



Upper Delaware Council

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www.upperdelawarecouncil.org

April 29, 2021

Mr. Joseph Salvatore, Superintendent
National Park Service
Upper Delaware Scenic & Recreational River
274 River Road
Beach Lake, PA 18405

RE: Annual Code Enforcement Programs Report, 2020

Dear Superintendent Salvatore,

The Upper Delaware Council, Inc. (UDC) is pleased to submit for your review the Annual Code Enforcement Programs Report for the 2020 calendar year. To successfully meet the objectives of the Cooperative Agreement with the National Park Service under which the UDC operates, the UDC performs an annual review of enforcement programs in each of the 13 participating municipalities; this is done to ensure the goals, principles, and objectives of the River Management Plan are being met.

We hope you will find the accompanying document to be both informative and illustrative of the code enforcement and land use changes which occurred throughout 2020. We look forward to our continued partnership to conserve the Upper Delaware Scenic & Recreational River.

Sincerely,

Shannon N. Cilento
Resources & Land Use Specialist

cc: Cody Hendrix, National Park Service
Bonnie Sheard, National Park Service

Working together to conserve the Upper Delaware Scenic and Recreational River

*Town of Hancock • Town of Fremont • Town of Delaware • Town of Cohecton • Town of Tusten • Town of Highland • Town of Lumberland
Town of Deerpark • Damascus Township • Berlin Township • Lackawaxen Township • Shohola Township • Westfall Township
State of New York • Commonwealth of Pennsylvania • Delaware River Basin Commission • In partnership with the National Park Service*



Upper Delaware Council

LAND • WATER • PEOPLE

Annual Review of Enforcement Programs January 1 — December 31, 2020

Prepared by:
Shannon N. Cilento, Resources and Land Use Specialist
April 2021

Introduction: The River Management Plan (RMP) is the guiding document for the Upper Delaware Scenic and Recreational River. As the majority of land within the river corridor is privately owned, and land use decisions are generally made at the local level, the premise of the land use management component of the RMP relies on the determination of substantial conformance. A town or township is considered to be in substantial conformance if, combined with applicable state and federal laws, the municipality's land use laws and ordinances meet each of the principles and objectives contained in the RMP.

Purpose: The Upper Delaware Council (UDC) operates under a long-term, renewable Cooperative Agreement with the National Park Service to oversee the implementation of the River Management Plan for the Upper Delaware Scenic and Recreational River. To successfully meet the objectives of the Cooperative Agreement, the UDC performs an annual review of enforcement in each participating town/township to ensure that the goals, principles, and objectives of the RMP are being met.

Communities in which the laws, plans and ordinances substantially conform to the guidelines will be subject to less project review criteria by the Upper Delaware Council. Consequently, enforcement of those ordinances is a key to the success of the land use management program. Therefore, the Council shall make an annual review of each town/township's enforcement program within the river corridor, by examining building permits issued, variances granted, and any patterns of ordinances amendments or project approvals which may have a bearing on the purpose for which the Upper Delaware was designated a Scenic and Recreational River.

Outlined below is a summary of the permits issued in each respective town or township from January 1, 2020 to December 31, 2020 in geographic descending order.

Enforcement Programs Overview: 2020, 2019, and 2016

State	County	Town/Township	Permits, Variances, Etc. (2020)	Ordinances, Zoning Changes, Etc. (2020)	2020 Total	2019 Total	2016 Total
NY	Delaware	Hancock	0	0	0	0	0
	Sullivan	Fremont	0	0	0	5	3
		Delaware	1	5	6	6	2
		Cochecton	3	0	3	0	1
		Tusten	6	0	6	30	3
		Highland	15	0	15	16	7
		Lumberland	1	1	2	7	8
	Orange	Deerpark	0	0	0	5	0
PA	Wayne	Damascus	8	0	8	10	6
		Berlin	0	0	0	0	0
	Pike	Lackawaxen	43	0	43	4	10
		Shohola	0	1	1	0	0
		Westfall	0	0	0	2	0
Total			77	7	84	85	40

Fig. 1. Chart showing comparison of permits issued and laws passed within the river corridor boundaries in 2020, 2019, and 2016.¹

Between 2016 and 2019, the amount of permits issued more than doubled in the river corridor. A decline between permits issued in 2020 compared to 2019 was predicted in the 2019 report due to the coronavirus pandemic and subsequent shutdowns. If one removes the outlier, Lackawaxen Twp., from the 2020 data, the number of building permits issued decreased by over half. The pandemic's impact is seen not only in Town's with little to no activity, but also in those with more activity. For example, in the Towns of Tusten and Lumberland, each permit issued for new construction of a single-family home had an applicant with a primary address in New York City. The migration of those from metropolitan areas to the Upper Delaware corridor for full-time residence was anticipated and this activity aligns with that prediction. Additionally, what properties may have been seasonal residences before the pandemic may have become full-time residences due to remote work capabilities and other factors driving people away from the cities. Activities such as garage additions, decks, electrical and septic updates seen throughout the corridor are possible evidence of homeowners outfitting homes for full-time residence. Lackawaxen Township seems to be a concentrated microcosm of this more global trend in the Corridor.

¹ 2016 is the last year an annual enforcement report was completed before 2019.

New York Towns, Upper Delaware Scenic & Recreational River

Town of Hancock — There were no permits issued in the Town of Hancock’s river corridor during the 2020 calendar year.

Summary —The Town of Hancock issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Town of Fremont — There were no permits issued in the Town of Fremont’s river corridor during the 2020 calendar year.

Summary —The Town of Fremont issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Town of Delaware — The Town of Delaware issued 1 building permits and adopted 5 new local laws during the 2020 calendar year.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Not given</i>	River Road, Callicoon	New single-story residence

- The local laws adopted by the Town of Delaware during 2020 are not relevant to, nor impact, the river corridor.

Summary — The Town of Delaware issued no permits nor adopted zoning which would challenge the Land and Water Use Guidelines in 2020.

Town of Cochection — There were 3 building permits issued in the Town of Cochection’s river corridor during the 2020 calendar year. Two were related to residential electrical work, and one new garage construction.

Summary — The Town of Cochection issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Town of Tusten — The Town of Tusten issued 6 building permits during the 2020 calendar year.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Stewart</i>	360 Delaware Dr., SBL 14.-1-52	Construction of 1,040 sq. ft. garage
<i>Santana</i>	25 Main St.—Suite 1, SBL 10.-1-1.3	Special use permit and renovations for Tess retail space
<i>Nytko</i>	366 Humphrey Rd., SBL 1.-1-12.2	Construction of 436-sq. ft. detached garage, 2 stories with attic space

<i>Raco/Hong</i>	Eagle View Rd., SBL 19.A-1-10.9	Construction of 1,223-sq. ft. single-family home with 852-sq. ft. attached garage
<i>Pickles/Meunier</i>	72 Eagle View Rd., SBL 19.A-1-10.7	Construction of 2,526-sq. ft. single-family home
<i>Collins/Masters</i>	60 Eagle View Rd., SBL 19.A-1-10.6	Construction of 576-sq. ft. detached garage

Summary — The Town of Tusten issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Town of Highland — There were 15 building permits issued in the Town of Highland's river corridor during the 2020 calendar year.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Raftrey</i>	75 Old Minisink Ford Rd., SBL 25.-1-42.5	Installation of standby generator
<i>Van Malden</i>	64 Old Minisink Ford Rd., SBL 25.-1-27.11	Installation of standby generator
<i>Bates</i>	9 Silverfish Rd., SBL 26.-1-19.9	Installation of standby generator
<i>Puzio</i>	104 Yulan-Barryville Rd., SBL 26.-1-16.9	Alteration to an existing building
<i>Carballo</i>	68 Old Minisink Ford Rd., SBL 25.-1-27.2	Installation of standby generator
<i>Conway</i>	3399 State Route 97, SBL 28.-6-6	Septic permit
<i>Frey</i>	3443 State Route 97, SBL 27.-9-21	Installation of standby generator
<i>None</i>	3616 State Route 97, SBL 26.-1-18.1	Demolition of existing structure
<i>Jones</i>	3843 State Route 97, SBL 25.-1-9.1	Commercial use
<i>Danas</i>	4204 State Route 97, SBL 25.-1-35	Installation of new roof
<i>A.J. Riverview Parters LLC</i>	Hillside Rd., SBL 29.-1-1.3	Logging
<i>Seminara</i>	6 Zane Grey Way, SBL 24.-1-24.4	Addition of decks
<i>Kunkeli</i>	12 Dry Brook Rd., SBL 25.-1-52.2	Installation of new roof
<i>Hamrick</i>	3380 State Route 97, SBL 28.-8-1	New electrical service
<i>Beaulieu</i>	169 Painted Horse Path, SBL 29.-1-1.28	Installation of standby generator

Summary — The Town of Highland issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Town of Lumberland — The Town of Lumberland issued 1 building permit in the river corridor and adopted one local law during the 2020 calendar year.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Dimperio</i>	State Route 97, SBL 29.-1-34	Construction of single-family residence

- Adopted Local Law No. 2 of 2020 entitled *Town of Lumberland Solar Energy Law* which seeks to advance and protect public health, safety and welfare of the Town by creating regulations for the installation and use of solar energy generating systems and equipment.

Summary — The Town of Lumberland issued no permits nor adopted local laws which would challenge the Land and Water Use Guidelines in 2020.

Town of Deepark — There were no building permits issued in the river corridor during the 2020 calendar year.

Summary — The Town of Deepark issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Pennsylvania Townships, Upper Delaware Scenic & Recreational River

Damascus Township — Damascus Township issued 8 building permits in the river corridor during the 2020 calendar year.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Yattaw</i>	2227 River Rd., Parcel ID 197-28.10	Construction of agricultural barn
<i>Molloy</i>	Old River Rd., Parcel ID 207-22	Recreational cabin certificate
<i>Schultz</i>	River Rd., Parcel ID 28-10	Construction of single-family home
<i>Cannizzaro</i>	River Rd., Parcel ID 50-25	Construction of shed
<i>Haberthur</i>	19 Rollin on the River, Parcel ID 227-29	Construction of in-ground swimming pool
<i>Kaufmann</i>	Jurgensen Rd., Parcel ID 187-67.1	Construction of shed
<i>Foster Supply Hospitality</i>	9 Manor Dr., Parcel ID 29-19	Renovation and construction on existing building
<i>Tesla Energy Operations</i>	Beach Lake Hwy., Parcel ID 27-10	Installation of roof-mounted solar panels

Summary — Damascus Township issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Berlin Township — There were no permits issued in the river corridor during the 2020 calendar year.

Summary — Berlin Township issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Lackawaxen Township — Lackawaxen Township issued 43 building permits in the river corridor during the 2020 calendar year, including 14 for deck/porch construction, 9 sheds, 5 detached garages, 4 commercial renovations/alterations, 1 new driveway, 1 new roof, and those expanded upon below.

<i>Name</i>	<i>Location</i>	<i>Project</i>
<i>Not given</i>	102 Pioneer Dr.	Construction of new single-family dwelling and detached garage
<i>Not given</i>	103 Slalom Ct.	Construction of 2-story addition on existing single-family home
<i>Not given</i>	106 Liberty Ln.	Construction of new single-family dwelling
<i>Not given</i>	112 Redcoat Ct.	Construction of new single-family dwelling
<i>Not given</i>	114 Constitution	Construction of new single-family dwelling
<i>Not given</i>	119 Andiron Way	Construction of new single-family dwelling
<i>Not given</i>	150 Powderhorn	Construction of new single-family dwelling
<i>Not given</i>	161 Robin Way	Construction of new single-family dwelling
<i>Not given</i>	445 Masthope Plank Rd.	Construction of recreational building

Summary — Lackawaxen Township issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Shohola Township — There were no permits issued in the river corridor during the 2020 calendar year. The Township adopted Zoning Ordinance No. 80, which substantially conformed with the River Management Plan and Land & Water Use Guidelines.

Summary — Shohola Township issued no permits that would challenge the Land and Water Use Guidelines in 2020.

Westfall Township — There were no permits issued in the river corridor in Westfall Township during the 2020 calendar year.

Summary — Westfall Township issued no permits that would challenge the Land and Water Use Guidelines in 2020.