

SECTION I
WATERFRONT REVITALIZATION AREA BOUNDARY

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A. Waterfront Revitalization Area Boundary

The Local Waterfront Revitalization Area in the Town of Delaware is defined by the Town of Delaware Zoning Map and includes the DR-Delaware River District, the CAL-B-1-Callicoon Business District and the CAL-R-1-Callicoon Residential District. See *Map I-1 -- Waterfront Revitalization Area, Zoning Districts, and Existing Land Use*.

B. Relationship to the Upper Delaware Scenic and Recreational River

The Town of Delaware waterfront revitalization area is closely linked to the boundary of the Upper Delaware Scenic and Recreational River. In 1978, the U.S. Congress included 73.4 miles of the Upper Delaware River in the National Wild and Scenic Rivers System. Following many years of cooperation and debate among local citizens and groups, the affected local municipalities, the affected counties, a river basin commission, two states and federal agencies, and a citizen's advisory council, a river management plan was adopted in 1986.

The *1986 Final River Management Plan, Executive Summary* suggests:

The River Management Plan will be the most important document for all future efforts and actions within the Upper Delaware area. It will provide the direction and the parameters for implementing the legislation and all actions of the participating organizations. Although the River Management Plan does not supersede the law, nor transfer or

delegate the legal responsibilities of the Secretary of the Interior, it does stipulate an agreement between all levels of government for implementing the Upper Delaware River legislation.

The *Executive Summary* goes on to note that the key provisions of the *Plan* include:

- 1. Retaining local control of the river corridor through the establishment of an Upper Delaware Council; the Council will have primary responsibility for coordinating and overseeing the plan*
- 2. Protection against over-regulation by using only existing local, state, and federal laws to protect the river; the plan makes it very clear that Title 36 of the Code of Federal Regulations does not apply to private lands within the corridor*
- 3. Providing landowners with protections against the use of eminent domain by implementing a multi-step process that must be followed before eminent domain may be used; this process safeguards against the arbitrary use of eminent domain and ensures that eminent domain may only be used as a last resort for proposed developments that would harm the river*
- 4. Emphasizing the need to maintain the local economy and tax base through the use of alternatives to fee title land acquisition*
- 5. Limiting the total amount of NPS land acquisition for management purposes to*

not more than 124 acres on a willing seller-willing buyer basis only

6. *Revision of the plan and guidelines to ensure continuation of such traditional activities as recreation, hunting, fishing, trapping, timbering, and agriculture*
7. *Providing the towns with alternatives and flexibility allowing them to meet the guidelines in their own way*

The Town of Delaware was an early participant in the Upper Delaware designation process and continues to participate in the Upper Delaware Council, which was established in response to the *River Management Plan*. Key elements of the *Plan* are the *Land and Water Use Guidelines* which serve as the basis for local land use control decisions. The *Executive Summary* describes the *Land and Water Use Guidelines* as follows:

The guidelines recognize the important role and contributions of local governments in land management and apply to the relevant activities of county, state, and federal agencies. Furthermore, the guidelines now relate directly to the objectives of the National Wild and Scenic Rivers Act, and will serve as the basis for conformance review. The (Upper Delaware) Council will contract with the Secretary for the review of local plans, laws and ordinances, and for monitoring land uses.

The provisions in the land use section of the guidelines seek to protect water quality, preserve natural features, provide for recreational uses, provide for the continuation of agriculture, conserve river resources, and maintain existing land use patterns. They do not limit the rights of owners to maintain lawfully established uses.

The water use portion of the Land and Water Use Guidelines, together with the water use section of this plan, provide an overall framework for managing the uses of the waters of the Upper Delaware River. The guidelines focus on managing the river through educating and informing the public, as well as through the strict enforcement of existing laws and regulations.

It was in this context that the Town revised its zoning law to be consistent with the *River Management Plan*, and more specifically, with the *Land and Water Use Guidelines*; and, in June 1993, the Upper Delaware Council and the Secretary of the Interior made the determination of consistency. This determination removes private land in the Town from the threat of federal condemnation in connection with the federal river designation, provided the use of the land complies with the Town zoning law.

A key element of the revision of the Town zoning law was the designation of Delaware River District to be consistent with the Upper Delaware Scenic and Recreational River boundary. The DR-Delaware River District zone permits only lower density residential development and limited agricultural/forestry and recreation related commercial uses, all of which are subject to zoning performance standards aimed at protecting the environmental quality and character of the river corridor. Concurrently, the Hamlet of Callicoon was defined as envisioned in the *River Management Plan* by delineating the CAL-B-1-Callicoon Business District and the CAL-R-1-Callicoon Residential District, where more intense residential and commercial development are permitted, also subject to performance standards.

C. Study Focus - Hamlet of Callicoon

Although the waterfront revitalization area includes the larger area upstream and downstream, the focus will be on the Hamlet of Callicoon. Given the effect of the Upper Delaware *Land and Water use Guidelines* and the Town zoning law on the types of land uses permitted in the DR District, the Town Board believes that the long term conservation and development concerns of that area are adequately addressed by both the *River Management Plan* and the Town zoning law.

D. Callicoon Main Street Improvement Study

The desire to see a revitalized, vibrant community was addressed in part in the *Callicoon Main Street Improvement Study* published in 1985. This study, which will be discussed in more detail in subsequent pages, identified a number of objectives and actions aimed at the revitalization of the downtown business center of the Hamlet. In all fairness, a review of this study demonstrates that a significant number of the preparatory, underlying tasks aimed at the goal of

revitalization have been achieved, and much of the background information and analysis remains valid today. Yet, with equal candor, it must be concluded that the mission set forth in this improvement plan has not been fully embraced by the whole of the community with whom the responsibility for its accomplishment rests, and its primary purpose remains as yet unrealized. As a consequence of this fact and evidence of its reality, one must consider the development which has occurred over the last thirteen years and its lack of focus on the intent and purpose of the improvement plan's goal of preserving and integrating new development with Callicoon's unique, historic appeal. Without an understanding, appreciation and integration of this purpose, so well stated in the 1985 *Improvement Study*, this unique, basic historic strength of the Hamlet and its potential for economic development will continue to erode and *go down the river*, both figuratively and literally. In short, the *Callicoon Main Street Improvement Study* should be used by the community as a companion document to supplement the information and goals in this local waterfront revitalization planning document.

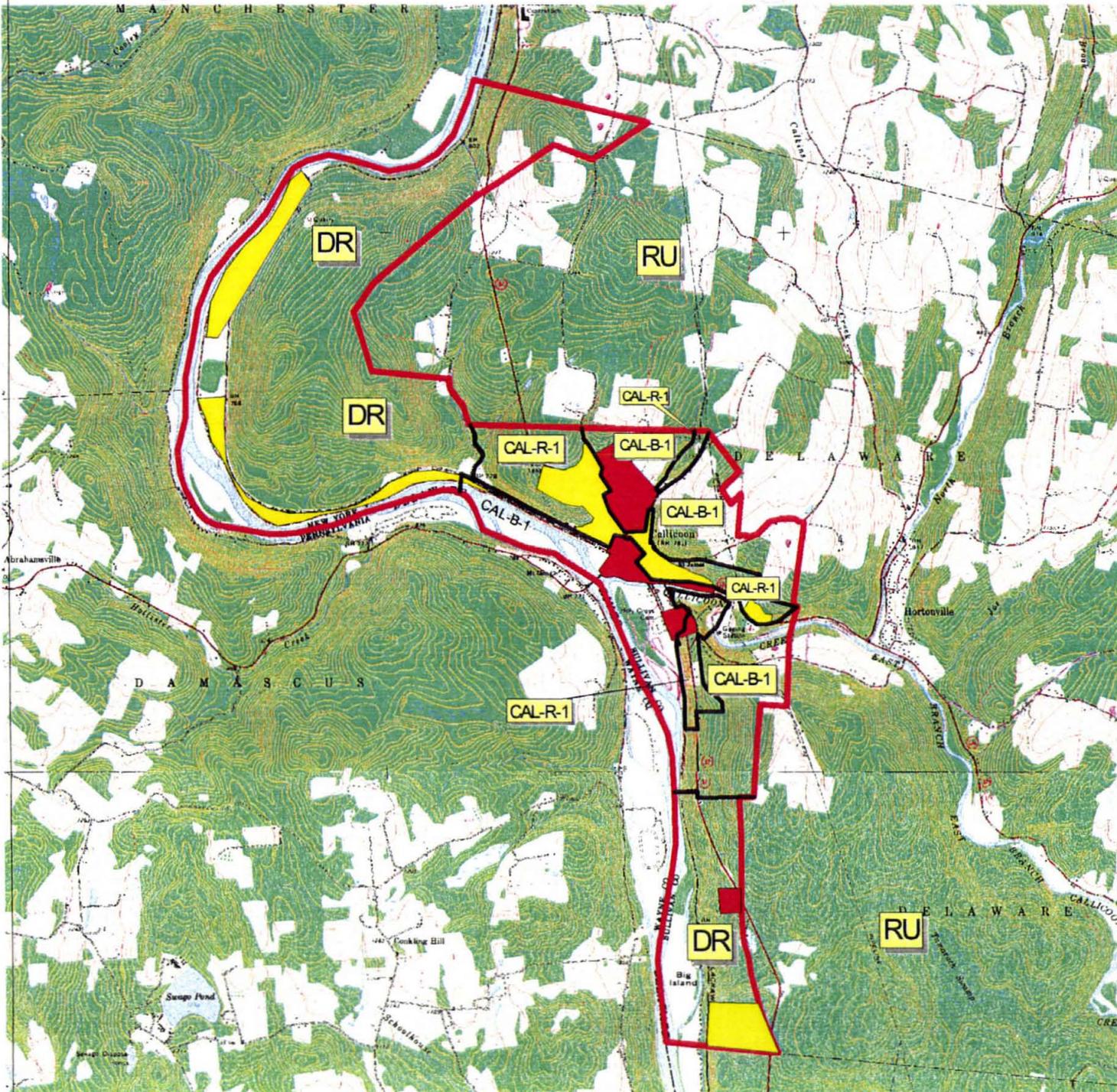
TOWN OF DELAWARE

Sullivan County, NY

Local Waterfront
Revitalization Program

*Map I - 1 - Waterfront Revitalization
Area, Zoning Districts and Existing
Land Use*

NYS Department of State Division
of Coastal Resources and
Waterfront Revitalization



Legend

- Zoning boundaries
- Commercial
- Residential
- Open Land Boundary

700 0 700 1400 Feet

Sullivan County Division of Planning
and Community Development

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