeals. The Town also owns and maintains the Town Road Maintenance Barn located on Route 17B in Hortonville, the Callicoon Sewer Plant and several parcels in the Hamlet of Callicoon that comprise the municipal parking area behind the commercial establishments on Main Street.

The Town employs several individuals in connection with its administrative programs. The Town Supervisor serves as the chief elected official. The Town Clerk, also an elected position, is employed full-time and maintains regular office hours at the Town Building. The Town also employs a part-time Court Clerk. The elected Town Superintendent of Highways is responsible for the Town's roads and supervises 9 full-time road maintenance employees.

Fire Protection and Emergency Response

The Town of Delaware residents are served by four volunteer fire companies. The Kenoza Lake Fire Company, Callicoon Fire Company, and Hortonville Fire Company are located in the Town, and the Jeffersonville Fire Company is located in the nearby Village. Each company comprises a formal Fire District and is supported by real estate tax revenue designated for each particular Fire District.

All four companies are well equipped and manned by active volunteer organizations committed to training and provide excellent coverage of the Town as compared to many other rural areas. Mutual aid arrangements with adjoining companies strengthens the overall fire protection service.

Ambulance service is provided by the Jeffersonville First Aid Corps which is also a formal Ambulance District supported by the real estate tax; and the Upper Delaware Ambulance Corp. Town residents are fortunate to be served by these fire protection and ambulance companies in a time when many communities are facing the loss of volunteer emergency response services.

Police Protection

The County Sheriff's Department provides police service to the Town of Delaware. The closest New York State Police barracks are located in Liberty with a sub-station in Narrowsburg. There has been little demand by Town residents for the creation of a local police force, a step which would involve major funding and long term commitment by the Town.

Utilities

As is the case in most rural areas, electricity and telephone in the Town of Delaware are supplied by public utility companies. Telephone and electric service are available throughout the Town and are supplied to new development in accord with New York State regulations. Basic telephone service is provided throughout the Town by Verizon. Electricity is provided by the New York State Electric and Gas Company. Cable television service is not available throughout the entire Town, but is supplied by Time Warner Cable, to the more populated areas of the Town including Callicoon, Hortonville Kohlertown, Kenoza Lake and some areas of the Beechwoods.

Water and Sewer

The Town of Delaware operates no municipal water supply system; however, the Hamlet of Callicoon area is supplied by a private community water system owned and operated by the Callicoon Water Company. The Villa Roma Resort supplies water, via a private community system, to its resort facilities and condominiums associated with the Villa Roma. Individual, on-site water wells serve most other residences and commercial establishments in the Town.

Two sewer districts operate in the Town and all other areas rely on-site subsurface sewage disposal. The Callicoon Sewer District serves the hamlet area. The facilities are owned and operated by the Town of Delaware. Although the treatment plant is physically located in the Town of Delaware, the Jeffersonville Sewer District is operated by the Village of Jeffersonville and serves only the Kohlertown area of the Town.

The *1983 Master Plan* was adopted at the time each system was in the development process and the *Plan* noted that *neither plant is designed to service new development as much as (to) correct the problems with the existing densely populated developed areas suffering severe sewage problems*. The intent to serve only problem areas appears to have been realized, given that little new development has been stimulated by the treatment plants. The privately operated sewage treatment plant serving the Villa Roma resort and associated residential development is the only other central sewage treatment system in the Town.

Solid Waste Disposal

Sullivan County has undertaken solid waste disposal planning along with a number of local municipalities. The Town of Delaware did not participate and continues to rely on private haulers who dispose of the waste at the landfill near Monticello and other facilities in the region.

This arrangement of regional landfills and private collection should be adequate to meet the long-term needs of Town of Delaware residents. If illegal dumping or improper disposal of waste is identified as a problem in the future, the Town can, as authorized by state law, adopt ordinances to require Town residents to dispose of waste properly and use Town designated haulers.

Recreation

The *1983 Master Plan* reports extensively on the recreational and cultural resources of the Town noting that active recreation facilities are provided primarily by the Delaware Youth Center in Callicoon and the Delaware Valley Job Corps Center, and at public schools and other municipal facilities in adjoining municipalities, with some additional facilities provided by area resorts. The *Plan* goes on to state that *public facilities are already available in adequate numbers to serve the Town residents and with the additional facilities available in adjoining municipalities (particularly Jeffersonville) there is no apparent need for additional recreational.*

Given the lack of any major population increases since the last *Plan* update in 1996, the need for additional recreation facilities is minimal. A new park has been created between the Callicoon Creek and Main Street in Callicoon, where the farmers' market now takes place. This park is maintained by the Town of Delaware.

D - HIGHWAYS

Access - Mobility

Each highway, road or street in a community plays a specific role for the movement of traffic and it is useful for planning purposes to classify roads according to the particular function each serves. In general terms, the functional classification of a road is based largely on two factors -- access and mobility -- and typically, as access declines mobility increases.

For example, Interstate Route 17 (future I-86) connecting Sullivan County with points north and south clearly serves a different function than does a private street in a residential subdivision. Although the Route 17/private street example compares streets at the opposite ends of the road classification hierarchy, it clearly depicts the relationship between access and mobility. Traffic on Route 17, a limited access highway, travels over long distances at high rates of speed. On the other hand, traffic using a private residential street with unlimited access from individual properties moves at minimum speeds to reach roads that connect the residential community with other areas of the region.

The system used for the classification of roads, known as the "Highway Functional Classification", may vary in the level of detail depending on the complexity of the study community, but in general, the system is a hierarchy of roads, each road classified according to its particular function with mobility increasing and access decreasing as the classifications move higher in the hierarchy.

Other Classification Factors

As previously noted, access, that is, how traffic enters the traffic stream; and mobility, that is, the physical capability of the road to carry traffic, are the key determinants of a road's functional classification. However, several other road and network characteristics also affect the functional classification of a road.

Traffic volume in relationship to the physical design of the road, including lane and shoulder width, right-of-way alignment and surface treatment, is important to its classification. Generally, as a community develops, roads are improved to meet the

increased traffic demands, with specific routes moving higher in the functional classification as they are improved. However, in areas of rapid growth and associated traffic increases, the amount of traffic carried by specific roads may increase to the point of exceeding the road's capacity. The road, in terms of traffic, may be serving as a principal collector, but may not have been physically upgraded from a minor collector or local road.

A road's location and relationship to other roads in the intra-community and inter-regional highway network may also help define the road's classification. Those roads which provide direct and convenient connection to arterial routes and expressways typically develop into roads which carry increasing amounts of traffic. Conversely, interchanges for expressways are normally located to provide connection with those roads in a community which historically have developed into arterials and collectors.

Traffic flow problems and declines in level-of-service on routes connecting areas of the Town and routes providing access to the region are directly related to the capacity of collector and arterial roads. As traffic increases on the collectors and arterials, where access to abutting properties has historically not been limited to any significant degree, increasing traffic congestion can be expected. Also resulting from such access by adjoining residential and commercial properties and intersecting streets are the safety problems associated with increased congestion.

Highway Functional Classification

The nomenclature used for a "Highway Functional Classification" also differs from jurisdiction to jurisdiction throughout the State of New York and the United States. Road classification in metropolitan and suburban areas is often very complex, with the various categories of roads being divided into several subcategories based on land use type served, the seasonality of traffic patterns and the designation of specific traffic volumes.

Given the rural nature of the Town of Delaware and its relatively uniform residential/recreation development pattern, without concentrated, large scale commercial development (as compared to metropolitan areas) a more simplified classification is appropriate and follows on the next page:

Arterial Highways

- Provide connections between regional commercial and population centers
- Provide connections between Town and adjoining communities and regions
- Carry larger volumes of traffic at relatively high speeds (45-55 mph)
- Serve a mix of local and through traffic
- Carry low volumes of through truck traffic
- Provide moderate to high levels of mobility
- Access limited only by state road work permits

State Routes 17B, 52, 52A and 97 and County Road 117 (*Minor Arterial*) serve as arterials based on their functions in carrying traffic through the Town and providing connections to the region.

Collector Roads

- Collect traffic from local streets and deliver it to centers and arterials
- Serve moderate levels of traffic at reduced speeds (35-45 mph)
- Serve more locally oriented traffic with few through trips
- Carry primarily only "local delivery" truck traffic
- Access limited only by town/county road work permits
- Provide reduced levels of mobility

The roads classified as collectors in the Town are primarily County Roads, with a Town Road serving as a *Minor Collector*, and include the following:

- CR 121 connecting Route 17B to North Branch and beyond
- CR 128 connecting Route 52 to North Branch and beyond
- CR 131 carrying traffic to the Town of Fremont
- CR 164 connecting Callicoon/Hortonville area to Jeffersonville
- Beechwoods Road serving as *Minor Collector* connecting Hortonville to CR 164

Local Roads

- Connects residential properties and communities to collectors
- Serves lowest levels of traffic at slowest speeds (less than 35 mph)
- Carries local trips only with no through trips
- Carries minimal truck traffic making local deliveries

All other public roads in the Town of Delaware are considered local roads.

Roads in the Town of Delaware

The Town Highway Superintendent reports a total of 59.07 miles of Town Road, with 1.57 miles of that length with a gravel surface. This Town owned and maintained mileage, in combination with 13.07 miles of County Roads and 18.86 miles of State Roads, amounts to a total of 92.57 miles of public roads in the Town of Delaware.

Given the Town's regional location there has been little historic need for the construction of any high volume roads through the Town, the road network having developed to serve the early settlers and agricultural economy, and later residential/tourism development. As more and more residential and associated light commercial development occurred in the Town and beyond, roads have been extended and improved to carry the additional traffic. Development in Delaware Ridge Estates resulted in two miles of additional highway that, having been built to Town highway specifications, was dedicated to the Town in 2006.

Currently, the Town's roads serve primarily to connect the Town with surrounding communities and to provide circulation within the Town. It is expected that this will continue to be the function of the Town's roads and that no major through-traffic routes will be built.

Traffic Volume and Road Network Level of Service

Traffic on the roads in the Town of Delaware has been increasing steadily over the years. However, traffic volumes on the roads in the Town have not reached the point where the "Level of Service" has been significantly affected. Level of service is a measure of a road's ability to carry traffic and is dependent on a variety of physical factors such as road width and alignment, and traffic volume. Travelers on roads in the Town of Delaware typically do not experience any significant delays. Such delays would indicate that a road is approaching its capacity and reaching an unacceptable level of service. In general, traffic on the roads in the Town is moving at acceptable levels of service with no significant change expected in the near term. This does not mean, however, that all roads in the Town are in optimum condition, and that particular problem areas and safety concerns need not be addressed.

The traffic carrying capacity of a community's road network, and the intersections associated with the network, to handle the existing and future traffic volumes generated

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by development is the key element for providing safe and efficient traffic flow. Those land uses which generate larger volumes of traffic should logically be located in the areas of a community served by roads with greater carrying capacity. For example, commercial establishments generate more traffic than a single family residence and should be located on routes which have sufficient capacity to serve the use.

Road Conditions Overview

The *1983 Master Plan* addressed the overall adequacy of the County and State roads in the Town and stated:

Altogether the State and County system appears to be in relatively good condition although the nature of the highways themselves (i.e., Routes 17B and 52A with their many turns as they follow the course of the Callicoon Creek) creates certain inherent safety and maintenance problems. The Town should continue to take an active role in working with the County and State highway departments to both identify and correct the deficiencies.

The *1983 Master Plan* identified two specific issues concerning state roads which have been addressed in recent years. The Callicoon viaduct on Route 97, reported in poor condition by the *Master Plan*, has been replaced by the State. The *Plan* also noted the severe seasonal parking problems in the hamlet of Callicoon along Main Street, which is actually County Road 133, and suggested improvements. The Town, with the assistance of property owners, has developed a public parking area between the rear of the buildings on Main Street and the riverbank. The NY-PA interstate bridge is scheduled for replacement in 2009.

The Town annually conducts an inventory and evaluation of its roads and submits a report to the County. The Town Highway Superintendent reports that the Town's roads are largely in good condition and necessary improvements are made as funding becomes available. A key to maintaining good roads is adequate drainage, which is an ongoing priority for the Town. Recent flooding has created a number of issues that will demand the attention of the Town for some time. It also reinforces the need to incorporate rigorous stormwater management standards in land use regulations.

The principal areas of concern with respect to Town Roads have been those which serve the Villa Roma Resort and associated development. Improvements have been

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made but as the Villa Roma rebuild its current operation following a fire and expands, the Town must anticipate and plan further improvement of these roads.

E - UPPER DELAWARE SCENIC AND RECREATIONAL RIVER

Background

One of the major influences on the growth and development of the Town of Delaware over the last several decades was the federal study and eventual designation of the Upper Delaware as part of the National Scenic and Recreational River Program. A reflection of the area's rural character and the long-term conservation of that character, the 1978 designation recognized the importance of the River Corridor to the heritage of the entire nation.

As part of the cooperative, planning process undertaken by the participating local municipalities, the five affected counties, the two states, the Delaware River Basin Commission and the National Park Service, *Land and Water Use Guidelines* were developed to advise local municipalities in their land use control efforts to continue to protect the character of the River Corridor. This approach was undertaken in response to local demand for continued basic local authority over land use control and community development decisions as an alternative to widespread land acquisition by the National Park Service. The *River Management Plan* provides a detailed history of the federal designation of the River, the management planning process, local participation in the process, and the development of the *Land and Water Use Guidelines*.

The *Land and Water Use Guidelines* provide a range of goals and objectives for conserving the character of the Upper Delaware Corridor while at the same time sustaining its continued economic viability. Rather than prescribing specific actions required of local municipalities, the *Guidelines* allow a range of alternatives and performance standards to meet a specific River Corridor conservation goal. Alternatives include such performance standards as minimum lot size and width, building setbacks, and ridge line development limitations, and regulations for parking, signs and the types of uses permitted in the River Corridor.

The Town's *1983 Master Plan* included a detailed discussion about the Upper Delaware and recommended that the Town zoning map be amended to address the Upper Delaware Corridor *and the Ordinance be updated to incorporate those aspects of the Land and Water Use Guidelines which are not adequately addressed in the Ordinance at present*. The Town went on to amend the Zoning Law in 1988 and included many of

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the provisions of the *Guidelines*. The Zoning Law was again amended in 1993 as was the zoning map, and the Town was found by the Upper Delaware Council and the National Park Service to be in substantial conformance with the *Guidelines*, thereby recognizing the Town's long-term commitment to protecting the character of the River Corridor along with that of the entire community.

Given the "substantial conformance," determination, Town landowners in the Corridor are afforded protection from federal land acquisition actions provided any development complies with the Town zoning ordinance. The Zoning Law's Delaware River District (DR) largely mirrors the Upper Delaware Corridor boundary, with those small areas outside the boundary afforded adequate protection by the zoning standards applicable to other districts. The Callicoon Hamlet area, as recognized by the *Upper Delaware River Management Plan*, is encompassed by the Callicoon Business District (CAL-B-1) and the Callicoon Residential District (CAL-R-1), with each zoning district reflecting the standards recommended for Hamlet areas by the *Guidelines*.

Upper Delaware Scenic Byway Designation

One of the indirect consequences of the Upper Delaware River designation was increased attention to the scenic value of Route 97. Following an extensive study and planning process in which the Town of Delaware actively participated, Route 97 was officially recognized as a New York State Scenic Byway and is now known as the "Upper Delaware Scenic Byway." This program provides an additional basis for tourism promotion along the Upper Delaware corridor and has led to the development of signage along Route 97 promoting it as a scenic byway as well as several brochures. The Town of Delaware continues to support this program.

Effect on Town of Delaware Zoning

How has the Upper Delaware River designation affected zoning in the Town of Delaware? Adopted in 1974, the Town's Zoning Law was initiated in response to the overall rapid growth and development of the Town and region, part of which can be attributed to the attraction of the Upper Delaware River. Much of the same impetus that resulted in the study and designation of the Upper Delaware was key in the adoption of the Zoning Law. In other words, both the River designation and the adoption of the Zoning Law were part of the overall process of local response to increasing

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development and the need to control that development to preserve community character.

The designation of the DR District in the 1988 ordinance was clearly linked to the River designation process. The 1993 amendment was undertaken specifically to address the *Land and Water Use Guidelines* and the DR District as designated in 1993 was based largely on the corridor as defined by the *River Management Plan*. Nevertheless, a careful reading of the uses permitted in the DR District and the associated performance standards reveals that while the Town has largely complied with the intent of the *Land and Water Use Guidelines*, the Zoning Law continues to reflect the specific zoning goals of the Town aimed at meeting the needs of the entire community.

Community Impacts

The Town's *1983 Master Plan* discussed the effects of the River designation on the demand for community services such as police protection, fire protection and ambulance service, solid waste disposal and traffic and parking. The *Plan* concluded that the financial assistance provided by the National Park Service for police protection and solid waste disposal in the Corridor was adequate provided River use did not increase dramatically, and noted that trespassing problems were the greatest problem. River users place little extra demand on fire protection and ambulance services, but the *Plan* again cautioned that the level of service would be dependent on the number of visitors to the area. The most critical problem identified was the congestion and lack of parking in Callicoon, *largely due to a lack of off-street parking and the difficulty of parking on Main Street*.

In terms of current demands on these services and facilities, there appears to have been not significant increase in demand. River use has not increased dramatically since 1983, the Town continues to participate in the NPS police and solid waste funding program, and the Town has developed a parking area to the rear of the Callicoon business district.

River Use, Land Development and Land Values

Another key question is - What effect has the designation of the River had on River use and land development in the Corridor? Certainly, more tourists were drawn to the area by the national designation; however, given the proximity to metropolitan areas and

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promotion by local business, the increase in the number of tourists would surely have occurred despite the designation. Federal participation provided an opportunity for overall management of River use, especially safety promotion and law enforcement, which would have been difficult to accomplish at the local level. The formation of the Upper Delaware Council, as an evolution of several earlier, local, and less formal consortiums such as the Upper Delaware Clearinghouse and COUP, has provided a forum for discussion and action on issues affecting the Upper Delaware region which transcend sensible solution by individual municipalities.

As noted earlier, Town of Delaware's zoning was in place at the time of designation and included many of the standards eventually promoted by the *Guidelines*, therefore suggesting that the formal designation itself had little effect. Nevertheless, the initial adoption of the Town Zoning Law obviously anticipated the designation by including certain standards, although most of the standards were not too dissimilar from standards adopted in other zoning districts in the Town. The long-term, local anticipation of the designation of the River Corridor in the Town served as a harbinger of the zoning standards which the Town Board may likely have adopted as a matter of course in their effort to protect the Town's rural character.

In short, the effects of the formal designation of the River cannot be separated from the overall context of the lengthy designation and planning process. Additionally, the Town's interest in community planning and eventual adoption of a subdivision law and a Zoning Law stemmed as much from the growth and development occurring throughout the region as along the Delaware; all of which owed most of its impetus to the demand for a rural lifestyle by residents of nearby metropolitan areas.