

**SECTION III**  
**WATERFRONT REVITALIZATION POLICIES**

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**A. Summary of Key Waterfront Issues**

ISSUES	TOWN INTENT	RELATED POLICIES (see §III,B)
1. The waterfront's regional setting and association with the Upper Delaware National Scenic and Recreational River provide the opportunity to attract additional tourists.	Cooperate with the Upper Delaware Council and area organizations to enhance tourism.	1, 2, 5, 8, 9 10, 19, 20
2. Existing land and water uses are consistent with the River Management Plan and the Town Zoning Law substantially conforms to the Land and Water Use Guidelines which serve to set the course for future development and protect the existing character of the waterfront.	Update the Zoning Law to meet changing land use control needs and consider the waterfront in all zoning matters.	2, 4, 10, 19
3. Town zoning limits the development of the waterfront upstream and downstream of the Hamlet to tourist recreation facilities, agricultural and forestry enterprises, and low-density, residential development.	Maintain current zoning to preserve the character of these areas.	4, 10, 11, 19
4. Waterfront land is primarily in private ownership, with the exception of the Town-owned land and the Youth Center parcel in the Hamlet.	Respect private property rights while encouraging landowners to permit public access.	8, 19, 20
5. Public access to the River is limited, but the Town owned land and the existing DEC access on the Youth Center property hold great potential for improved public access.	Work with the Delaware Youth Center and DEC to improve these facilities.	1, 2, 8
6. The Norfolk Southern railroad line is a significant feature affecting current and future use of the waterfront.	Recognize that the railroad will continue to operate and work with the owner to minimize the impact on the waterfront and improve tourism opportunities.	1, 8, 9, 10
7. Water supply and sewage disposal are adequate for any type of development anticipated in the Hamlet.	Monitor water supply and sewage disposal needs and maintain current facilities.	4, 12, 13, 15, 19

ISSUES	TOWN INTENT	RELATED POLICIES (see §III,B)
<p>8. Route 97 and the PA-NY Bridge provide adequate access to the waterfront from outside the area. However, street, traffic signs, parking, and pedestrian access improvements are necessary.</p>	<p>Assess condition of existing facilities and plan for needed improvements.</p>	<p>1, 4, 9, 14</p>
<p>9. No area of the Hamlet or waterfront qualifies for a National Historic District, and the Library is the only downtown structure listed on the State and National Registers. The only other building in the downtown area which qualifies is the Railroad Station, and the recently refurbished Delaware House may qualify. Nevertheless, many of the downtown structures retain original architectural details or have been repaired along reasonably appropriate designs.</p> <p>A. Making appropriate facade improvements could change the National Register status.</p> <p>B. Continued vigilance in maintaining the historic charm of the hamlet is key to long-term economic improvement.</p> <p>C. A consolidated plan is needed to address historically sensitive development and building rehabilitation, uniform signs, pedestrian access, and coordinated street accessories (benches, lighting, trash receptacles, etc.)</p>	<p>Work with the business community, Town of Delaware Heritage Alliance, Upper Delaware heritage Alliance, NPS, and other organizations to develop a strategy to conserve and enhance historic character.</p>	<p>1, 9, 10, 20</p>
<p>10. The coordination of the use of Town land along A. Dorrer Drive with the improvement of the rear of businesses is of particular concern.</p>	<p>Continue to improve this area.</p>	<p>1, 2, 4, 8, 9, 10, 20</p>

ISSUES	TOWN INTENT	RELATED POLICIES (see §III,B)
<p>11. An active business community via a vigorous business association is vital to the initiation and success of any revitalization program and any local or area wide marketing and promotion effort. Without such private participation Town officials can do little to effect any waterfront revitalization program.</p> <p>A. The 1985 <i>Callicoon Main Street Improvement Study</i> provides an excellent base for the actions necessary for revitalization of the Hamlet's downtown with many of its recommendations still valid yet unimplemented. The <i>Improvement Study</i> is an invaluable resource that should be used to full advantage.</p> <p>B. The lack of enthusiasm and participation of the business community, evidenced by the minimal response to the 1985 <i>Callicoon Main Street Improvement Study</i>, appears to be a continuing problem.</p>	<p>Encourage the efforts of the Business Association as a key element of the revitalization process.</p>	<p>1, 20</p>
<p>12. Water quality of the River and Callicoon Creek is good and must be maintained in order to sustain the area's tourist appeal so closely linked to water-based recreation activities.</p>	<p>Assess all Town and Town regulated actions in terms of protecting water quality.</p>	<p>5, 6, 7, 12, 13, 14, 15, 17, 18, 19, 20</p>
<p>13. The downtown area lies outside the 100-year floodplain, but part of the Town land is within the floodplain and any development must be appropriate in terms of limiting capital costs and potential flood damage.</p>	<p>Enforce updated floodplain regulations meeting state and federal requirements.</p>	<p>4, 5, 6, 19</p>

**B. Policies for the Conservation and Development of the Waterfront**

**Policy 1**

**Revitalize deteriorated and underutilized waterfront areas for commercial, cultural, recreational, and other compatible uses.**

The revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth in the State, without consuming valuable open space outside of these developed waterfront areas. Many communities within the State developed along various waterways, and the waterfronts are often the oldest and, unfortunately, most deteriorated portions of these communities. As described in the Inventory and Analysis Section, the waterfront area in the Hamlet is characterized by either unrealized economic potential of the downtown and underutilized open space lands adjacent to the Delaware. The Town's waterfront revitalization will focus on downtown area of the Hamlet and adjoining Town-owned land aimed at:

1. Maintenance of buildings now in good condition and re-use, rehabilitation, and improvement of vacant and underutilized commercial buildings and land in the downtown.
2. Redevelopment of the immediate shoreline area in the Hamlet to include a focus on passive recreation on Town lands, recreational boating via the existing NYS DEC River access facility, and other public access opportunities.
3. The provision of better access to the shoreline within the Hamlet focusing on Town owned lands adjacent to A. Dorrer Drive and the DEC access. Outside the Hamlet improved access will be dependent on the cooperation of specific

property owners.

4. The preservation and enhancement of the historic character of the Hamlet.

Proposed long-term land uses, as well as specific projects, are fully described in Section IV.

**Policy 2**

**Facilitate the siting of water-dependent uses and facilities on or adjacent to waterways.**

It can be reasonably expected that the demand for waterfront space will intensify in the long-term. The traditional method of land allocation, the real estate market, with or without local land use controls, offers little assurance that uses which require a waterfront site will, in fact, have access to such locations. To ensure that such water-dependent uses can be accommodated, Town and State agencies will avoid undertaking, funding, or approving the siting of non-water-dependent uses along the waterfront which would pre-empt the foreseeable development of water-dependent uses.

Within the Hamlet, the principal water-dependent uses to be encouraged are recreational boating and fishing. Presently, little, if any, demand exists for the siting of water-dependent industry, which is in any case, limited to light manufacturing by the zoning law. Water-enhanced recreational facilities, such as parks and trails are acceptable uses for virtually any portion of the waterfront, although direct public shoreline access in most areas is precluded by private land ownership. In addition, intensive commercial recreation development such as boat liveries and campgrounds are prohibited by the Town Zoning Law outside the Hamlet.

**Policy 3**

**The state waterfront revitalization policy about strengthening small harbors is not applicable to the Town of Delaware.**

**Policy 4**

**Encourage the location of commercial development in areas where public facilities and services are adequate and encourage commercial development design to be compatible with the existing character of the hamlet and the tourism/recreation trade.**

In order to foster orderly patterns of growth, development should be located in areas with adequate infrastructure, or support services. A major expansion of public water supply, sewage disposal, and road systems is costly and would place a considerable financial burden on the Town. Fortunately, the Hamlet's waterfront area is served by all of the necessary support systems. The Town Zoning Law directs commercial development to the CAL-B-1 Zoning District and the Town will work with local groups to stimulate interest in historic preservation with the aim of the establishment of guidelines for development and building rehabilitation consistent with the character of the Hamlet.

In addition, the level of waterfront development set forth in Section IV is not of the magnitude which would strain existing services. A key to the success of the revitalization program is the enhancement of the Hamlet's tourist and recreation appeal which can best be accomplished by careful integration of new development with the existing community character.

**Policy 5**

**Protect and preserve significant fish and wildlife habitats.**

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. In order to protect and preserve a habitat, activities and development which would destroy or significantly impair the viability of a habitat will not be undertaken. Habitat destruction is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area, or through the indirect effects of these actions on a designated area. Significant impairment is defined as a reduction in vital resources (e.g. food, shelter, living space) or change in environmental conditions (e.g. temperature, flow, chemistry) beyond the tolerance range of an organism.

As described in *Section O - Fish and Wildlife* of the *Inventory and Analysis*, the Delaware River and Callicoon Creek support abundant and diverse fish populations. Fishing is a popular activity and important to the local economy. Activities should not be undertaken which adversely impact fish populations. Such activities include, but are not limited to, the following: those which increase sedimentation or erosion, the point and non-point discharge of toxic substances, and the disturbance of wetlands, which serve as important nursery and feeding areas for fish and wildlife.

**Policy 6**

**In order to minimize damage to natural resources and property from flooding, development will be directed away from flood prone areas whenever practical and appropriate development standards will be applied.**

The Federal Emergency Management Agency (FEMA) has designated floodways and flood hazard areas along the Callicoon Creek and Delaware River. In order to minimize property damage resulting from flooding, development will be discouraged from locating within such areas or appropriately flood-proofed. Within floodways, as identified by FEMA, only open space uses will be allowed. Within flood hazard areas, development will be undertaken in accordance with the following guidelines:

1. All structures shall be designed and anchored to prevent flotation, collapse or lateral movement due to flood water related forces.
2. All construction materials and utility equipment used shall be resistant to flood damage.
3. Construction practices and methods shall be employed which minimize potential flood damage.
4. All public utilities and facilities shall be located and constructed to minimize or eliminate potential flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. All water supply and sewage disposal systems shall be designed to minimize or eliminate flood water infiltration or discharges into the flood waters.

7. All new residential construction or substantial improvements to residential structures shall have the lowest floor (including basement) elevated to at least one foot above the water level of the one hundred- year flood.
8. All new non-residential construction or substantial improvements to such non-residential structures shall have the lowest floor (including basement) elevated to at least one foot above the water level of the one hundred-year flood or, as an alternative, be flood-proofed up to that same water level, including attendant utility and sanitary facilities.
9. No use shall be permitted, including fill, dredging or excavation activity, unless the applicant has demonstrated that the proposed use, in combination with all other existing and anticipated uses, will not raise the water level of the one hundred-year flood more than one foot at any point.

**Policy 7**

**In order to minimize damage to natural resources and property from erosion, development will be directed away from steeply sloped areas whenever practical and non-structural protective measures shall be used whenever possible.**

Appropriate development standards will be applied to all new development and erosion protection structures will be constructed only if necessary to protect human life, existing development, public facilities, or new water-dependent development and such protection measures will result in no measurable increase in erosion or flooding at other locations. Public funds should only be used where the public benefits outweigh the long term costs. Shoreline erosion is not presently a pervasive

problem within the waterfront area. However, several areas along River Road north of the Hamlet must be addressed. The road in some areas is very near the River and, without stabilization, the road is in danger of falling into the River. Generally, two methods can be used to stabilize eroding areas: the construction of bulkheads and the installation of revetments, or rip-rap. Bulkheads would be used, for the most part, along stretches where development abuts the shoreline, while rip-rap would be used along open space or undeveloped portions of the shoreline.

#### **Policy 8**

**Maximize public access and recreational opportunities to the shoreline and the Creek and River.**

The provision of additional public access and recreational opportunities to the Callicoon Creek and Delaware River and shorelines in the Hamlet is one of the key elements of the waterfront revitalization program. Concurrently, the rights of the owners of the private property which comprises the bulk of the waterfront area must be recognized. Providing improved public access can be a means of reducing private/public access conflicts. Possibilities for improved public access are:

1. Improvement of the existing NYS DEC boat launch ramp.
2. Development of a Town waterfront park on the Town-owned land between A. Dorrer Drive and the Callicoon Creek. The park would include a picnic area and other non-capital intensive uses.
3. Agreements with private land owners for public fishing access.

#### **Policy 9**

**Protect, enhance and/or restore structures, districts, and sites that are significant to the history, architecture, archeology or culture of the State, its communities or the nation.**

Among the most valuable community resources are those structures or areas which are of historic, archeological, or cultural significance. The protection of these resources must include concern not only with specific sites, but with areas of significance and the area around specific sites. The provisions of this policy apply primarily to the Hamlet downtown, but must be applied to any structure or site of historical or archeological sensitivity identified throughout the waterfront. (*See Section II,G - Historic Resources* for a detailed description of historic resources.)

The rehabilitation of structures within these areas should be undertaken in a manner which preserves historic elements and character. New construction should be generally compatible in terms of design and materials with the historic character of the area to the maximum extent practicable. In addition, the rehabilitation and adaptive re-use of vacant commercial structures represents a key component in the revitalization of the Hamlet. With respect to activities which involve excavation of land within zones of archeological sensitivity, public agencies will contact the New York State Office of Parks, Recreation and Historic Preservation to determine appropriate protective measures for archeological resources.

**Policy 10**

**Protect and improve the visual quality of the waterfront.**

A primary factor in the designation of the Upper Delaware as a National Scenic and Recreational River is the River valley's visual quality. As noted earlier, the scenic beauty of the corridor continues to be a primary asset in attracting visitors to the Town of Delaware, and the *River Management Plan* and Town zoning law are aimed at preserving this character by setting development standards. In the Hamlet, the most important visual concerns include deteriorated structures and unkempt parcels. This is of particular concern along A. Dorrer Drive. When considering a proposed action, the protection and enhancement of the overall visual quality of the waterfront must be considered.

**Policy 11**

**To conserve and protect agricultural lands in the waterfront area, an action shall not result in loss, nor impair the productivity, of important agricultural lands. Loss or impairment would adversely affect the viability of agriculture in an agricultural district, or if there is no agricultural district, in the area surrounding such lands.**

As noted in Section II,P, given the limited amount of agricultural land in the waterfront area, and with no projects proposed on agricultural land, little impact on such land is anticipated. Nevertheless, NYS waterfront revitalization policy defines important agricultural land as *all land within an agricultural district or subject to an eight-year commitment which has been farmed within at least two years of the last five years, or any land farmed within at least two of the five years in soil groups 1-4 as classified by the Land Classification System established by the NYS Department of Agriculture and*

*Markets, or any land farmed within at least two of the last five years which is influenced by climate conditions which support the growth of high value crops.*

**Policy 12**

**Municipal, industrial and commercial discharge of effluent and pollutants, including, but not limited to toxic and hazardous substances, into water bodies will conform to state and national water quality standards.**

Industrial and commercial effluent discharges do not present a problem at this time, and given the rural character of the area and Town zoning law requirements, toxic and hazardous discharge problems are not anticipated. All new development in the waterfront with any significant discharges would be directed to the CAL-B-1 Zoning District and would be connected to the Town sewage treatment system. Pre-treatment of any toxic and hazardous wastes would be required of any commercial or industrial use. The Town owned sewage treatment plant is relatively new and will be operated and maintained in accord with applicable standards.

**Policy 13**

**Policies and management of approved local waterfront revitalization programs will be considered while reviewing water body classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.**

Pursuant to the federal Clean Water Act, the State has classified waterways in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards can be

considered at least every three years for possible revision or amendment. Water quality ratings for all waterways in the state have been established by the New York State Department of Environmental Conservation. The Delaware is classified as an *AT* protected stream and the Callicoon Creek as *CT*, both suitable for trout propagation, with the River having the higher *A* ranking. The present water quality classifications are consistent with the proposed land and water uses. Conversely, the uses proposed for the waterfront area are consistent with the provisions of the water quality ratings.

#### **Policy 14**

**Best management practices will be used to ensure the control of stormwater runoff, combined sewer overflows, and the non-point discharge of excess nutrients, organics, and eroded soils into state waterways.**

Non-point source pollution is pollution which enters waterways from diffuse sources. It is caused by rainfall or snowmelt which carries pollutants into waterways from a number of ground sources, such as streets, parking lots, and agricultural fields. Best management practices to be utilized to minimize non-point source pollution include the following:

1. Retain as much of the natural vegetation as possible and avoid mass clearing of sites to be developed.
2. Use grading methods which impede vertical runoff and provide maximum runoff infiltration capacity.
3. Locate large graded areas on the most level portion of the site and avoid the development of steep slopes.
4. Conduct grading and clearance activities

outside of floodplain.

5. Use porous pavements in the construction of parking areas.
6. Protect inlets to storm sewers with suitable filtering devices during construction.
7. Runoff from parking lots, fueling areas, and large building sites should be collected and detained in sediment basins, oil and grease filtering catch basins, or retention areas to trap pollutants which would otherwise be transported from the site.

#### **Policy 15**

**Given the high cost of conventional sewage collection and treatment compared to the tax base of undeveloped areas, encourage the use of alternative or innovative sanitary waste systems where the existing Town system is not available.**

Although the Town sewage system has existing capacity, the cost of extending collection lines to developed areas is high, and such extensions can stimulate development. This would also remove capacity from the core area of the waterfront. Alternative systems include individual septic tanks and other subsurface disposal systems, dual systems, small systems serving clusters of households or commercial users, and pressure or vacuum sewers. These types of systems are often more cost effective in smaller, less densely populated areas for which conventional facilities are too expensive and will be encouraged in areas outside the service area of the Town disposal system.

**Policy 16**

**The state waterfront revitalization policy on the discharge of waste materials into State waters from vessels subject to state jurisdiction is not applicable given that navigation on the Creek and River is limited to canoes and small boats.**

Although canoes and small boats do not have on-board waste facilities, there is an obvious need to provide public restrooms near the waterfront for River users and area visitors. The spread of zebra mussels to the River from infected boats and bait buckets from other areas is also a concern

**Policy 17**

**Excavation, dredging, and dredge spoil disposal will be undertaken in a manner which protects fish and wildlife habitats, scenic resources, natural protective features, important agricultural land, and wetlands, and does not cause an increase in the erosion of such land.**

No dredging is anticipated as part of the revitalization program. Nevertheless, should any dredging be undertaken, this policy will be applied.

**Policy 18**

**Preserve and protect wetlands and the benefits derived from these resources.**

Wetlands provide numerous benefits, including, but not limited to, the following: habitat for fish and wildlife; erosion and flood control; natural pollution treatment; groundwater protection; and aesthetic open space. As such, their protection is critical and regulated through the State's Freshwater Wetlands Act and Protection of Waters Act. Actions proposed within one hundred feet of such wetlands shall first be reviewed to examine potential impacts and designed in a

manner to avoid degradation.

**Policy 19**

**Continue to support the goals of the Upper Delaware River Management Plan by enforcing the town zoning law and updating its provisions as necessary to address changing development concerns.**

The DR Zoning District is intended to maintain the scenic and recreation character of those areas of the waterfront outside the Hamlet. Commercial, industrial, higher density and other incompatible uses will be directed to other areas of the Town not encompassed by the DR District. This will preclude any intensive waterfront revitalization efforts outside the Hamlet. Commercial development in the Hamlet will be limited to retail and service establishments, research and development, light manufacturing and other compatible uses.

**Policy 20**

**Involve the public and local business owners in all revitalization efforts, particularly in any downtown improvement where such participation is essential to success.**

Revitalization efforts must be a joint public and private effort. Town officials can serve as a conduit for access to government programs and can adopt policies and regulations conducive to revitalization. However, without committed and concerted effort by the private sector, revitalization cannot succeed. The focus of this policy will be the Hamlet, where all capital improvements, development projects and building rehabilitation associated with revitalization are planned.