

TOWN OF NEVERSINK

MASTER PLAN

JUNE 12, 1991

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The Master Plan for the Town of Neversink ("Town") was prepared over a period of approximately two years by the Planning Board, the Town Board, and the Town Attorney, in cooperation with Garling Associates of Goshen, New York. This Plan summarizes the background material, reports and maps prepared during that period, and states policies for the future growth and development of the Town.

I. Introduction.

The goals of this Plan are to preserve and protect natural resources within the Town, to avoid conflict between incompatible land uses, and to establish policies and guidelines for the future development of the Town. This Plan envisions rural, low-density growth within the Town, and provides for a balance of different land use types. The Plan takes into account the range of physical, environmental, and other factors which limit land use, and makes recommendations for environmentally sound land use practices in future development.

Over the last thirty years, a series of environmental regulations have been enacted by the City of New York, New York State and federal government which affect growth and land use within the Town. These regulations include the following:

- (1) Existing watershed regulations for the City of New York watershed lands and reservoir tributaries. Recent proposed revisions to those regulations, if adopted, would dramatically affect land uses within the Town.
- (2) New York State Department of Environmental Conservation ("NYS DEC") regulations regarding both streams and waterbodies as well as freshwater wetlands that are over 12.4 acres in size.
- (3) The federal Clean Waters Act of 1972, administered by the US Army Corps of Engineers, which regulates all wetlands and waterways, even those less than an acre in size.
- (4) The State Environmental Quality Review Act ("SEQR") which requires all municipal boards to consider the environmental impacts of actions they take. SEQR applies to all planning and zoning decisions. As a result of SEQR reviews, the size and scope of development may be reduced in size so as to avoid unnecessary negative impacts upon the environment.
- (5) Article 9 of the Environmental Conservation Law pursuant to which the NYS DEC has the power, duty and authority to regulate certain limited land use activities within the Catskill Park.

II. Purpose of the Plan

The Master Plan is the Town's policy statement on future land use and development within the Town. It is intended to guide development, and can serve as the framework for creating a zoning law. The Plan prepares for future growth and development in the Town, while accounting for physical and environmental limitations on land use. However, the Plan does not mandate any specific land use, nor does it establish any specific timetable for future growth.

The Plan is not a static entity - it can grow and change in response to changes in needs and circumstances within the Town. However, modification of this Plan should only be made after careful consideration, environmental impact analysis, notice, and hearing.

III. Statement of Objectives

The objectives of this Plan are:

- (1) to protect the health, safety, and welfare of the townspeople
- (2) to encourage new development to locate consistent with the needs of environmentally sensitive areas such as wetlands, floodplains, steep slopes and areas with poor soils.
- (3) to provide for the needs of a balanced mix of land use types within the Town
- (4) to encourage the preservation of active farmland within the Town
- (5) to provide for commercial and industrial development where it is readily accessible to existing major connector roads, and to limit its development on secondary roads
- (6) to achieve the goals of this Plan with minimal governmental expense and involvement

IV. Summary of the Plan

The Plan recognizes the numerous constraints which affect development within the Town. These limiting factors are:

- (1) The nearest limited-access highway is approximately 14 miles from the geographic center of the Town.
- (2) The need to protect existing large expanses of wooded land which drain into clear streams and lakes.
- (3) Large areas with steep grades over 15%, areas of rock outcrop and shallow soils.

- (4) Substantial land area within the Town owned by the State or City of New York, or land with its use affected by City watershed regulations (existing and proposed).
- (5) Existing sparsely developed areas of the Town which are poorly served with roads. Such areas cannot adequately handle traffic that would be generated by moderate density residential, resort, industrial or commercial development.
- (6) The Town's desire to limit alcohol sales which has had some effect on restricting the development of hotels, resorts, or restaurant facilities, thereby limiting tourists primarily to hunters, fishermen, and second home dwellers who seek the quiet and seclusion of nature.

A. Hamlet Areas

The Town contains four primary areas of development that this Plan calls hamlets. These areas are Grahamsville, Claryville, Neversink and Curry. Low density, rural residential and commercial development are proposed for these areas, which are located along the best quality roads in the Town (State Routes 42 and 55, and County Route 19).

Grahamsville is the largest hamlet in the Town and located at the intersection of State Routes 42 and 55. Grahamsville is the only area in the Town provided with central sewer service. Grahamsville is the site of the Town Hall, Daniel Pierce Library, Tri-Valley Central School, a fire house, the "Little World's Fair" site, a post office, two churches and some small retail commercial uses. Sewer service is provided by the City of New York, because Grahamsville lies on Chestnut Creek, a tributary to the Rondout Reservoir. The sewer plant has some excess capacity and will provide for a modest amount of growth in Grahamsville.

The next largest hamlet is Neversink, which lies west of Grahamsville on State Route 55. There is an existing concentration of residences in the immediate area, a post office, lumber yard, small resort, fire house and some commercial uses.

The hamlet of Curry lies between Grahamsville and Neversink along Route 55 and contains a scattering of residences along the highway, along with a restaurant, general store and commercial uses.

Claryville lies on County Route 19 at the north edge of the Town, at the Ulster County-Town of Denning border. Claryville is characterized by a small number of homes and a church in a scenic setting between the Neversink River to the west and Denman Mountain to the east. A general store and post office are located near the Ulster County line.

These four areas are the focal points around which any future commercial, public and quasi-public, and concentrated residential

development should be located. Residential densities in these areas are proposed to be generally one dwelling unit per acre, but up to four units per acre for multiple dwellings. The Town of Neversink does not propose to construct central water or sewer services for these areas.

B. Rural Settlement Areas

Outside the four hamlets, there are a few secondary settled areas. In these areas the soils, slopes, and other environmental characteristics are generally suitable for low density residential and other low density, low traffic development. In order to avoid polluting the groundwater supply, creating a need for central water or sewer services, or destroying the sparsely populated rural character of the Town, these areas are proposed for residential densities of approximately one unit per two acres. Notwithstanding, in order to provide for a balance of housing opportunities and needs, small scale multiple dwelling and mobile home park developments are proposed to be allowed at densities not exceeding four units per acre and two units per acre, respectively.

The rural settlement areas will be primarily residential. However, because Neversink is so far from major existing commercial centers in Sullivan, Orange and Ulster Counties, a variety of small locally oriented activities will be allowed throughout these areas. Future land use regulations should provide a means for the protection of existing residential uses in the rural settlement areas for the impacts of proposed non-residential development. Through the use of site plan approval of future commercial development this objective can be accomplished by prudent screening and buffering of proposed commercial uses from adjacent residential areas. Screening through the maintenance of existing vegetation or the planting of evergreen screens is preferred to construction of fences or other barriers.

C. Rural Residential Areas

Extensive residential areas with larger lots and fewer commercial uses are proposed in the southern half of the town with proximity to State Routes 42 and 55, County Route 19, and the hamlets. These areas also buffer the New York City reservoir holdings and have access primarily to county and town roads.

These areas are distinguished from the Rural Conservation areas in that they are closer to highway access, predominantly outside the Catskill Park, more suitable to development with better soils and softer slopes, and away from the hilltops and major slopes in the northern part of Town.

D. Rural Conservation Areas

Extensive portions of the Town are steeply sloped, with slopes over 15% and in many places over 30%, and frequently shallow soils which may be highly erodible. The City and State of New York have major land

holdings in these areas. The roads serving these areas are generally Town roads, most of which are not suited to carrying large volumes of traffic or commercial truck traffic. Large expanses of land have no existing road service whatsoever, and are separated from existing road access by hundreds of feet. The lack of road access, and the environmental difficulties of providing access over steep slopes and shallow soils, makes these areas somewhat inaccessible for firefighting, school buses, and any other public services including electric power and telephone service. The public costs of serving scattered low-density development within these areas are high, because it would involve transportation over long distances for very few people. For these reasons, such areas are poorly suited for either high density residential or commercial development. Any future development that takes place within these areas should be low density to minimize transportation and other infrastructure needs and costs. All land uses within these areas should consider the significant environmental limitations affecting their use.

V. Existing Conditions

A. Land Use

The total land area of the Town is 55,584 acres. The predominate existing land use in the Town of Neversink is woodland, which accounts for eighty-four (84%) percent of the Town's land area. Seventy-one (71%) percent of the Town is located within the bounds of the Catskill Park. Twelve percent of Town's land area is State-owned woodland. Thirteen percent of the Town's land area is owned by the City of New York. Over three percent of the Town is in active agriculture. All active agricultural lands are in County Agricultural District #4. Less than one percent is devoted to public and quasi-public uses such as government and schools. Four percent is under water, including the two New York City reservoirs, the Neversink and the Rondout. Only a small percentage of the Town's land is in use for residential and commercial purposes and only a small fraction of one percent is used for industry or extractive purposes. The Town has at least one residential resort, the 39-room New Age Health Spa located in Neversink. However, there are no major resort hotels typical of those in some other Sullivan County communities.

B. Population and Housing

The 1990 Census reported a population of 2,951 for the Town. This constitutes an increase of 3.9% from the 1980 population of 2,840. Most of the Town's recent population growth occurred in the 1960's and 1970's, with 31.3% and 38.2% increases, respectively, during those decades. Neversink grew at a more rapid rate than Sullivan County in the 1960's and 1970's. It is projected that Neversink will have a year-round population of 3,400 in the year 2010.

Despite the increase in population, the Town still has relatively low population density. In Sullivan County, the majority of the

population is clustered in municipalities with the highest employment opportunities. There appears to be a direct relationship between the presence of major hotels, the former location of railroads in Sullivan County communities, and proximity to Route 17 with high population density.

Consistent with the Town's periods of population growth, much of the housing stock was constructed during the 1960's and 1970's. Housing values in the Town are higher than for the County as a whole. Conventionally-built single family detached units predominate, constituting 75% of all residential housing units within the Town. However, a substantial number of mobile homes exist, amounting to 17% of all housing units. The Town has the fifth highest number of mobile homes of all the towns in Sullivan County.

C. Transportation

Transportation facilities within the Town are available, but have limitations. Because of the physical and topographic conditions within the Town, even the two State highways serving the Town are winding and have steep sections. State highways 55 and 42 intersect in the hamlet of Grahamsville, and connect with the limited-access Route 17 at Liberty (Route 55) and Monticello (Route 42).

There are 13.46 miles of State Roads, 17.53 miles of County Roads, and 102.38 miles of Town Roads in the Town. The many miles of Town road require a substantial financial commitment from the Town in terms of maintenance. Very few Town roads meet current Town road construction specifications. A substantial number of Town roads are of marginal quality, marginally surfaced or unsurfaced roads, some of which are designated as Seasonal Limited Use Highways. The road conditions which predominate throughout much of the Town severely limit the amount and type of development which could take place without significant and costly improvements being made. Any significant development which takes place in the future must therefore consider the condition and carrying capacity of affected roads.

While other parts of Sullivan County are served by air and Shortline bus service, those modes of transportation are not useable to the Town of Neversink, except via existing highway links. For this as well as other reasons, commercial and industrial development is sparse within the Town.

D. Public Water and Sewer Utilities

Grahamsville is served by a 100,000 gallon per day (gpd) capacity sewage treatment plant, owned and operated by the City of New York. Current base flow is 40,000 gpd, with peak flows of up to 80,000 and 90,000 gpd. It is estimated that the plant can accommodate flows from all property within the service area. A consultant engaged by the City of New York is studying the possible reconstruction or expansion of the plant.

E. Community Facilities and Cultural Resources

Consistent with the sparsely developed rural character of the Town, there are limited community facilities within the Town, and of those, many are volunteer in nature. For example, fire protection is on a volunteer basis in the Neversink, Grahamsville and Claryville fire districts, as is ambulance coverage. There is a library in Grahamsville. The nearest hospitals are Community General in Harris, and Ellenville Community Hospital in Ellenville. Each hospital is located approximately 16 miles from the geographic center of the Town. The Town lies within three separate school districts; the Livingston Manor Central, Liberty Central and the Tri-Valley Central School Districts.

As a result of the limited community resources available, the impact of any large-scale development or significant amounts of scattered rural development would be significantly felt and must be seriously considered.

The Town's historic homes, located throughout the Town, are of cultural interest. A portion of the hamlet of Grahamsville is listed as a historic district within the National Register of Historic Places. The Hall's Mills Covered Bridge is a wooden covered-lattice truss type bridge spanning the Neversink River.

F. Open Space, Conservation and Recreation

Open space, and the recreation opportunities it provides, are of major importance to the Town. Over 86% of the Town's land area is woodland, and 4% is open water, including the two New York City reservoirs, the Rondout and the Neversink. New York City-owned reservoir lands amount to over 13% of the Town's land area. The City of New York has a closed door recreational policy allowing only limited access fishing by permit. The State of New York owns several large tracts of land within the Town which constitute over 12% of the Town's land area. The State owned land is used for passive recreational purposes including fishing, hiking and hunting. Aside from the land that is owned by the City and State of New York, there are thousands of acres of privately owned undeveloped land. The vast wooded areas and clear streams, lakes and the reservoirs have made the Town famous among hunters and fishermen as well as lovers of nature's scenic beauty.

G. Environmental Conditions

(i) Soil

The U.S. Soil Conservation Service has mapped general soil types for Sullivan County. There are three general soil units in the Town. The largest is the Willowemoc-Mongaup-LewBeach unit, which constitutes approximately 60% of the Town's area, in the northwestern part of the Town. These soils include nearly level to very steep, moderately deep and very deep, moderately well drained and well drained medium textured

soils on upland areas of the Catskill Mountains. The next largest soil unit is Wellsboro-Oquaga-Lackawanna, which makes up about 30% of the Town's area, west of the Rondout Reservoir to the Neversink Reservoir, in the southerly part of Town. These soils include nearly level to very steep, very deep and moderately deep, moderately well drained to excessively drained, medium textured soils on uplands. The smallest unit is the Wurtsboro-Swartswood soil unit, which surrounds the Rondout Reservoir east to the Town boundary. These soils range from nearly level to steep, very deep, moderately well drained and well drained, medium textured soils on uplands.

Within these general soil map units there are many different kinds of soil. A detailed soils map was prepared for the Town as part of the background material for this Plan. Soils characteristics and limitations should be used for detailed site planning purposes.

(ii) Topography

The Town of Neversink is steeply sloped, with fully half of the Town's land area lying on slopes over 15%. Lands sloped less than 15% are scattered throughout the Town, with the largest concentrations being south of Grahamsville; in a band north and south of the hamlet of Neversink; and west of the Neversink Reservoir.

(iii) Wetlands and Floodplains

The New York State Department of Environmental Conservation ("DEC") has mapped regulated freshwater wetlands within the Town. There are few such wetlands in the Town, and these are scattered throughout the Town, not concentrated in one particular area. Virtually all activities that take place within these wetlands and 100 feet surrounding them are regulated by a state permit processes. The United States Army Corps of Engineers also has regulatory jurisdiction over wetlands and waterways, though these areas are not mapped within the Town. The national wetland maps are not complete, and are not useful for site planning purposes. Federal jurisdictional wetlands are identified by a combination of hydric soils, wetland hydrology, and vegetation. Property owners are responsible for determining the presence of federal wetlands before using their land.

Floodplains have been mapped by the Federal Emergency Management Agency ("FEMA") for several areas within the Town. Development within these areas is regulated by Chapter 27 of the Code of the Town, Flood Damage Prevention.

(iv) Bedrock Geology and Hydrology

Bedrock underlying the Town was formed in the Upper Devonian period. The western half of Neversink is underlain by the upper Walton Formation of the West Falls Group, of shale, sandstone, and conglomerate. Denman Mountain, Blue Hill, and an area east of Willowemoc are in the Slide Mountain Formation. The eastern half of the

Town is underlain by the lower Walton Formation of the Sonyea Group, also of shale, sandstone, and conglomerate.

Wells drilled into bedrock can produce sufficient amounts of water for individual wells. The bulk of the Town's residences are supplied by individual wells.

H. Energy Conservation

New York State has committed itself to encouraging energy conservation in new construction through the New York State Energy Conservation Construction Code, which requires a certain level of insulation in all building types. New appliances, such as air conditioners and refrigerators, have been designed to be more efficient. Utility companies sometimes encourage the purchase of energy-efficient models by offering rebates.

The typical method for encouraging energy conservation in Master Plans is to encourage the clustering of dwelling units. This reduces energy consumption by reduced road construction and use, and reduced loss of heat through attached or more closely spaced dwelling units. However, it is not always possible to cluster units without the provision of central water and sewer systems which are not widely available nor planned within the Town.

This Plan does encourage energy conservation by encouraging the maintenance of existing levels of traffic service on major connector roads within the Town. By taking measures to keep traffic flowing freely within the Town, residents will save both time and fuel.

I. Economic Base

The Town has a limited employment base within its borders. There are few commercial businesses such as retail and office uses within the Town. Farming still plays a role in the local economy; however, the economics of the dairy industry are increasingly difficult, and this may have a significant effect on the Town's dairy farms and related agricultural uses. Local employment and home occupations do exist in the Town, and are encouraged by this Plan as a means to reduce transportation needs and costs.

Consistent with countywide employment figures, the largest percentage of the Town's population is employed in the service sector. Transportation, communications, utilities, retail, manufacturing, public administration and education are major employment sectors.

It will be important to maintain the efficiency of existing transportation links within the Town, because it is likely that most of the Town's residents are and will continue to be employed outside of the Town.

VI. The Plan for Natural Resource Conservation

The recommended policies for conserving natural resources in the Town are closely related to the recommended Town land use policies. This Plan recognizes the need to balance future land use needs with the need to protect the Town's environmentally significant resources. These resources include steeply sloped areas, shallow and erodible soils, vast woodland areas, pure streams, lakes and reservoirs, and the visual effect of largely undeveloped or sparsely developed areas, as well fish and wildlife resources.

- (1) The Town should implement review to determine the presence of federal or state jurisdictional wetlands in land use applications, and should coordinate land use reviews with federal and state agencies where such wetlands exist to assure that development is consistent with federal and state policies toward wetlands.
- (2) Significant existing vegetation, such as large areas of mature woodland should be preserved to the maximum extent possible in order to protect and preserve air and water quality and fish and wildlife habitat. In considering land use applications, preference should be given to maintaining larger ecological systems as opposed to preserving scattered isolated ecological features.
- (3) The Town's policy towards lakes, ponds, and streams should be strongly protective. Preference should be given to low-technology, low-maintenance or natural means of protecting water quality such as incorporating vegetative buffer areas or wetlands to purify stormwater runoff, as opposed to higher-technology systems which require regular maintenance, complex equipment or human intervention in order to function.
- (4) New land uses should maintain the existing rates of runoff. Where compatible with the health and quality of wetlands, the Town should encourage the use of wetlands to fulfill the function of sediment removal and flood water storage and retention, either to augment or replace man-made sedimentation or drainage retention structures which have no other function. The Town should encourage such drainage management to be implemented on as large a scale as possible within a drainage basin, instead of on a lot-by-lot basis.
- (5) The visual and scenic environmental resources within the Town should be preserved to the greatest extent possible. Views from public roads towards scenic waterbodies and wooded mountains, should be maintained unspoiled. Creative planning in and around these scenic areas must be used so that the aesthetic effect of existing primarily unused land is retained at key locations despite changes in land use.

- (6) It is the policy of the Town to preserve and protect soil resources in the Town. Certain land use activities must be discouraged within highly erodible soil associations. Where changes in land use activity take place, strict erosion control and stabilization measures should be required.
- (7) Other environmental constraints may be ground water recharge areas; rock outcrops; streams, ponds and wetlands; flooding and ponding areas; visually sensitive areas; critical habitat for endangered or threatened species; and others.

VII. Implementation - Making the Plan Work

A. Plan Adoption

The Master Plan is the policy basis for land use decisions within the Town. After complying with the provisions of the State Environmental Quality Review Act, the Town Board may adopt this Plan. The Plan should be periodically reviewed by the Planning Board. Any proposed changes necessary to keep the Plan up to date should be recommended by the Planning Board to the Town Board for consideration.

B. Zoning Law and Subdivision Regulations

This Master Plan provides the basis for preparing the Town's first zoning law. Zoning local laws are a well-established means of controlling the type and density of land use within a municipality. Zoning laws can also establish certain conditions under which other uses might be allowed (special permit uses). Subdivision regulations complement municipal zoning laws, establishing criteria under which land may be subdivided.

C. Building Code

The New York State Uniform Building and Fire Prevention Code ("Uniform Code") regulate building construction materials and methods, as well as the use and occupancy of the completed structure. The Uniform Code also regulates handicapped accessibility, electrical, plumbing, heating and ventilation standards.

D. State Environmental Quality Review Act

The New York State Environmental Quality Review Act, or SEQRA, requires the consideration of environmental factors in any decision by state or municipal agencies or boards. At the Town level, SEQRA requires Town Boards, Planning Boards, and Zoning Boards of Appeal to consider the potential environmental effects of any decision they make. SEQRA requires that potentially significant negative impacts be minimized or avoided by including mitigation measures, where practicable.

E. Public Utilities/Watershed Regulations

The Town Board has legislative control over water and sewer district formation, and through this power, controls the location of municipal sewer and water districts. Presently, there is no intention to form any municipal water or sewer districts within the Town. The City of New York, through its watershed regulations, has a significant effect on this process also, because it regulates discharges to and separations from watercourses within the watershed. The City of New York has proposed strict new watershed regulations which would have a severe impact on land located within the watershed of the City's reservoirs within the Town.

F. Soil Standards

Soil standards, or soil-based regulations, which are based upon the characteristics and limitations of particular soil types may be incorporated into municipal zoning laws or subdivision regulations. These standards can be used to modify allowable land use densities, or to prohibit certain land uses on certain incompatible soil types, or to require certain mitigation measures to be included to prevent environmental damage.

G. Local Code Enforcement Officer

The local Code Enforcement Officer is an important element in realizing the goals of this Plan. The Code Enforcement Officer enforces the wishes of the Town Board and Planning Board, as codified into the subdivision law, zoning law and other planning regulations. No matter how well-intentioned the Town's laws are, they are not fully effective without timely and knowledgeable enforcement.