

Town of Masonville Delaware County, NY **COMPREHENSIVE PLAN**



December 2008

Prepared by:

Town of Masonville Comprehensive Plan Committee
Town of Masonville Town Board

DRAFT FOR REVIEW & DISCUSSION



Town of Masonville, Delaware County, New York Comprehensive Plan - 2008

Foreword

This Plan was prepared by the Town of Masonville Comprehensive Plan Committee. Funding for this project was made available through the New York State Department of State.

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1.0 Introduction

This Comprehensive Plan sets forth a combination of strategies to deal with the growth and future needs of the Town of Masonville. Needs are largely based upon a "Town of Masonville Planning Survey" conducted in 2008. The survey was completed by some 303 taxpayers. The detailed results are attached as Appendix D.

Question No. 1

How many years in total have you lived in the Town of Masonville?

32	8.6%	Less than 5 years
47	12.7%	5 to 9 years
27	7.3%	10 to 14 years
33	8.9%	15 to 19 years
46	12.4%	20 to 24 years
127	34.2%	More than 25 years
59	15.9%	2nd-home resident

The survey, completed by a mix of old, new and second-home residents (see Question No. 1 results tabulated above), indicated several things about how Town of Masonville taxpayers perceive the Town and the land development challenges and opportunities it faces:

- The largest share (53%) of respondents felt the Town hadn't changed noticeably in its desirability as a place to live. Some 26% thought it had become less desirable, but 11% said it had actually become more desirable.
- A total of 47% of respondents said they were influenced to come to or stay in the area by its lack of development.
- Some 42% of those surveyed said the costs of services and taxes were what they liked least about the Town of Masonville, followed by 21% who stated it was the school and health care facilities that concerned them and 21% who cited the impact of New York City regulations on the Town and its landowners.

- A very high 83% stated that regulating junk vehicle storage was important. Some 78% felt the right to farm must be protected and 74-75% said mining and forestry needed protection.
- Respondents indicated they supported or strongly supported adding, expanding or improving volunteer fire and ambulance services with their tax money.
- Ambulance and fire protection were the highest rated services by residents, followed by electric service and State highway maintenance. Cellular phone service, cable television and education received the lowest ratings.
- Respondents favored (66%) establishing a site plan review process.
- Some 63% of respondents wanted to see a farmers' market established in Masonville.
- Some 91% of respondents said it was important or very important to see profitable farms and farmland preservation over the next 10-20 years. Some 82% wanted a "clean and green" environment and 76% wanted historical heritage protected.
- Respondents indicated they do not believe development of tourism or second-homes is important to the Town.
- Other items identified as important include improved recreation facilities, higher quality development, a thriving timber industry, a more diversified business and economic base, more small-scale industrial jobs and more shopping.
- Nearly 80% of residents thought it important to review conservation easements acquired by New York City.

The survey results taken as a whole suggest the overall direction the Town needs to take to deal with development and change. It needs some basic local law protections to ensure the quality of development but without intruding significantly on the property rights of its residents and landowners. Its future is natural resource based, demanding protection of both the industries and the resources.

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2.0 Background Studies

2.1 Regional Location and History

2.1.1 Regional Setting

The Town of Masonville is a triangular shaped community which lies at a latitude of 42.242 degrees North and a longitude of 75.377 degrees West in the northwestern part of Delaware County. It has an elevation of 1,293 feet. and a total area of 54.3 square miles. The west town line is the border of Chenango County. Masonville is bordered to the South by the Towns of Deposit and Tompkins, to the East by the Town of Walton and to the North by the Town of Sidney.

The town center lies at the intersection of Route 8 and Route 206, very near Interstate 88. Large acreage in the southern and western sections of the Town is state forest land, and Camp Brace (NYS Division of Youth) occupies considerable acreage. Oquaga Creek State Park is a state park at the border of Delaware County and Chenango County. The park is partially in the Town of Masonville and partly in the Town of Sanford.



2.1.2 History

The Town of Masonville was chartered on April 4, 1811 when it was divided from the Town of Sidney. Masonville consists of the communities of Artic, East Masonville, Ivanhoe, Masonville, and Whitman. Settlement of Masonville had begun in the 1790s. The first grist and saw mill was built in 1802. Between 1820 and 1850, lumbering

and trapping were the chief occupations, and pine boards were rafted to Philadelphia. Dairy farming reached its peak in the late 1800s and early 1900s but continues today. Logging remains an important industry.

An early history of Masonville can be found in Historical and Statistical Gazetteer of New York State by J. H. French, LL.D. - 1860:

MASONVILLE - was formed from Sidney, April 4, 1811. Its surface is a hilly upland, divided into 2 ridges by the valley of Bennetts Creek, which extends E. and W. through the N. part of the town. These ridges are subdivided by numerous lateral ravines, through which flow small brooks. The highest summits are 600 to 1000 feet above the valleys and 1800 to 2000 feet above tide. The surface is stony, and the soil a shaly loam, difficult of cultivation except in the valleys. Masonville (p.v.) is situated on Bennetts Creek, in the W. part of the town. Pop 234. The first settlement was commenced in 1795, on "Cookburns Gore," upon the W. border of the town, by immigrants from Mass.** In 1797, the State Road from Cherry Valley to Jericho was opened through the town. The first religious services were conducted by Rev. Joel Chapin, in 1797. the first church (Bap.) was formed Dec. 7, 1811. There are 3 churches in town; Bap., Presb. and M.E.*

**Named from the Rev. John M. Mason, of N.Y., principal owner of the Evans Patent in this town.*

***Among the early settlers were Wm. and Aden Wait, Danl. Scranton, Enos Goodman, Justin Nash, Peres Moody and son Moses, Asa, Terry and Caleb Monson. The first birth was that of Sally, daughter of Daniel Wait, Aug. 10, 1797, and the first death was that of Wm. Wait, the same summer. Dr. Eli Emmons taught the first school; Simeon Wells kept the first inn; Fitch & Phelps the first store, in 1808; and Joseph Bicknell built the first saw and grist mill, in 1802.*

A more detailed history of Masonville is described in The History of Delaware County, W.W. Munsell 1797-1880:

On the formation of Delaware County in 1797 Masonville was a part of Franklin, which had

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been taken from Harpersfield in 1792. It remained a part of Franklin till 1801, when Sidney, including Masonville, was set off from Franklin. The territory remained a part of Sidney till 1811, when it was organized into a town and named Masonville, from the Rev. John M. Mason, who, in right of his wife, Ann, a descendant of General John Bradstreet, was owner of the greater part of the Evan's patent, which is in that town.

Formerly there was a fine growth of splendid pine trees, which were manufactured into boards, drawn to the Delaware and rafted to the Philadelphia market. There seemed to be a fascination among nearly all the early settlers for the lumbering business, which attracted the attention and employed the time and energies of the inhabitants to the exclusion of farming and dairying, to which if the same labor had been given, the wealth of the people would have been vastly increased. The town is situated inland, and does not touch the Susquehanna or the Delaware River.

The Evans patent was surveyed in 1786 by William Cockburn for the proprietors, and was named after Charles John Evans, husband of Agatha Evans, granddaughter of General Bradstreet. More than half of the town is in this patent. The first white settlement on this patent in Masonville was in 1792, six years after the survey. The eastern part of the town includes part of Walton's lower patent, part of the Rapelje and a small portion of the Walton patent.

The Astraguntira and Gannuissa creeks, now known as the Cold Spring Brook and Trout Creek, and the Monquago (Indian name Tewbeac) rise in this town, and run southerly into the Delaware from the watershed between them and Bennett's Creek, which runs northwestward into the Susquehanna, in the town of Bainbridge.

In 1792 Cockburn's gore was surveyed and added to the Evans patent, as claimed, and the first settlers in Masonville came the same year and located on the gore. The question is still open whether this part of the gore is in Chenango or Delaware county, though for a long time it has generally been recognized as belonging to Masonville. About the year 1840 some ten or twelve suits in the Supreme Court were commenced

against the settlers on the gore by the Bainbridge heirs or claimants to recover possession, but for some reason they were not prosecuted to trial; and now the Martha Bradstreet heirs are bringing suits against occupants, claiming the gore to be in Delaware County.

The State road from Cherry Valley to Jericho (now Bainbridge and Afton) was opened in 1797, when settlers come and located along the road. Among the earlier settlers were Adin and William Wait, Daniel Scranton, Enos Goodman, Justin Nash, Peres Moody and son Moses, Asa Terry, Caleb Monson, Darius Smith, Timothy Eastman, Bernice Hazor, Silvester and Ebenezer Smith, Dr. Pliny Smith and Eli St. John. The Smiths and several of the others were from Massachusetts.

Dr. Eli Emmons taught the first school. Simeon Wells kept the first inn; Fitch & Phelps kept the first store; Joseph Bushnell built the first grist-mill and saw-mill. The land at first was, much of it, taken on lease. The first birth in the town was that of Sally, daughter of Daniel Wait, August 10th, 1797, and the first death that of William Wait, the same summer.

The census of 1875 showed that the town contained of improved land, 20,983 acres; unimproved, 9,697; total, 30, 679. The value of real estate was \$1,038,890. Plowed land amounted to 2,418 acres; pasture, 10,165 acres; mowing, 7,644 acres. The gross sales from farms in 1874 were \$117,622. There were in the town in 1875, 2, 105 cows. Butter produced, 289,025 pounds. The number of acres, by the report of the supervisors for 1878, is 33,100 valued at \$14 per acre; and the equalized value, \$462,400.

The population of Masonville at the dates of censuses for the last forty-five years, as shown by the "red book" of the Legislature, has been as follows: 1835, 1,278; 1840, 1,420; 1845, 1,388; 1850, 1,550; 1855, 1,543; 1860, 1,684; 1865, 1,700; 1870, 1,738; 1875, 1,660.

For some years past the two great political parties have been nearly equally represented. The voters being largely farmers, the elections are quiet. The population has slightly decreased. Emigration to the west is the chief cause.

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2.2 Natural Features

2.2.1 Geology

The Town of Masonville is located along the northeastern edge of the Allegheny Plateau formed from sedimentary deposits due to the erosion of the Acadian Mountains to the east. They washed into what was an ancient inland ocean, resulting in the formation of the "Catskill Delta."



Bedrock found in the Town of Masonville was created during the late Devonian period that extended from 410 to 360 million years ago. It consists of conglomerate and sandstone interspersed with shale. Some of the shale layers, particularly the Marcellus Shale, has become of great interest for natural gas production and large areas of the region are being leased for this purpose with drilling having begun in selected locations. The shale, found throughout the Catskill Delta region, is proving to be a tremendous economic resource of great importance to the area and landowners. The Town can anticipate exploration, drilling, pipeline development and associated economic activity as a result of this new investment in the natural resources of the region.

The coarse-grained layers of bedrock have proved to be very erosion resistant, leaving in place many of the ridges that define the character of the area.

This bedrock has also been uplifted over the eons by tectonic forces and shaped by glaciers and erosion to produce the current mountainous landscape. It tends to yield good supplies of water, but is often found near the surface, thereby limiting building development and agricultural potential in many instances.

The Catskill Center for Conservation and Development describes area surface geology as follows:

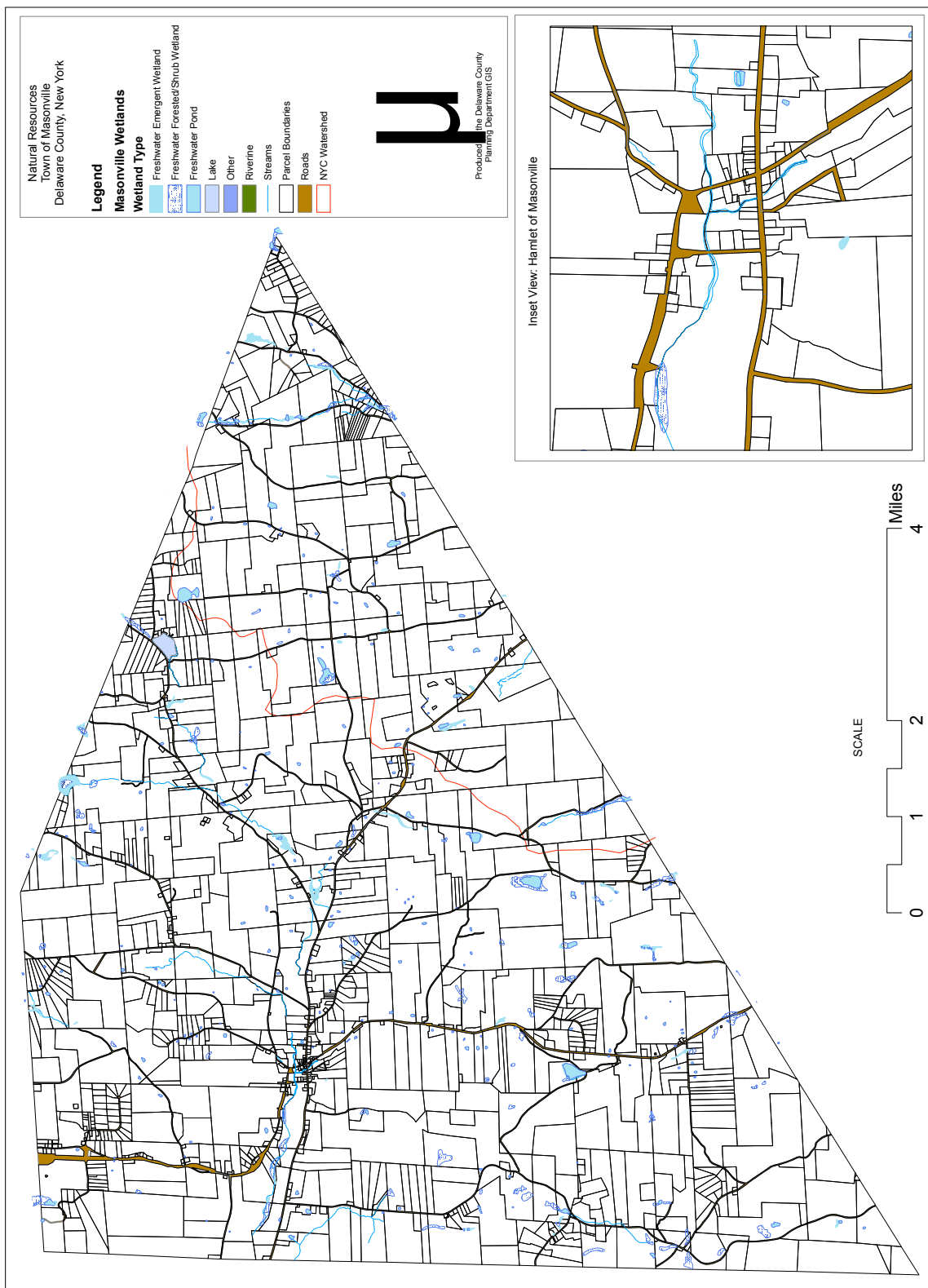
"The majority of the surficial geology of the Catskills was determined during the last 1.6 million years. Four ice ages inundated this area, most recently the Wisconsin advance. The Wisconsin glaciers finished retreating from this area only approximately 14,000 years ago. The majority of the region is composed of glacial till. Till (material deposited by a glacier) is unstratified, unsorted, and is made up of a wide range of sizes. For this reason, glacial till generally acts as an aquifer, holding large amounts of groundwater. The high peak regions are entirely comprised of bedrock. These sandstone and conglomerate mountaintops were scoured and scraped by glaciers moving around and over their summits, leaving virtually no loose material."

2.2.2 Soil and Water Resources

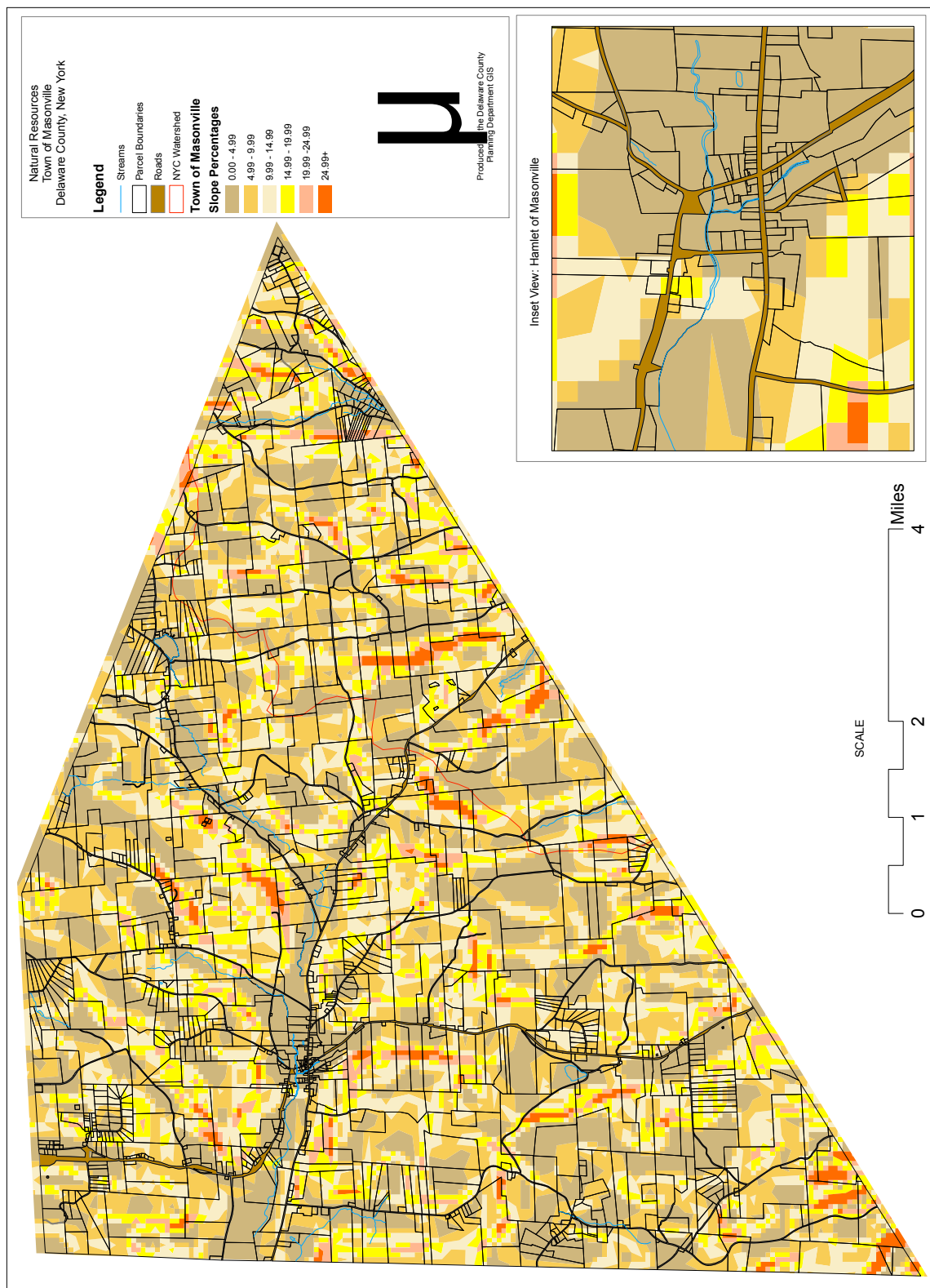
The Town of Masonville is located partly within two major river basins; the Delaware and the Susquehanna. It is generally hilly area, characterized by areas of floodplains and wetlands along major streams and in the lowlands. There are also scattered Federal wetland and hydric soil areas throughout the Town. Each of these characteristics constitutes a significant development limitation, although large portions of the Town are suited to low-density development. The natural resources maps following illustrate the locations of areas with these development limitations.

There is a more serious problem – substantial areas of the Town where the depth to the seasonal high water table is less than 20" making it quite difficult to install functioning on-lot sewage disposal systems that are essential for development in this rural area. Relatively large lot sizes are required to find suitable areas on given lots.

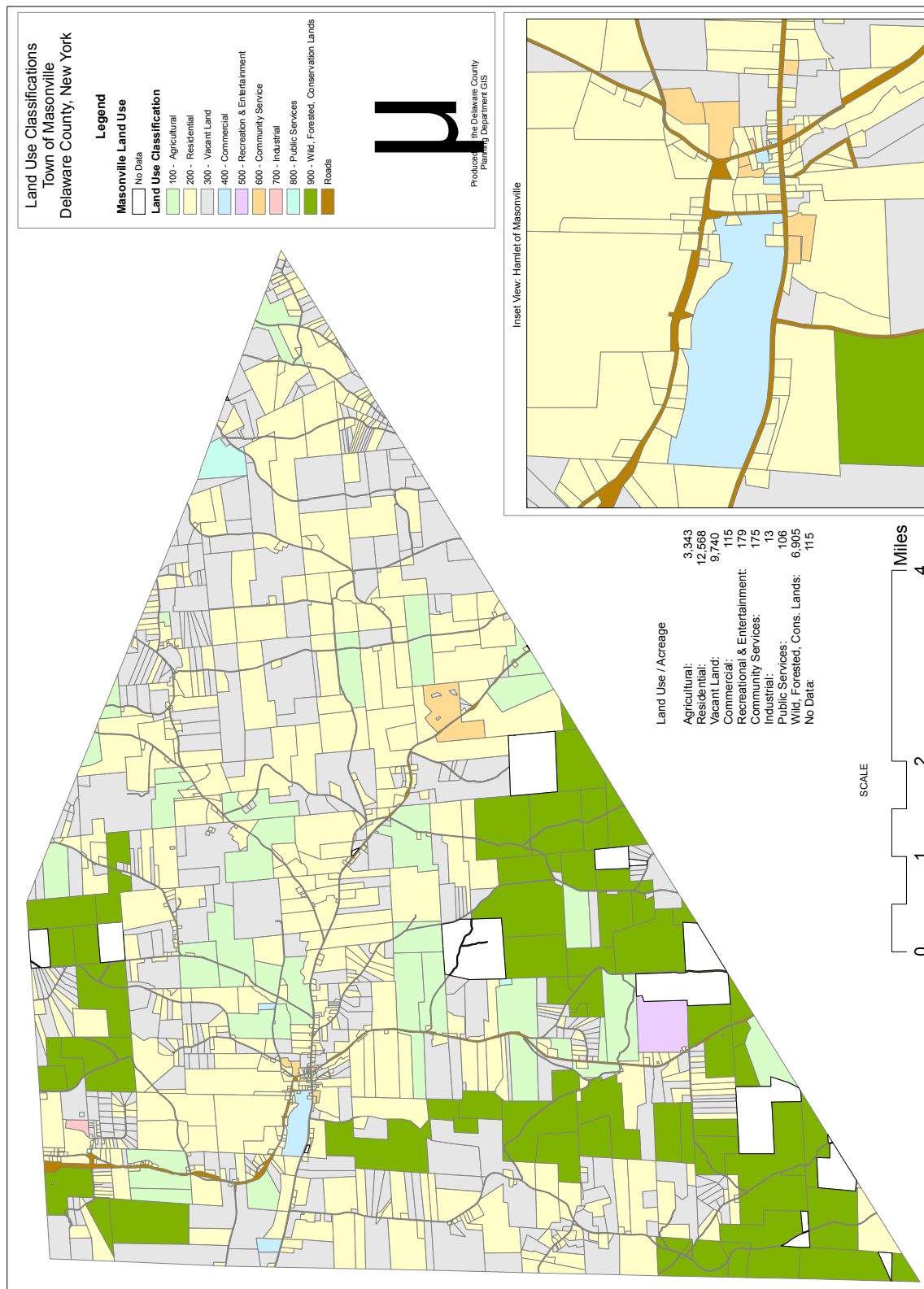
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2.2.3 Topography

The preceding slope map has been developed for the Town. It indicates slope is a major development limitation for the Town of Masonville, making it difficult to build roads and other infrastructure and install septic systems. This characteristic significantly constrains future residential development potential within the Town of Masonville.

2.2.4 Agriculture and Forest Resources

The Town of Masonville includes several important farms and niche agricultural enterprises as well as major timber resources. Among these are dairies, beef operations, horse farms and other specialized farm activities.

The area's elevation and cooler climate make it very well suited to grass production and grazing. Several former dairies are still in use as hay farms and provide valuable open spaces that both sustain tourism and create residential appeal.

The Town's hardwood forests provide similar benefits and support an active regional timber industry, include logging, sawmills and related activities.

2.3 Existing Land Use

An *Existing Land Use Map* has been prepared from real property tax records. This map reveals a large proportion of the Town consists of Rural Residential (Code 240) land uses.

Vacant land and agricultural acreage are also large, indicating potential for some further development if the demand for second homes accelerates and metro area residents continue to be attracted to the area.

Residential uses, moreover, already represent the largest share of the parcels in the Town. Vacant land also accounts for a large share of these parcels.

Commercial properties are mostly limited to the hamlet of Masonville, but there are also numerous home occupations throughout the Town.

The table that follows provides the breakdown by parcel numbers and the *Existing Land Use Map* provides further detail with respect to acreage by land use class, although caution is warranted in interpreting both sets of data, which rely upon tax data.

Table 2-1
Parcels by Land Use, 2005

Broad Use		Parcel
Category	Land Use Description	Count
100	Agricultural Properties	51
200	Residential Properties	804
300	Vacant Land	543
400	Commercial Properties	57
500	Recreation and Entertainment	7
600	Community Service Properties	24
700	Industrial Properties	5
800	Public Service Properties	33
900	Public Parks and Conservation	26
Total Parcels in All Broad Use Categories		1,550

Source: NYS Office of Real Property Services

2.4 Population and Economic Base

2.4.1 Population Trends

The following table illustrates the growth of Masonville as compared to Delaware County and New York State:

Table 2-2
Population Changes, 1990 - 2000

Year	New York State	Delaware County	Town of Masonville
1990	17,990,778	47,225	1,352
2000	18,976,457	48,055	1,405
Change	985,679	830	53
% Change	5.5%	1.8%	3.9%
Persons Per Square Mile	402	33	26

Based on the Census Bureau data for 2000, the Town of Masonville grew at a rate of 3.9% between 1990 and 2000. This was over double the percentage rate for Delaware County which grew

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by 1.8%. But, Masonville was less than the overall New York State rate of 5.5% and far below the U.S. average of 13.8%. It is important to note, however, this 3.9% rate actually equates to a growth of only 53 people over the decade. So while Masonville is experiencing growth, the actual numbers are not overwhelming.

Even so, while there has been a relatively modest population growth over the 1990 to 2000 decade there has been a 7.7% increase in housing units. This growth can be primarily attributed to single family detached housing which represented 69% of housing units in 1990, growing to 73% in 2000. Over the same period of time manufactured homes decreased from 25% to 21% while multi-family remained stable at about 5%. Rental units and second homes experienced no growth at all for the decade. If these trends continue Masonville can expect to see some growth but a modest amount both in population and homes.

2.4.2 Age of Household Members

Overall, the population first appears to be aging as the percentage for those less than 24 years of age has dropped from 42.1% in 1990 to 33.2% in 2000. Moreover, at first glance it also appears Town population by age differs only slightly from the County, as is illustrated in Table 2-3 below.

**Table 2-3
Population by Age, 2000**

Year	Town	%	County	%
Under 5 years	62	4.4%	2,469	5.1%
5 to 9 years	108	7.7%	2,966	6.2%
10 to 14 years	135	9.6%	3,447	7.2%
15 to 19 years	106	7.5%	3,770	7.8%
20 to 24 years	55	3.9%	2,372	4.9%
25 to 34 years	163	11.6%	4,730	9.8%
35 to 44 years	193	13.7%	6,798	14.1%
45 to 54 years	217	15.4%	6,938	14.4%
55 to 59 years	97	6.9%	3,016	6.3%
60 to 64 years	78	5.6%	2,621	5.5%
65 to 74 years	119	8.5%	4,668	9.7%
75 to 84 years	58	4.1%	3,092	6.4%
85 years+	14	1.0%	1,168	2.4%
TOTAL	1,405	100%	48,055	100%

However, upon further inspection, Masonville turns out to be a younger community with a median age of 38.5 versus 41.4 years of age for Delaware County. Furthering this proof is the fact that Masonville has 13.6% of its residents over age 65 while the County is significantly greater with 18.5%. Another indicator that Masonville does not continue the County trend is shown when comparing those less than 19 years of age. Masonville has a higher percentage than the County showing 29.2% compared to 26.3%. This younger community indicates the potential that in the future the population growth will rise.

2.4.3 Education

The 2000 Census shows Masonville closely mirrors the Delaware County statistics for high school graduation, with both close to 80%. However looking beyond high school shows a different situation with 16.3 % of Masonville residents holding Associate degrees or greater while the County shows a much higher percentage of 25.5%. This could indicate that Masonville is a more rural, working middle class community compared to the rest of the County. The County numbers are also distorted somewhat by SUNY-Delhi's presence.

**Table 2-4
Education Levels, 2000**

Education Level	Town of Masonville	Town %	County %
< 12 Yrs Education	183	19.4%	20.1%
12+ Years	609	64.4%	54.3%
Associate Degree	61	6.5%	8.9%
Bachelor's Degree	62	6.6%	9.5%
Graduate Degree	30	3.2%	7.1%
TOTAL	945	100%	100%

Source: U.S. Census - 2000, Persons 25+ Years Old

2.4.4 Income

An analysis of the data from the 1990 and 2000 Census reports show Masonville to be lagging behind the rest of the County and State in both per capita and median levels of income. The per cap-

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ita income for Masonville for the year 1999 shows an amount of \$14,933. This falls well behind the County number of \$17,357 and the State figure of \$23,389. Only in the category of median household income can Masonville claim a slightly higher level than Delaware County with \$33,000 compared to \$32,461.

Particularly alarming is the fact that when comparing 1990 incomes (adjusted for inflation to year 2000 dollars) to 2000 incomes, real declines are indicated. While the per capita income does show a 4.7% increase, the median household and median family incomes show fairly substantial decreases of 10.8% and 8.3% respectively. Some of this, of course, is attributable to aging and shrinking household sizes. Nevertheless, Delaware County showed modest positive percentage increases in both median household and family incomes. Also important to note is the nation as a whole showed a quite different picture with a gain of 6.1% in the median family income category.

This is a clear example of the great need for economic development within the Town, County and this region of New York State as a whole. The State's tax burden, based on higher incomes downstate, cannot be borne without economic growth.

**Table 2-5
Incomes, 1990 - 2000**

Incomes	Town 1990*	Town 2000	County	NY State
Per Capita	\$14,258	\$14,933	\$17,357	\$23,389
Gain 90-00	-	\$675	\$2,384	\$1,289
% Gain	-	4.7%	15.9%	5.8%
Median Household	\$36,998	\$33,000	\$32,461	\$43,393
Gain 90-00	-	-\$3,998	\$141	-\$757
% Gain	-	-10.8%	0.4%	-1.7%
Median Family	\$39,722	\$36,406	\$39,695	\$51,691
Gain 90-00	-	-\$3,316	\$1,453	-\$1,534
% Gain	-	-8.3%	3.8%	-2.9%

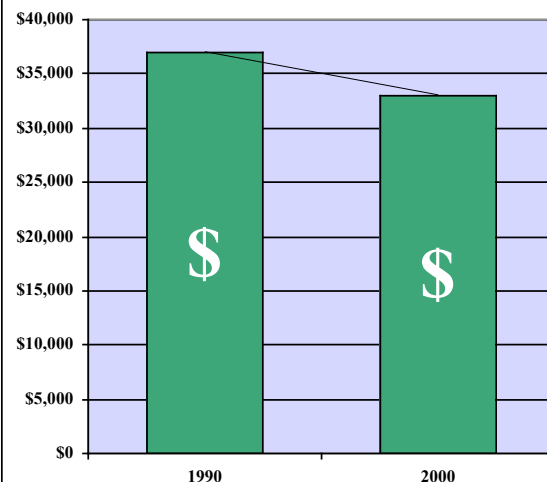
* Adjusted for inflation to 2000 dollars.

2.4.5 Employment Status

The Town of Masonville had a workforce of 633 residents over the age of 16 in 2000 of which 288

or 45.5% were women. It experienced a shift of workers from the private and self employed sectors towards one of government employment. The percentage of government employees raised from 16.4% in 1990 to 20.2% in 2000. This compares to the Statewide average of only 17%.

**Figure 2-1
Median Household Income, 1990-2000**



Over time, such a continued shift in employment from private industry to government will place a major burden on the local tax base to support municipal and State government. There is a major need for more private industry employment. The unemployment rate for the Town fell from a rate of 5.8% in 1990 to a rate of 3.1% in 2000. There was also a reduction in the County rates from 4.6% in 1990 to 3.6% in 2000.

**Table 2-6
Workers by Job Class, 2000**

Class	1990	%	2000	%
Private wage/salary	392	69.8%	434	68.6%
Self-employed	76	13.5%	68	10.7%
Unpaid family	2	0.4%	3	0.5%
Total Private	470	83.6%	505	79.8%
Government	92	16.4%	128	20.2%
TOTAL	562	100%	633	100%

2.4.6 Employment by Industry

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Table 2-7 breaks down the employed Town population aged 16 years or more in 2000 by industry. The largest single industry in which Town residents are employed is manufacturing, comprising an extremely high 27.0% share of the employment base. Manufacturing and educational, health, and social services comprise close to half of all employed with 44.2%. Manufacturing employment reflects the relationship of the Town with the Village of Sidney.

While it is difficult to accurately compare industries from 1990 to 2000 due to Census data categories changing over that period, it is interesting to note that the fields of arts, recreation, lodging and food increased dramatically from 14 in 1990 to 37 in 2000. Also the field of public administration showed a rather large increase from 16 to 35 (possibly accounting for that increase in governmental employees).

Education, health and social services also saw a 40% increase from 75 involved to 109. The retail trade was almost cut in half with a drop in 2000 to 48 employed compared to 91 in 1990. This does not include all self-employed individuals, however, many of whom work at non-employer enterprises.

Table 2-7
Employment by Industry, 2000

Industry	Persons 16+ Years	
	Employed	%
Manufacturing	171	27.0%
Educational, health, social services	109	17.2%
Retail trade	48	7.6%
Construction	43	6.8%
Transportation, warehousing, utilities	43	6.8%
Agriculture, forestry, hunting, mining	38	6.0%
Arts, recreation, lodging & food	37	5.8%
Public administration	35	5.5%
Finance, insurance, real estate	33	5.2%
Other services (except public admin.)	30	4.7%
Wholesale trade	16	2.5%
Professional, management, admin.	15	2.4%
Information	15	2.4%
TOTAL	633	100%

Source: U.S. Census, 2000

2.4.7 Employment by Occupation

A study of employment by occupation shows a relatively even breakup of occupation types with production and transportation accounting for just over ¼ of those employed. These numbers reflect the high percentage of manufacturing workers mentioned above.

Table 2-8
Employment by Occupation, 2000

Occupation	Persons 16+ Years	
	Employed	%
Production, transportation	169	26.7%
Sales, office	131	20.7%
Management, professional	130	20.5%
Service	105	16.6%
Construction, mining, maintenance	78	12.3%
Farming, forestry	20	3.2%
TOTAL	633	100%

Source: U.S. Census, 2000

Over 40% of workers are employed in the sales and office, and management/professional fields. This is a large increase over the 1990 studies indicating a shift from the more traditional blue collar occupations to professional occupations.

Farming and forestry employment has plummeted from 51 employees (9.1%) to 20 (3.2%) between 1990 and 2000 further exemplifying the shift away from an agricultural based community.

2.4.8 Travel to Work

Some 29 persons, or 4.7% of workers within the Town worked from home in 2000. This was somewhat less than the County, which has a more typical rural rate (5.7%).

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**Table 2-9
Travel to Work, 2000**

Geography	Mean Travel Time to Work	Worked at home at Home	% Public Transit
Town of Masonville	25.6 Minutes	4.7%	1.1%
Delaware County	24.0 Minutes	5.7%	1.1%
New York State	31.7 Minutes	3.0%	24.4%
United States	25.5 Minutes	3.3%	4.7%

Source: U.S. Census, 2000

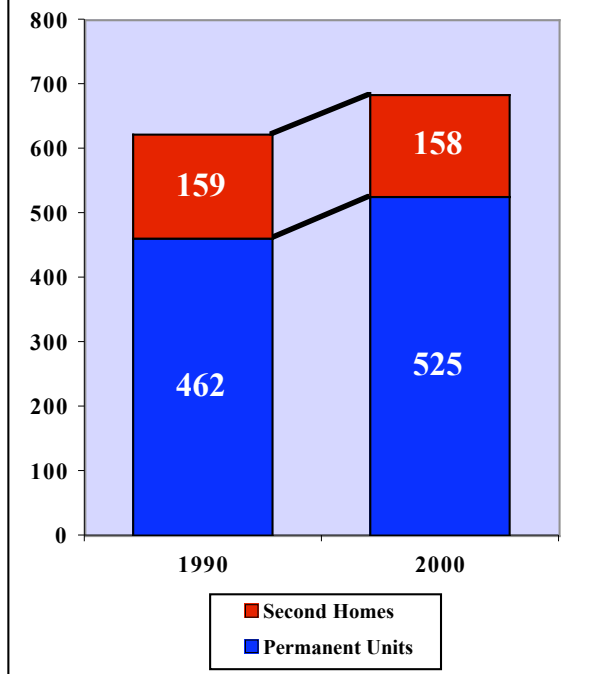
The mean commute time was slightly higher (25.6 minutes versus 24 minutes), reflecting the relative isolation of the Town. Only 13 people either walked or used public transportation to get to work. The majority drive alone in their car, truck or van (79.4%).

2.5 Housing

2.5.1 Housing Stock

The Town of Masonville had 713 housing units according to the 2000 US Census. 525 of these units were occupied while 188 were reported as either vacant or seasonal homes. Of these 525 units 88.6% were reported as owner occupied and 11.4% were renter occupied. These percentages differ somewhat from Delaware County reporting of 75.7% owner and 24.3% renter occupied.

**Figure 2-1
Masonville Housing Growth**



There was a total increase of 51 units between 1990 and 2000. This increase accounts for 7.7% of the total housing stock in 2000. This is a relatively low percentage however this percentage exceeds the Delaware County report of 5.8% for the same period.

Masonville did report a low vacancy rate of 4.2% with only 30 units reported as vacant in 2000. This was a drop from the 6.2% or 41 units in 1990. However the Town shows a fairly high rate of seasonal or second home housing, which accounted for 22.1% of all housing units in 2000. Over the decade there was a drop of only 1 unit listed as seasonal or second home. It does not appear Masonville is experiencing an increase of conversion of second homes to full time.

Occupied housing units experienced a 12% jump between 1990 and 2000. The low vacancy rates, the percentage of growth exceeding County numbers, and the relatively young median age of residents could all indicate the potential for accelerated housing growth in the future.

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2.5.2 Number of Persons in Households

The average household size in 2000 was 2.63 persons. This was a reduction from the 2.82 reported in 1990. This also was higher than the County and State averages of 2.39 and 2.61, respectively. This can be attributed partially to the increase of single person households with an increase from 17.7% to 19.6% in the period of 1990 to 2000.

It also can be attributed to the increasing age of residents as displayed by the 9% decrease in population for those less than 24 years of age between 1990 and 2000.

2.5.3 Housing Values

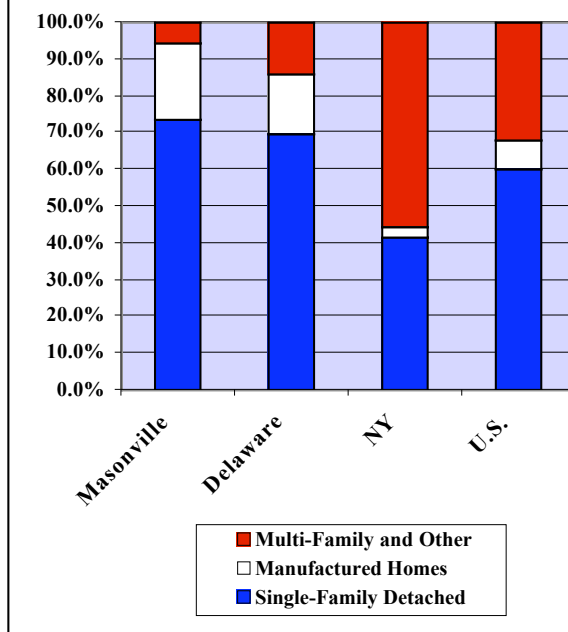
A study of the 2000 Census revealed a median housing value of \$70,600 for the Town of Masonville. This median value is slightly less than the Delaware County report of \$74,200, but not significantly lower. This is, however, very low compared to the Statewide median of \$148,700. Nationally, the figure was \$119,600.

These low values also reflect the discounted cost of Upstate New York's relatively high taxes. Nonetheless, within New York State, the area represents a good housing value, a fact that is likely to encourage more in-migration of New York metropolitan area and nearby residents seeking such housing values.

2.5.4 Housing Type

Single-family homes accounted for 534 units or 73.4% of the Town of Masonville's housing stock in 2000, according to the U.S. Census.

Figure 2-2
Housing Types, 2000



Housing is primarily single-family units in Masonville. In addition the data seems to indicate manufactured homes are being replaced with single family structures as the number of manufactured homes decreased 14 in number or 9.1%.

Nonetheless, 21.2% of all homes still are manufactured housing units in 2000, well above the figure of 15.9% for the County. Both have much higher proportions of manufactured homes than the State or U.S. because the latter include large urban areas where such housing is not typical. Multifamily housing, by contrast, is much more typical in those areas, and even in Delaware County where it accounts for 12.1% of the housing stock, but it represents only 3.1% of Masonville's units. Multifamily housing is a majority of the stock Statewide and is about a third of the national stock by comparison.

2.5.5 Contract Rents

Town of Masonville rents were relatively low in 2000, the median being only \$500. The median rent Countywide was slightly lower at \$451.

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2.5.6 Owner vs. Renter Occupancy

Between 1990 and 2000, the percentage of owner occupied units in the Town increased very slightly from 86.6% of all occupied units to 88.6% in 2000, following a nationwide trend. Masonville saw a decrease from 62 to 60 in rental occupied properties between 1990 and 2000. In addition, the rental vacancy rates increased from 6.1% in 1990 to 9.1% in 2000 while the homeowner vacancy rate declined from 2.7% to 1.9% over the same period.

Countywide, only 75.7% of the housing units were owner occupied. The County experienced an 11% vacancy rate for rentals and a 3.1% rate for owners. These numbers were all significantly higher than New York State where only 53% of all occupied housing units were owner occupied in 2000.

2.5.7 Housing Needs

The Town needs to ensure its land use regulations do not unnecessarily raise the cost of moderate income housing. A practical approach to land use regulation that recognizes the varying needs of different segments of the population and different parts of the Town is warranted.

There is also a need to upgrade the quality of a portion of the existing housing stock. Some 24.7% of 2000 Census surveyed owner-occupied housing stock was valued at less than \$50,000. Overcrowded units (more than 1 person per room) accounted for 2.2% of the total housing stock.

Also, 43.7% of surveyed renters and 19.3% of homeowners paid out more than 30% of their income as gross rent or monthly owner housing costs, suggesting much of the stock is not truly affordable to residents.

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3.0 Goals and Objectives

3.1 Base all land use regulations on a framework of protecting mutual private property rights.

3.1.1 Preserve and respect the rights to use of private property by limiting land use regulations to specific local laws addressing specific uses and to those regulations deemed absolutely essential to health, safety and welfare of the community.

3.1.2 Protect traditional land uses such as agricultural, forestry and mining with local laws that give preference to these land uses in conflicts with incompatible land uses.

3.2 Secure the Town from dangers of flooding, fire and other hazards.

3.2.1 Ensure the capacities of fire companies to address emergencies and institute volunteer recruitment incentives.

3.2.2 Apply the Town's Floodplain Damage Prevention Law as a tool to steer development away from dangerous flood locations, setting higher standards than those required by FEMA, recognizing the Town's vulnerability to flooding.

3.2.3 Maintain an up-to-date Emergency Management Plan for the Town.

3.2.4 Address the traffic signalization problems at the Masonville intersection to increase visibility for travelers on Route 206 in particular.

3.3 Preserve, where practical, the character of existing rural highways and promote efficient and safe circulation of traffic through the Town.

3.3.1 Require, wherever possible, the use of joint highway accesses onto Town, County and State roads and similar techniques to minimize the number of highway entrances and potential traffic conflicts.

3.3.2 Limit road dedications to the Town by establishing standards for private road construction and dedication.

3.3.3 Upgrade County Route No. 20 to provide better access to the State Park and stimulate tourism.

3.4 Protect surface and ground water quality and maintain a high-quality environment.

3.4.1 Enforce existing junkyard regulations, including inspections and renewals to ensure continued compliance.

3.4.2 Maintain septic system design and maintenance standards for areas of high risk for malfunction.

3.5 Economically revitalize the Town and hamlet.

3.5.1 Promote tourism and other Town businesses through Town brochures and a Town website linked to businesses offering services.



3.5.2 Support the continuation of natural resource industries, including, but not limited to the bluestone and forestry sectors.

3.5.3 Identify and promote hiking, biking and other similar trails and scenic tours within the

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Town as a tourism resources and community recreational assets.

3.5.4 Protect and promote fishing, hunting and other outdoor recreation resources as the economic foundation of the Town.

3.5.5 Protect and promote agricultural, forestry and mining enterprises using a Town Right-to-Farm, Practice Forestry and Mine Law.

3.5.6 Develop a farmers' market in the hamlet of Masonville to take advantage of Route 206 traffic.

3.5.7 Develop a new Town Hall and community center to serve as a focal point for the community and create recognition for the Town.



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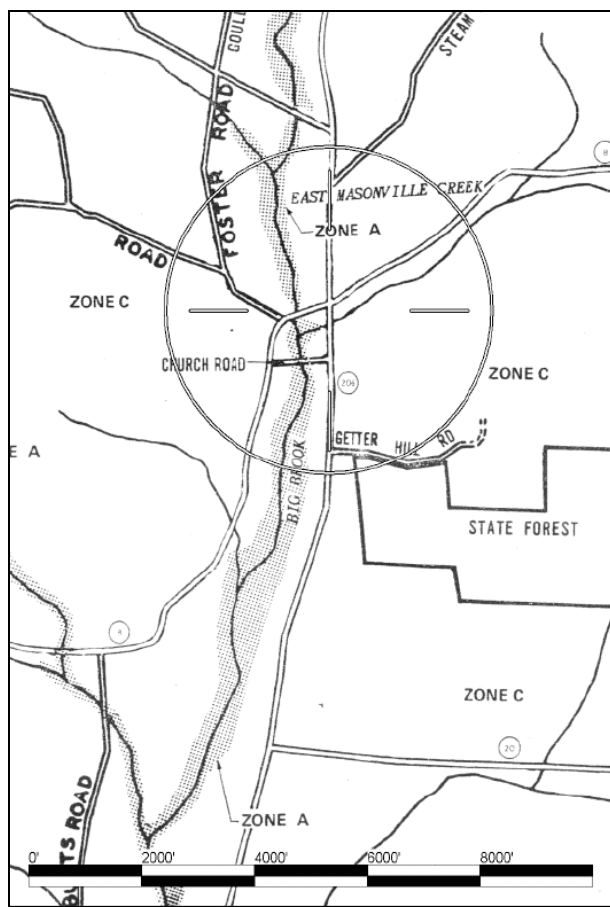
4.0 Plans

4.1 Land Use

The Town of Masonville currently has no particular land use regulations. However, the Town does have floodplain regulations required by Federal law and a Junk Storage Law prohibiting the operation of dumps and dumping. There are also State Health Department regulations and New York City Water Supply Watershed Regulations in effect. The details of these regulations as they impact upon future land use are as follows:

FLOOD DAMAGE PREVENTION LAW

The Town enacted a Floodplain Damage Prevention Law in 1987. It was required under the National Flood Insurance Program.



It requires a “development permit” within any federally designated flood hazard area (gray dotted area on map excerpt depicted) and establishes standards for anchoring and floodproofing of structures, also requiring new residential structures to be raised above the base flood elevation and generally prohibits new development within any designated floodway (as distinguished from the broader flood hazard area). The Town of Masonville’s flood mapping is not yet sufficiently detailed to identify such floodways, however.

DUMPING AND JUNK STORAGE LAWS

These local laws include a very simple prohibition of the operation or maintenance of dumps in the Town based on New York State Town Law authority to regulate such activities. The Town also exercises additional authority under both the Town Law and General Municipal Law to regulate the operation of junkyards and auto graveyards.

Section 136 of the General Municipal Law may be exercised without enacting local laws or regulations. It requires the Town to license automobile junkyards, defining them as “two or more unregistered, old, or secondhand motor vehicles, no longer intended or in condition for legal use on the public highways.” It also requires eight feet high fencing around any such junkyard, among other standards.

The Town has, however, superseded these regulations by enacting its own under Town Law and Municipal Home Rule. The Town of Masonville’s Junk Storage Yard effectively complements the State regulations.

HEALTH DEPARTMENT REGULATIONS

The New York State Department of Health establishes standards for on-site sewage systems within the Town. Those regulations apply to “realty subdivisions” defined as five or more lots of less than five acres in size and require Department of Health approval of such subdivisions.

Appendix 75-A of the Public Health Law establishes detailed standards for sewage systems, including testing procedures, soils requirements, design standards and other criteria (e.g., well separation distances) for on-site sewage system construc-

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tion and maintenance. There is no minimum lot size specified, although soil conditions in areas such as Masonville are often difficult to build upon with less than an acre of land and still meet these requirements. A minimum of four feet of usable soil is required for a standard system. This leads to demand for more alternate type systems, which are feasible, but, once again, often require more acreage.

NEW YORK CITY WATERSHED REGULATIONS

The regulations adopted for the New York City water supply watershed include the following requirements:

- New petroleum storage facilities (including those used for home heating fuel storage) must be located at least 100 feet from a stream and 500 feet from a reservoir.
- All new subsurface sewage disposal systems must be approved by the City's Department of Environmental Protection and be located at least 100 feet from a stream or wetland and 300 feet from a reservoir (increased to 250' and 500', respectively, for "raised systems").
- Impervious surfaces constructed in connection with new commercial uses are prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir (not prohibited within designated hamlets, but subject to review and permit).
- New residences are generally prohibited within 100 feet of a stream or wetland or 300 feet of a reservoir.
- Stormwater pollution prevention plans for review by the City are required in connection with new subdivisions, earth disturbances of 5 or more acres and new impervious surfaces of 40,000 or more square feet within commercial zones.

New Federal EPA stormwater pollution control permitting requirements for disturbances of as little as one acre are also being implemented through State regulations that require a Storm Water Pollu-

tion Prevention Plan (SWPPP) for most new projects of any substance, rendering the impact of City requirements much smaller on a relative basis.

The Town may wish to assume more control of these matters for itself by developing compatible local standards that serve to resolve the major issues before they reach the New York City Department of Environmental Protection for decision. The Town may have to become more involved with the installation, financial guarantee and maintenance of these required storm water improvements to protect its own interests.

4.1.1 Future Land Use

The Town's land use challenges are very limited under current circumstances. Residential growth is likely to be limited to second homes and conversions of these units to permanent residences. There are also some specific uses such as wind farms, mobile home parks, multi-family second homes and the like that may present particular issues.

There is relatively little commercial or industrial activity and not likely to be much in the near future given the relative isolation of the Town. This is not to suggest the Town shouldn't encourage more of these uses. It would benefit by more commerce and industry, but one must be realistic in assessing the potential and knowing where growth will arise.

Accordingly, land use controls can continue to very limited in nature, with an emphasis on maintaining private property rights. Such regulations as are enacted must be very streamlined and provide the flexibility to accommodate development in all areas of the Town but in a manner that allows the Town to exercise reasonable control to deal with the impacts of the development.

4.1.2 Land Use Recommendations

Specific recommendations relating to land use policies within the Town of Masonville are provided below:

A. Site Plan Review Law

The Town of Masonville may, in the relatively near future, need an additional tool to deal with

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selected development issues and legally establish minimum lot size criteria for both residential and non-residential projects. Accordingly a *Town of Masonville Site Plan Review Law* is proposed. A recommended version is attached hereto as Appendix A.

This proposed *Site Plan Review Law* is intended to provide a procedure, thoroughly grounded in the *New York State Town Law* provisions for site plan review, while also using the *Municipal Home Rule Law* to tailor an approach to land use regulation suitable for meeting Masonville's particular needs.

The recommended *Site Plan Review Law* includes minimum lot size and other development standards pertaining to certain uses, stormwater management provisions and other general standards for development in the Town. It can be expanded as needed to address specific needs such as multi-family development, wind energy generation, mobile home parks and other specific issues of interest to the Town. The *Site Plan Review Law* can also be modified to include additional detail other aspects of development should they become problems for the Town.

Important features of the recommended *Site Plan Review Law* are those pertaining to due process. There is a non-conforming buildings provision that grandfathers existing development, for example. There is a clear procedure for processing site plans, which would be handled by the Town Board. A Board of Appeals is provided to deal with variances. Site plan review is also coordinated with the State Environmental Quality Review ACT (SEQRA) so as to speed up environmental review by making the Town the lead agency in such review and creating a Type II list of exempt actions that eliminates this requirement for non-consequential projects.

If the Town opts to regulate wind power generation under such a *Site Plan Review Law* it should distinguish between industrial size and small on-farm type windmills and establish separate standards for each. These might include location and building standards, site

safety measures, traffic rout and access road criteria, setbacks, noise standards and numerous other specific regulations intended to allow for both types of wind energy generation facilities with protections for adjoining property owners.



B. *Rights to Farm, Practice Forestry and Mine*

Farming, timbering and mining are important industries within the region. They builds on the Town's competitive natural resource advantages. These industries directly and indirectly employ significant numbers of Town and County residents. The community survey revealed strong support (roughly 80% in favor) for protecting the right to farm, timber and quarry using sound management practices.

A recommended local law protecting the right to farm, the right to practice forestry and extract natural resources is provided as Appendix B of this *Comprehensive Plan*. This draft legislation should be reviewed by the Town Attorney, modified as may be necessary and enacted as soon as possible.

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4.2 Community Facilities

4.2.1 Parks and Recreation

The Town of Masonville is the location of the Oquaga State Park. There are currently no local ballfields, school facilities, parks or other recreational facilities within the Town. Survey respondents indicated very mild support for additional or improved facilities such as walking trails, senior activities and various forms of recreation for youth. More use of the State Park and support for school and church programs would meet most of these needs.

It is recommended the Town engage in discussions with the State as to how more use can be made of the State Park. The 55-acre lake has a sand beach for swimmers, offers fishing and provides for a number of winter sports including cross-country skiers on six miles of trails. There is also a 9-site campground. The Park clearly has still additional potential that should be exploited. The Town should be an active participant in State Park management planning.

4.2.2 Town Hall

The Town of Masonville needs a real Town Hall. The existing facilities are very inadequate and don't meet current standards. The Justice Court uses the Town highway shed, which is not ADA compliant. There is, moreover, no secure, fire-safe area for record storage. Town meetings typically have to be conducted in donated or rented spaces in private buildings such as the Masonville Church. The existing highway shed is adequate for that particular purpose (although a pole storage building is also needed) but a new Town Hall of some sort is very needed.

It is recommended the Town Board employ an architect for purposes of evaluating sites and options for a Town Hall. It could be an addition to the highway shed, a stand-alone new structure, a conversion of an existing building or a new multi-purpose community building. All options and a variety of sites should be methodically evaluated.

The multi-purpose community building option should be given strong consideration as a way to

share overhead and ensure the most practical use of the facilities for the broadest possible benefit. One additional benefit of such an approach is the potential to secure additional revenue to support the operation of the building through rental for a fire hall, senior center, Post Office or some similar use.

The Town of Gilboa in Schoharie County provides a good example with the community Post Office being in the same facility and paying much of the overhead. There are also several good examples of combined fire/town hall facilities throughout rural areas of the Northeast. There was relatively strong support for a combined fire hall, community center and Town Hall facility in the community survey.

4.2.3 Fire and Ambulance

The principal challenge facing the Town's fire and ambulance services is the same as every rural community, that of maintaining a corps of volunteers to deliver the services. The problem is made especially difficult by State and Federal training mandates and other time-consuming requirements that discourage volunteers from coming forward or staying involved.



The community survey indicates there are numerous people now participating and many others who would like to become involved. This needs to be encouraged by the Town with frequent recognition of volunteer efforts, incentive programs (e.g., payment of some special benefits such as fees associated with training or membership in emergency support organizations). The direct support could, as indicated above, include help in developing a combined new facility that would house the fire department as well as Town offices.

4.2.4 Sewage Facilities

All of the Town of Masonville, with the exception of the Delaware County BOCES facility on Route 206, is served by on-site subsurface sewage systems. The BOCES facility has a small sewage treatment plant. There are no plans for other facilities.

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ties and no compelling evidence of need for either central facilities or community on-site system management as has been proposed in other watershed towns.

4.2.5 Water Supplies

There are no community water systems in the Town of Masonville or any evidence of need for such facilities. There are two non-community trans-



ient water systems in the Town. These are the Masonville General Store and the Hardwood Hills Golf Course systems, both of which serve populations of 25 or less.

There are no unmet needs within the Town of Masonville in regard to community water systems.

4.3 Transportation

4.3.1 Functional Road Classifications

Highways support economic development by allowing the efficient movement of people and goods and, thereby, influence the overall direction of Town growth as well as the location of specific commercial, industrial and residential activities. Every road plays a special function in moving people and goods within and through the Town of Masonville and the surrounding region.

Table 4-1 identifies State, County and Town roads by those functions based on current conditions, nearby development and future traffic growth expectations. Many of these highways are already functioning adequately in their suggested functional capacities.

Nonetheless, some upgrading and other improvements are warranted to bring about a more functional highway system in the Town that will serve anticipated future needs. These include some specific recommendations offered below for improvements on County and State highways that will allow selected roads to serve in a different capacity going forward than has been the case over the years.

Table 4-1

Town of Masonville Highway Functional System

ARTERIAL ROADS

FUNCTION: Carries medium-to-heavy volumes of traffic at moderately high speeds and provides access to major traffic generators.

ROADS:

- NYS Route 8
- NYS Route 206

COLLECTOR ROADS

FUNCTION: Provides connections between Arterials and Local Roads at comparatively slower speeds and carries moderate traffic volumes.

ROADS:

- County Route 20 (Hambletville-Masonville Road)
- County Route 27
- County Route 35 (Masonville-Sidney Center Road)

LOCAL ROADS

FUNCTION: Provides direct access to abutting properties and channels Local Road traffic to Collector

ROADS:

- All other roads

4.3.2 Masonville Traffic Light

The Masonville traffic light at the intersection of Routes 8 and 206 is a safety hazard due to the way it is approached from all directions, but particularly on Route 206 coming from the east. The grade of the highway makes it difficult for high-speed travelers to see the light quickly enough to stop safely, especially in the afternoons. A strobe light, additional signage and lowered speed limits are all possible remedies that need to be explored. The Town should work with the County to document needs and negotiate improvements with the New York Department of Transportation.

4.3.3 County Route 20 Upgrade

County Route 20 provides access to the Oquaga Creek State Park and serves as a north-south route along the western edge of the Town. The road has received little maintenance and, as a result, offers relatively poor access to the Park.

If the Park is to receive more use and be an effective economic and recreational resource this road must be upgraded. The Town should work closely

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with the County to get more attention directed at the maintenance of this important road.

4.3.4 Town Road Law

The Town should enact a Local Road Law incorporating standards for highways being dedicated to the Town. This will address procedural and enforcement issues and ensure the Town is not burdened with unnecessary new upgrading or maintenance expenses for sub-quality roads that should remain in private ownership. A Sample Road Law may be found as Appendix C.

4.3.5 Stormwater Management

The Highway Management Plans (HMP) for the towns in Delaware County addresses the management and maintenance of road surfaces and stormwater structures, as well as identifying and prioritizing appropriate best management practices (BMPs).

Individualized Highway Management Plans will incorporate comprehensive plan elements to include a 10 year plan for local infrastructure; prioritized list of roads to be addressed and recommendations as to how best address any substandard conditions; recommendations for appropriate stormwater BMPs; and a draft budget for implementation of BMPs and addressing priority areas.

The Town Board will also need regular access to a Town Engineer (on a consulting basis) to review development plans for their stormwater impacts, especially on the Town of Masonville road system, if it enacts site plan review. The costs of such reviews can be charged back to developers so there are minimal, if any, impacts on the Town budget.

4.3.6 Other Recommendations

Highway maintenance should, employing a highway capital improvement program, be directed towards reducing traffic hazards, cutting back the long-term cost of highway improvements and increasing capacity. Clark Road, Cole Road and Lake Cecil Road all need some attention in these regards. New large-scale projects are not required and could even be counterproductive in stimulating additional traffic too quickly.

4.4 Economic Development

4.4.1 Economic Strengths, Weaknesses, Opportunities and Threats

Economic development planning always begins with an analysis of the basic strengths, weaknesses, opportunities and threats of the economy being studied. These include, in the Town of Masonville's case, the following:

STRENGTHS

- Reasonable proximity of the Town of Masonville to urban centers of various sizes (Sidney, Walton, Binghamton and New York City) combined with relative isolation, which serves to make the area appealing as a residential and second-home environment.
- Working landscapes of farmland, with an abundance of attractive views, architecture and scenery that draw visitors to the area for camping, second homes, hunting, fishing, riding and various other outdoor recreational pursuits.
- An existing agricultural base and heritage that provide opportunities for niche agricultural economic development.
- A plentiful supply of natural resources ranging from high-quality soils for growing forage and grazing to superior hardwood timber resources and mineral resources.

WEAKNESSES

- A declining population of younger people that will make it difficult to pursue economic development and sustain valuable traditional institutions such as the School.
- A high New York State tax burden combined with relatively low Upstate New York incomes and limited job opportunities locally that make it difficult to hold onto properties or stay in the area.
- A relatively cold climate that makes year-round occupancy less appealing than some other areas.

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OPPORTUNITIES

- Further tourism development focused on the scenery and natural resources.
- Niche agricultural development that takes advantage of market proximity and an intrigued visitor population.
- Further natural resources development, including timber and mining industries and related offshoots.
- Home occupations that rely upon proximity to the various centers for business but allow owners to still reside in a vacation area.
- Further second-home development.
- Additional outdoor recreational facility development (e.g., campgrounds, hunting preserves).

THREATS

- Careless development that depreciates the value of the working landscapes that attract people to the Town of Masonville.
- Continued growth of the Upstate New York tax burden, making it impossible to hold land or use it productively for uses that preserve the open space.
- NIMBY attitudes that make it difficult to pursue new economic development projects within the Town.
- A demographic collapse of younger age cohorts that deprives the Town of needed earners, workers, customers and vibrancy.

Such factors as those listed above do not necessarily limit the Town's potential. The actions of individual entrepreneurs and the marketplace will do far more to determine Masonville's future than any government action.

Nevertheless, this overview analysis does suggest the likely future and proper direction of Masonville's economy toward agriculture, tourism and second-home development, natural resource indus-

tries and home occupations. There are several ways the Town can marginally assist in realizing the maximum benefits from economic development. There are, additionally, some actions the Town could take that would unnecessarily interfere with the marketplace and, therefore, should be avoided in the interest of allowing economic development to take place.

4.4.2 Recommendations

Given the above analysis, the following recommendations are offered for the economic development of the Town of Masonville:

A. Town Website Improvements

Promotion of the Town for tourism and other economic development purposes can be encouraged through upgrades of the Town website. It could, for instance, include more information on tourism offerings, agricultural buying opportunities and special attractions such as the State Park. It could also offer self-guided tours of the area. Because the web site is a very technical and time consuming endeavor, the Town Board should consider hiring a professional web developer at a nominal fee.



www.masonville-ny.us

B. Farmers' Market

The community survey exhibited relatively high support for a local farmers' market in Masonville, more than any other suggested Town initiative. There are small markets in Bianbridge and Deposit but none in Sidney, which offers a sufficient population base to support

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one. Therefore, a new market in Masonville could be feasible. Possible locations are the Masonville Library, the Town highway shed parking lot or the Masonville Church lawn and parking lot. All have potential space to accommodate a market. The Town Board should pursue this by working with Cornell Cooperative Extension of Delaware County and local farmers.

C. Natural Resource Development

Timber and mineral resources present opportunities similar to agriculture. The area offers high-quality hardwoods that provide a potential source of income for owners of open space. Its mineral resources, including natural gas shales, are also considerable. The Town needs to largely avoid interfering with these industries so as not to discourage their development. Right to farm, practice forestry and mine legislation is also needed in this regard (see earlier discussion).

D. BOCES Site

A provision of the New York City watershed agreement allows for the Town to reserve a 50-acre area of the Town for economic development purposes that would be treated in the same manner as existing hamlets. The best site for this is the current BOCES location on Route 206 which could develop further or be redeveloped in later years.

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5.0 Appendices

A – Draft Site Plan Review Law

B – Draft Right to Farm, Practice Forestry and Mine Law

C – Draft Road Law

D – Community Survey Results

Appendix A - Site Plan Review Law

Draft for Review and Discussion Purposes Only

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Appendix A - Site Plan Review Law

Draft for Review and Discussion Purposes Only

§ 1 GENERAL PROVISIONS

A. Enactment.

The Town Board of the Town of Masonville, Delaware County, New York, does hereby ordain and enact the Town of Masonville Site Plan Review Law pursuant to the authority and provisions of Section 10 of the Municipal Home Rule Law and Section 274-a of Town Law.

B. Short title.

This local law shall be known as the "Town of Masonville Site Plan Review Law." The Town of Masonville is hereinafter referred to as the "Town."

C. Intent and purpose.

It is the intent of this local law to ensure optimum overall conservation and use of the natural and man-related resources of the Town, by regulating land use activity within the Town of Masonville through review and approval of site plans. It is not the specific intent of this local law to prohibit any land use activity but to allow all land use activities which will meet the standards set forth in this local law for land development. Through site plan review, it is the intent of this local law to promote the health, safety and general welfare of the Town.

D. Authorization of Town Board to review site plans.

The Town Board is hereby authorized to review and approve or disapprove site plans for land uses within the Town of Masonville in accordance with the standards and procedures set forth in this local law.

E. Applicability of review requirements.

All new land development within the Town, except for the following exempted activities, shall require site plan review and approval by the Town Board before being undertaken:

- 1) Construction of one or two-family dwellings and all ordinary residential accessory structures, and related land use activities, including home occupations.
- 2) Ordinary repair, maintenance or interior alterations to existing structures or uses.
- 3) Exterior alterations or additions to existing structures that would not increase the square footage of the existing structure by more than 100% or 10,000 square feet, whichever is greater.
- 4) Signs and other customary accessory activities connected with any existing or approved use.
- 5) All agriculture, timbering and mining activities.

All existing land uses are exempt from this Law, except for expansions and changes of use that fall within the definition of land development. Any person uncertain of the applicability of this local law to a given land use activity may apply in writing to the Town Board for a written jurisdictional determination. The Town Board shall also be authorized by resolution to set forth specific land uses that shall require site plan review.

F. Relationship of this law to other laws and regulations.

This local law in no way affects the provisions or requirements of any other federal, state, or local law or regulations. Where this local law is in conflict with any other such law or regulation, the more restrictive provisions and require-

Appendix A - Site Plan Review Law

Draft for Review and Discussion Purposes Only

ments shall apply. The Town Board hereby supersedes the New York State Town Law pursuant to the Municipal Home Rule Law to establish a \$350 per day fine for violations of this local law and establish a Board of Appeals for granting area variances.

G. Further regulations by Town Board.

The Town Board may, after a public hearing, adopt such further rules and regulations as it deems reasonably necessary to carry out the provisions of this law.

H. Severability.

The provisions of this local law are severable. If any article, section, paragraph or provision of this local law shall be invalid, such invalidity shall apply only to the article, section, paragraph or provision(s) adjudged invalid, and the rest of this local law shall remain valid and effective.

I. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

§ 2. DEFINITIONS

A. Word Usage.

Unless otherwise listed below, the numbers, abbreviations, terms and words used herein shall have the meanings of common usage as set forth in the latest edition of Merriam-Webster's Collegiate Dictionary.

B. Definitions.

LAND DEVELOPMENT – A commercial, industrial or other non-agricultural structure or use involving more than 10,000 square feet of floor area, a multi-family residential project of three or more units, a manufactured (mobile) home park, a junkyard or an institutional or recreational use involving more than 10 acres of land.

NONCONFORMING STRUCTURE – Any structure which is in existence within the Town on the effective date of this law which is not in conformance with the dimensional regulations herein.

ONE FAMILY DWELLING – A complete self-contained residential unit for permanent habitation by one family only, and containing one or more rooms and facilities for living including cooking, sleeping, and sanitary needs.

PERVIOUS SURFACE – A surface that allows storm water to be absorbed by the land.

STRUCTURE – Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, signs, tanks, and any fixtures, additions and alterations thereto.

STRUCTURE, ACCESSORY – Any structure designed to accommodate an accessory use but detached from the principal structure, such as, a free standing garage for vehicles accessory to the principal use, a storage shed, garden house or similar facility.

TWO FAMILY DWELLING – Two complete, but separate, self-contained residential units each intended for permanent habitation by one family only in a single structure having a common wall roof, wall or ceiling and containing separate rooms and facilities for living including cooking, sleeping, and sanitary needs.

VARIANCE, AREA – The authorization by the Board of Appeals for the use of the land in a manner which is not allowed by the dimensional or physical requirements of the applicable regulations.

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Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

§ 3. PROCEDURES

A. General procedures.

Prior to undertaking any new land development except for a one- or two-family dwelling and other uses specifically excepted in Section 1.6 of this local law, a land development or site plan approval by the Town Board is required. Applicants for site plan approval should follow the recommended procedures related to the sketch plan conference as hereinafter set forth. Applicants must comply with all other procedures and requirements of this local law.

B. Sketch plan.

A sketch plan conference shall be held between the Town Board and the applicant prior to the preparation and submission of a formal site plan. The intent of such a conference is to enable the applicant to inform the Town Board of his proposal prior to the preparation of a detailed site plan; and for the Town Board to review the basic land development/site design concept, advise the applicant as to potential problems and concerns and to generally determine the information to be required on the site plan. In order to accomplish these objectives, the applicant shall provide the following:

- 1) A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features; anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
- 2) An area map showing the parcel under consideration for site plan review, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features within 500 feet of the boundaries of the parcel; and
- 3) A topographic or contour map of adequate scale and detail to show site topography.

C. Application requirements.

An application for site plan approval shall be made in writing to the chairman of the Town Board and shall be accompanied by information contained on the following checklist. Where the sketch plan conference was held, the accompanying information shall be drawn from the following checklist as determined necessary by the Town Board at said sketch plan conference.

- 1) Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
- 2) North arrow, scale and date;
- 3) Boundaries of the property plotted to scale;
- 4) Existing buildings;
- 5) Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bed-rock, soil characteristics, and watercourses;
- 6) Location, design, type of construction, proposed use and exterior dimensions of all buildings;

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- 7) Location, design and type of construction of all parking and truck loading areas, showing access and egress;
- 8) Provision for pedestrian access;
- 9) Location of outdoor storage, if any;
- 10) Location, design and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences;
- 11) Description of the method of sewage disposal and location, design and construction materials of such facilities;
- 12) Description of the method of securing public water and location, design and construction materials of such facilities;
- 13) Location of fire and other emergency zones, including the location of fire hydrants;
- 14) Location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- 15) Location, size and design and type of construction of all proposed signs;
- 16) Location and proposed development of all buffer areas, including existing vegetative cover;
- 17) Location and design of outdoor lighting facilities;
- 18) Identification of the location and amount of building area proposed for retail sales or similar commercial activity;
- 19) General landscaping plan and planting schedule;
- 20) An estimated project construction schedule;
- 21) Record of application for and status of all necessary permits from other governmental bodies;
- 22) Identification of any permits from other governmental bodies required for the project's execution; and
- 23) Other elements integral to the proposed development as may be considered necessary in the particular case by the Town Board.

D. Required fee.

An application for site plan review shall be accompanied by a fee that is established by the Town Board and modified by the Town Board by resolution or waived for good cause.

E. Reimbursable costs.

- 1) In addition to any other fees required under the Town Code, the Town Board and the Board of Appeals are authorized to retain engineering, legal, planning and other expert consulting services and clerical costs for: (a) assistance related to the review and processing of applications coming before said bodies and the Town Building Department and (b) the monitoring and inspection of construc-

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tion of projects by the Building Inspector for projects approved by said Town Board and/or Board of Appeals.

- 2) Payment for the services of any expert consultant is to be made from funds deposited by the applicant with the Town Supervisor to be placed in an escrow account established for that purpose. The Building Inspector, as agent for the Town Board and/or Board of Appeals, shall confer with the applicant and compute the amount of the escrow to be posted with the Town. Said amount shall be reasonably related to the costs attendant to the Town's review and processing of the application and/or the monitoring or inspecting of the construction of the project. The Town shall engage any expert at a reasonable rate that is no greater than that customarily charged by said expert and in no event at a rate greater than that paid by the Town to said expert for similar work. If an applicant objects to the amount to be placed in escrow, the applicant may request the Town Board or the Board of Appeals, as appropriate, to review the projected amount to be placed in escrow.
- 3) Once the expert consulting fees are fixed it shall be the responsibility of the applicant to submit to the Town Supervisor a certified or bank check in an amount equal to the estimated costs of the expert consulting fees for services to be rendered to the Town. The Town retains the right from time to time to re-compute the amount of the escrow deposit, after conferring with the applicant, in the event there will be a shortfall in the escrowed funds to cover the estimated costs of the expert consulting fees for services needed by the Town.
- 4) The Town Board or Board of Appeals may, in their sole discretion, permit an applicant to pay the expert consulting fees in installments where the total fees are estimated to exceed \$10,000, provided that sufficient funds are always available to pay current obligations related to the project in question. Any applicant that has been permitted to make installment payments shall be required to make full payment or an additional installment within five days of receipt of the written demand of the Town where there are insufficient funds in the escrow account to pay outstanding invoices.
- 5) The escrow funds so deposited with the Town shall be paid to its expert consultant upon submission of an invoice and approved voucher and subject to audit in accordance with the provisions of Town Law §§ 118 and 119. Any applicant may request to inspect said invoices and vouchers submitted by any expert retained by the Town.

E. Referrals to other agencies and boards

- 1) The Town Board may refer the site plan for review and comment to local, and County officials or their designated consultants, and to representatives of federal, state, and County agencies, including but not limited to, the New York State Department of Transportation, the State Department of Environmental Conservation, and the County Department of Public Works, whichever has jurisdiction.
- 2) Whenever any site plan involves real property in an area described in Section 239-m of the General Municipal Law, said site plan shall be referred to the Delaware County Planning Board for their review pursuant to Section 239-m of the General Municipal Law.

F. SEQR compliance

The applicant shall demonstrate compliance for any actions subject to the New York State Environmental Quality Review Act (SEQR) prior to site plan approval. The Town Board shall, after the site plan has been accepted as complete, classify the application according to SEQR, review the Environmental Assessment Form (EAF) and take one of the following actions:

- 1) If additional information is needed to render a determination of significance, the Town Board shall

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specify exactly what the applicant needs to supply, or

- 2) If the information is provided and the project is determined to have only small to moderate impacts with little significance on the environment, then a negative declaration may be given, or
- 3) If an action has been identified as having a large and significant impact, then a positive declaration shall be determined and a full Environmental Impact Statement (EIS) will be provided.

The Town of Masonville shall, for purposes of this law, consider all agriculture, mining and forestry projects that are not classified as Type I under SEQR as Type II (in addition to any other Type II actions identified in SEQR).

G. Public hearing

The Town Board may, at its discretion, hold a public hearing on the application. Said hearing shall be held within sixty-two (62) days of receipt of the accepted site plan application. The Town Board shall mail notice of the public hearing to the applicant at least ten (10) days before the public hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five (5) days prior to the date of the hearing. The Town Board may also, at its discretion in conjunction with major projects, provide notice of such hearing to adjacent or nearby landowners by regular mail or the posting of the property on which the action is proposed. Failure to provide or receive such notice shall not, however, be cause to delay a hearing or action on an application before the Town Board.

H. Town Board decision

Within 62 days of receipt of the application for site plan approval or, if a public hearing is held, within 62 days of public hearing, the Town Board shall render a decision. In its decision the Town Board may approve, approve with modifications or disapprove the site plan. The time period in which the Town Board must render its decision can be extended by mutual consent of the applicant and the Town Board.

- 1) Approval. Upon approval of the site plan, and payment by the applicant of all fees and reimbursable costs due the Town, the Town Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- 2) Approval with modifications. The Town Board may conditionally approve the final site plan. A copy of written statement containing the modifications required by the conditional approval will be mailed to the applicant by certified mail, return receipt requested. After adequate demonstration to the Town Board that all conditions have been met, and payment by the applicant of all fees and reimbursable costs due the Town, the Town Board shall endorse its approval on a copy of the site plan and shall immediately file it and a written statement of approval with the Town clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- 3) Disapproval. Upon disapproval of the site plan the decision of the Town Board shall immediately be filed with the Town clerk and a copy thereof mailed to the applicant by certified mail, return receipt requested, along with the Town Board's reasons for disapproval.

I. Waivers

The Town Board may waive any procedural requirements for the approval, approval with modifications or disapproval of site plans submitted for approval. Any such waiver, which may be subject to appropriate conditions, may be exercised in the event any such procedural requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular site plan.

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J. Guarantee of site improvements

The Town Board may require a performance guarantee in the event of any project where the construction of site improvements will be phased. Such guarantee shall, in its particulars, comply with the requirements for financial guarantees as set forth for subdivisions in Section 277 of the New York State Town Law.

§ 4 DESIGN STANDARDS

A. General standards and considerations.

The Town Board's review of the site plan shall include, as appropriate, the following general considerations:

- 1) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- 2) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
- 3) Location, arrangement, appearance and sufficiency of off-street parking and loading.
- 4) Adequacy of storm water and drainage facilities.
- 5) Adequacy of water supply and sewage disposal facilities.
- 6) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation. The Town Board shall be authorized to require such buffers where ever required to accomplish these purposes.
- 7) Adequacy of fire lanes and the provision of fire hydrants.
- 8) Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- 9) Overall impact on the neighborhood including compatibility of design consideration.
- 10) Impacts on agriculture and forestry, which are important industries to the Town of Masonville that need to be protected.

B. Sight Distance.

All street and driveway intersections shall be kept free of vegetation and other structures that would obstruct the vision of drivers between the heights of 3 ½ feet to 10 feet above the average grade of each street on the center line thereof. A minimum sight distance of 100 feet shall be available in both directions and more where determined necessary in site plan review.

C. Erosion control and storm water management.

- 1) Storm water management. No application for site plan approval shall be reviewed until the Town of Masonville Town Board has received a Storm water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications of this local law and as required by New York State. All proposed storm water management improvements shall be designed and constructed in accordance with the New York State Stormwater Management Design Manual and New York Standards and Specifications for Erosion and Sediment Control, provided that such practices shall maximize the

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use of natural storm water management methods (e.g., grass swales) and minimize the use of dry above-ground storm water detention facilities.

- 2) Storm water management system maintenance.
 - a) The storm water management plan for any major residential subdivision or non-residential project shall contain an operation and maintenance plan prepared by the applicant and approved by the Town Engineer. The operation and maintenance plan shall establish responsibilities for the continued operation and maintenance of all common storm water management improvements, which shall include all storm water management improvements designed to serve more than a single lot or dwelling. All such facilities associated with the approved subdivision plan shall be owned and maintained by a home owner's association (HOA) or such other entity as may be approved by the Town Board. The HOA or other approved entity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance with the requirements of this law. Sediment shall, at a minimum, be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.
 - b) Prior to approval of any subdivision/site plan where common storm water management improvements are required, the property owner, HOA or other approved entity shall sign and record a maintenance agreement covering all common storm water management facilities. Such maintenance agreement shall be subject to the review and approval of the Town Board and Town Attorney.
 - c) Storm water detention and retention basins or facilities shall be inspected by a registered professional engineer licensed in the State of New York on behalf of the applicant or responsible entity on the following basis:
 - i) Annually for the first five (5) years.
 - ii) Once every three (3) years thereafter.
 - iii) During or immediately after the cessation of a 100-year or greater storm event.

The professional engineer conducting the inspection shall be required to submit a written report to the HOA or other approved entity, with a copy to the Town of Masonville Building Department, within one (1) month following completion of the inspection. The report will present documentation and include pictures regarding the condition of the facility and recommend necessary repairs, if needed. Any needed repairs shall be implemented by the HOA or other approved entity within three (3) months of the report issuance date.
 - d) No person shall allow, or cause to allow, storm water discharges into the Town's separate storm sewer system which are not composed entirely of storm water, discharges from fire fighting, water from foundation drains, flows from natural sources and flows from other similar uncontaminated sources.
 - e) The Town Board may require that a major subdivision/site plan include a set of Best Management Practices (BMP's) from which the owner of any individual lot must choose in implementing storm water management measures in conjunction with property development. Such BMP's shall be fully specified in the subdivision plans and imposed by restrictive deed covenant making reference to such plans. No person shall modify, remove, fill, landscape or alter any such on-lot storm water management improvements or drainage easement, unless it is part of an approved maintenance program, without the written approval of the HOA or other approved entity.

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- f) All requirements of the State of New York for Storm Water Pollution Prevention Plans (SWPPP's) are incorporated herein by reference and shall apply in addition to the above standards.

§ 5 BOARD OF APPEALS

A. Establishment

Pursuant to the provisions of the Town Law, a Board of Appeals is hereby established in the Town of Masonville. The Board shall consist of three (3) members to be appointed by the Town Board. The terms of the initial appointees shall be for one (1), two (2) and three (3) years from and after the date of appointment. Their successors, including such additional members as may be appointed by the Town Board, shall be appointed for the term of three (3) years after the expiration of the terms of their predecessors in office. Appointments to full vacancies shall be for the unexpired term of the members whose term or terms become vacant. Such appointment to fill vacancies shall be made in the same manner as the original appointment. The Board of Appeals may continue to legally operate while vacancies are waiting to be filled provided there are enough members to constitute a quorum. The Board shall perform all the duties and have all the powers prescribed by Section 267-b of The Town Law of the State of New York.

B. Types of Variances

Area variances involve relief from dimensional or other requirements under the terms of this Law. Each of the following findings of fact shall be made in writing by resolution by the Board of Appeals prior to granting such variances. The Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein. In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- 2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
- 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- 6) whether the applicant possesses adjoining property.

The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

§ 7 NON-CONFORMING USES

This law does not apply to uses or structures which are lawfully in existence as of the date this local law becomes effective. Any use which would otherwise be subject to this law that has been discontinued for a period of one (1)

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year or more shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within one year from the effective date of this local law. A non-conforming structure is any building which does not conform to the dimensional and bulk requirements of this Law with respect to lot area, width, or depth; front, side or rear yards; maximum height; etc. Nonconforming structures may be continued, repaired, structurally altered, moved, reconstructed or enlarged, provided that such action does not increase the degree of or create any new nonconformity with respect to the bulk requirements of this Law.

§ 8 ENFORCEMENT

No permit or certificate of occupancy shall be issued by the Building Inspector, except upon the authorization by and in conformity with an approved site plan where required. The Town Board may alternatively appoint some other enforcement officer to conduct inspections and any other enforcement activities required by this local law. Such officer shall be responsible for the overall inspection of site improvements including coordination with the Town Board and other officials and agencies, as appropriate. Any person, firm, or corporation who commits an offense against, disobeys, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this local law shall, upon conviction, be deemed guilty of a violation, punishable by a fine of not more than \$350.00. Each day an offense is continued shall be deemed a separate violation of this local law. In addition to the penalties provided above, the Building Inspector, or Town Board, may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this local law.

Appendix B - Right to Farm, Practice Forestry and Mine Law

Draft for Review and Discussion Purposes Only

BE IT ENACTED by the Town Board of the Town of Masonville, Delaware County, New York, as follows:

§ 1. Legislative Intent and Purpose.

The Town Board recognizes farming, the practice of forestry and mining as essential enterprises and important industries that enhance the economic base, natural environment and quality of life in the Town of Masonville. The Town Board further declares that it shall be the policy of this Town to encourage agriculture, forestry and mining and foster understanding by all residents of the necessary day to day operations involved in such activities so as to encourage cooperation with those practices.

It is the general purpose and intent of this law to maintain and preserve the rural traditions and character of the Town, to permit the continuation of agricultural, forestry and mining practices, to protect the existence and operation of farms, forestry enterprises and mines, to encourage the initiation and expansion of agri-businesses, farms, forestry enterprises and mines and to promote new ways to resolve disputes concerning practices of these industries and their operations. It is necessary, in maintaining a viable farm, forestry and mining economy in the Town of Masonville, to limit the circumstances under which these activities may be deemed to be nuisances and to allow agricultural, forestry and mining practices inherent to and necessary for the business of farming, the practice of forestry and mining to proceed and be undertaken free of unreasonable and unwarranted interference or restriction.

The specific purposes of this Law are to:

- A. respect the existing common law right to engage in farm, forestry and mining practices and support the continuation such practices for the benefit of the Town of Masonville;
- B. protect the existence and operation of existing farm, forestry and mining activities;
- C. encourage the initiation and expansion of additional farm, forestry and mining businesses;
- D. discourage inadvertent impediments to the practice of farm, forestry and mining that may result from inappropriate regulation of farm, forestry and mining activities; and
- E. improve understanding of the economic and environmental contributions that well managed farm, forests and mines bring to the Town of Masonville.

§ 2. Definitions.

- A. "Agricultural practices" shall mean those practices necessary for the on-farm production, preparation and marketing of agricultural commodities. Examples of such practices include, but are not limited to, operation of farm equipment, proper use of agricultural chemicals and other crop production methods, and construction and use of farm structures.
- B. "Agricultural products" shall mean those products as defined in section 301(2) of Article 25AA of the State Agriculture and Markets Law, including but not limited to:
 - (1) Field crops, including corn, wheat, rye, barley, hay, potatoes and dry beans.
 - (2) Fruits, including apples, peaches, grapes, cherries and berries.
 - (3) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - (4) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.

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- (5) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, llamas, rat-ites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, milk and milk products, eggs, furs, and poultry products.
 - (6) Maple sap and sugar products.
 - (7) Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
 - (8) Aquaculture products, including fish, fish products, water plants and shellfish.
 - (9) Short rotation woody crops raised for bioenergy.
 - (10) Production and sale of woodland products, including but not limited to logs, lumber, posts and firewood.
- C. "Farm operation" shall be defined in section 301 (11) in the State Agriculture and Markets Law.
- D. "Farmer" shall mean any person, organization, entity, association, partnership, limited liability company, or corporation engaged in the business of agriculture, whether for profit or otherwise, including the cultivation of land, the raising of crops, or the raising of livestock.
- E. "Farmland" shall mean land used in agricultural production, as defined in subdivision four of section 301 of Article 25AA of the State Agriculture and Markets Law.
- F. "Mining" shall mean the extraction of raw materials from the earth, including but not limited to stone, topsoil, sand, gravel, gas, oil, water and other natural resources, along with accessory and ancillary activities related to processing of such resources.
- G. "Practice of Forestry" shall mean practices related to growing, harvesting, or processing of timber on the site where grown, including, but not limited to, on-site and off-site road construction and maintenance, thinning, salvage, harvesting, reforestation, brush control, cutting of firewood, logging and the operation of portable sawmills.

§ 3. Right to Farm, Practice Forestry and Mine Declaration.

Landowners, as well as those employed, retained, or otherwise authorized to act on behalf of landowners, may lawfully engage in the practice of farming, forestry and mining within the Town of Masonville at all times and all such locations as are reasonably necessary to conduct the business of farming, forestry and mining. Farm, forestry and mining practices conducted in the Town of Masonville shall not be found to be a public nuisance under Town law if such practices are:

- A. Reasonable and necessary to the particular farming, forestry or mining operation;
- B. Conducted in a manner that is not negligent or reckless;
- C. Conducted in a manner consistent with generally accepted and sound agricultural practices, New York State Department of Environmental Conservation Timber Harvesting Guidelines, and New York State drilling, mining and surface reclamation regulations;
- D. Conducted in a manner that does not constitute a threat to public health and safety or cause injury to health or safety of any person, and

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- E. Conducted in a manner that does not obstruct the free passage or use of public roadways.

These criteria shall, in the absence of specific violations of other local, State or Federal law, or direct threats to public health and safety, be construed in favor of landowners and others engaged in the practice of farming, forestry or mining. Nothing in this local law shall, however, be construed to prohibit an aggrieved party from recovering from damages for bodily injury or wrongful death due to negligence.

§ 4. Permit and Other Requirements

Nothing contained herein shall be construed to require a permit from the Town of Masonville or impose any additional requirements beyond those of existing law.

§ 5. Notification of Real Estate Buyers.

Landowners and/or their agents and assigns shall comply with Section 310 of Article 25-AA of the State Agriculture and Markets Law and provide notice to prospective purchasers and occupants as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors." This notice shall be provided to prospective purchase of property within an agricultural district or on property with boundaries within 500 feet of a farm operation located in an agricultural district. A copy of this notice shall included by the seller or seller's agent as an addendum to the purchase and sale contract at the time an offer to purchase is made.

§ 6. Resolution of Disputes.

- A. Should any controversy arise regarding any inconveniences or discomfort occasioned by agricultural, farming, forestry or mining operations which cannot be settled by direct negotiation between the parties involved, either party may submit the controversy to a dispute resolution committee as set forth below in an attempt to resolve the matter prior to the filing of any court action and prior to a request for a determination by the Commission or Agriculture and Markets about whether the practice in question is sound pursuant to Section 308 of Article 25AA of the State Agriculture and Markets Law.
- B. Any controversy between the parties shall be submitted to the committee within thirty (30) days of the last date of occurrence of the particular activity giving rise to the controversy or the date the party became aware of the occurrence.
- C. The committee shall be composed of three (3) members from the Town selected by the Town Board, as the need arises, including one representative from the farm, forestry or mining community (as the case may be), one person from Town government and one person mutually agreed upon by both parties involved in the dispute.
- D. The effectiveness of the committee as a forum for the resolution of disputes is dependent upon full discussion and complete presentation of all pertinent facts concerning the dispute in order to eliminate any misunderstandings. The parties are encouraged to cooperate in the exchange of pertinent information concerning the controversy.
- E. The controversy shall be presented to the committee by written request of one of the parties within the time limits specified. Therefore after, the committee may investigate the facts of the controversy but must, within twenty-five (25) days, hold a meeting at a mutually agreed place and time to consider the merits of the matter and within five (5) days of the meeting render a written decision to the parties. At the time of the meeting, both parties shall have an opportunity to present what each consider to be pertinent facts. No party

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bringing a complaint to the committee for settlement or resolution may be represented by counsel unless the opposing party is also represented by counsel. The time limits provided in this subsection for action by the committee may be extended upon the written stipulation of all parties in the dispute.

- F. Any reasonable costs associated with the function of the committee process shall be borne by the participants.

§ 7. Separability.

If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not effect the remainder of this Local Law. The Town hereby declares that it would have passed this local law and each section and subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

§ 8. Precedence.

This Local Law and its provisions are in addition to all other applicable laws, rules and regulations.

§ 9. Effective Date.

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Appendix C - Town of Masonville Road Law

Draft for Review and Discussion Purposes Only

BE IT ENACTED by the Town Board of the Town of Masonville, Delaware County, New York, as follows:

§ 1. Title.

A Law regulating the construction and the dedication of any road ordained and other associated facilities (hereinafter referred to as improvements) offered to the Town of Masonville, Delaware County, New York. This Law may be referred to as the "Town of Masonville Road Law."

§ 2. Purpose.

This Road Law is enacted to ensure all improvements offered for dedication to the Town of Masonville meet the standards contained herein and have been reviewed and approved by the Town Board with the advice of the Town Engineer and the Town Highway Superintendent.

§ 3. Administration.

A. Application. Any person or persons proposing to dedicate any improvements to the Town of Masonville shall submit to the Town Clerk of the Town of Masonville, five (5) copies of a plan, prepared by a Professional Engineer setting forth the details of the proposed dedication. Said plan shall be submitted prior to commencing the construction or reconstruction of the road proposed for dedication. Similar as-built plans shall be required in those instances where existing roads are proposed for dedication. The plan shall include all information necessary to document compliance with this Law and shall include, as a minimum, the following information.

- (1) A map at a scale of one inch equals 100 feet showing the following:
 - (a) Locations, distances and bearings of right-of-way lines.
 - (b) Locations of storm drainage systems and devices.
 - (c) Locations of any existing or proposed easements.
 - (d) Location of utilities.
 - (e) Locations and names of the record owners of real property over which the road passes, said properties abutting on the road proposed for dedication.
 - (f) Road name(s).
- (2) Plans, profiles and cross sections of the roads.
- (3) Detailed specifications for drainage facilities.
- (4) Detailed specifications for any bridges.
- (5) Documentation regarding the identity of each property owner along the right-of-way of the proposed road and certification that each such property owner has joined in the application for dedication and that each such property owner releases any right to assert any claim such property owner might otherwise have against any person, persons, partnership, corporation or political subdivision by reason of the dedication.

B. Plan Distribution. The Town Clerk shall distribute the filed plans as follows:

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- (1) One with the Town Highway Superintendent ("the Superintendent").
- (2) One with the Town Engineer.
- (3) One with the Town Planning Board.
- (4) One with the Town Supervisor.
- (5) One in the Town Clerk's permanent files.

C. Plan Review.

- (1) No action shall be taken by the Town Board until such time as the Town Planning Board and the Town Engineer have reviewed the plan of the proposed dedication.
- (2) The Town Planning Board and the Town Engineer shall within forty-five (45) days of the Town Clerk's receipt of the application, review said application and make recommendations to the Superintendent.
- (3) The Superintendent shall, within sixty (60) days of receipt of said recommendations: (1) review the plans and make an inspection of the road site (the Superintendent may request the Town Engineer to assist with any inspection required by this Law); (2) notify the applicant of deficiencies, if any, in the plan, with such notification in writing, and (3) recommend acceptance or rejection of the plans to the Town Board.
- (4) The applicant shall make any necessary modifications to the plan and resubmit the plans to the Superintendent, who shall have an additional thirty (30) day review and notification period from the date of submittal. However, if more than one (1) year shall elapse between the original filing date and the amendment filing date, an additional filing fee shall be assessed.
- (5) Upon receipt of the Highway Superintendent's recommendation to accept the plans, the Town Board shall within sixty (60) days, vote to accept or reject the plans. The Town Board may make its own inspection of the road site prior to taking action. If the plans shall be rejected for any reason, the applicant shall be notified in writing within fifteen (15) days of the reasons for rejection and how the plans can be brought into compliance with the Law. The applicant may request a conference with the Town Board and Highway Superintendent to review the reasons the plans were rejected and how it can be corrected, which conference shall take place at the earliest date convenient to the Town Board. If the plans are accepted, the applicant shall be so notified and may proceed with construction pursuant to this Law.

D. Construction Procedure.

- (1) The construction or reconstruction of any improvements for dedication shall be in accord with approval plans.
- (2) Prior to the initiation of construction or reconstruction, the applicant shall propose an Inspection Schedule to the Superintendent for approval. The Inspection Schedule shall include inspections adequate to ensure compliance with this Law. Inspections shall be required at all phases of construction when a failure to inspect the construction would result in a physical impossibility to verify compliance at the time of the final inspection.
- (3) The applicant shall provide a minimum of two (2) working days notice prior to the time for each inspection required in the Inspection Schedule.

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- (4) If the Superintendent discovers construction is not in compliance with the approved plans, all construction shall be terminated until such time as the identified deficiency is corrected.

E. Dedication Procedures.

When the improvements proposed for dedication are completed to the standards of this Law, the Superintendent shall make a final inspection and verify said completion to the Town Board. The Town Board, at their next meeting following receipt of the Superintendent's report, shall take action to initiate the dedication process as follows:

- (1) The applicant shall provide to the Town three (3) complete sets on mylar and three (3) complete sets on paper of all plans of the improvements which shall be certified by a Professional Engineer as "AS CONSTRUCTED" plans with the plans labeled as such. The plans shall include the information required by Section 401 of this Law.
- (2) The "Date of Completion" of the improvements shall be established by the Town Highway Superintendent confirmed by the Town Board.
- (3) No improvements shall be accepted by the Town for dedication until one (1) year from the "Date of Completion" has passed. During said one year probationary period, the applicant shall be responsible for all maintenance and repair of the improvements proposed for the dedication.
- (4) At the end of the probationary period the Superintendent shall conduct an inspection of the improvements and verify to the Town Board the improvements integrity and functioning. Any deficiencies shall be corrected by the applicant.
- (5) Following the probationary period and upon the final verification by the Superintendent of compliance with this Law, the Town Board shall accept the improvements for dedication upon the receipt of the following:
 - (a) A maintenance guarantee in the amount of twenty-five (25) percent of the cost of the construction of the improvements as certified by the applicant's Professional Engineer. Such guarantee shall comply with Section 277 of the Town Law and shall be satisfactory to the Town Attorney as to form sufficiency, manner of execution and surety. The term of the guarantee shall be for twelve (12) months from the date of dedication. Upon the failure of any of the improvements, the Town shall enforce said guarantee and make any necessary repairs. If the proceeds of the guarantee are insufficient to complete the repairs, the Town shall institute legal or equitable action to recover the amount of the insufficiency.
 - (b) Deeds for the right-of-ways of all improvements which deeds shall be of a bargain and sale type with covenants against grantors acts and shall transfer all lands in fee simple.

§ 4. Standards.

A. Road Construction.

- (1) Private roads shall meet all Town construction requirements in compliance with AASHTO (American Association of State and Transportation Officials) standards for the design speed of 25 miles per hour. Bridges shall meet New York State Specification HS20-44 in compliance with AASHTO standards.

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- (2) Road right-of-ways shall be a minimum of sixty (60) feet in width and surveyed by a licensed land surveyor with monument markers placed and shall be deeded to the Town by warranty deed with a clear title. The Town may also require title insurance.
- (3) The Town reserves the right to require verified core samples or other testing measures by approved agencies or other persons to ascertain compliance with these standards during construction and at the time of takeover.
- (4) No road less than 2,640 feet (one-half mile) in length shall be accepted by the Town of Masonville.
- (5) No branch, spur or interior sections of a subdivision road shall be accepted apart from the entire subdivision road.
- (6) No road shall be accepted by the Town of Masonville where less than three homes have been constructed, or where less than 20% the total number of lots in the subdivision have been built upon, whichever shall be greater.

B. Assessed Value Requirement.

- (1) Land and buildings accessed or abutted by a proposed road, with primary access being from said road, shall offer sufficient tax base (assessment value) at the time of takeover to raise, at current combined highway tax rates, sufficient tax revenue to support said road based on the current total highway levy. This amount shall be determined by dividing the total highway cost to the Town by the number of miles of road maintained by the Town. The required assessed value per mile shall be sufficient to generate those tax revenues required to pay the Town's share of these costs.
- (2) Total highway costs shall be determined on the basis of the amount to be raised by tax for the Town of Masonville Highway Fund in the Town budget for the year of takeover.
- (3) Required assessed value per mile shall be determined by dividing the current cost per mile for Town highway maintenance (town share) by the rate of general levy for the Highway Fund, multiplied by one-thousand (1,000).

§ 5. Variations.

Variations to the standards contained herein may be approved by the Town Board on the recommendation of the Town Highway Superintendent in cases where unreasonable hardship would result from strict application of the standard.

§ 6. Interpretation, Conflict and Separability.

A. Interpretation.

The provisions of this Law in their interpretation and application shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict.

This Law is not intended to interfere with, abrogate, or annul any other Law, rule or regulations, statute or provision of law. Where any of the provisions of these regulations impose restriction different than any other Law, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

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C. Separability.

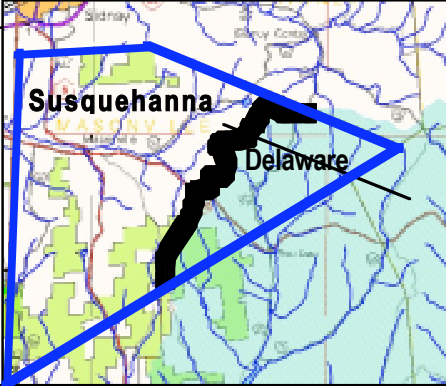
If any part or provision of this Law or application thereof to any person or circumstances is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares it would have enacted the remainder of this Law even without such part, provision or application.

Appendix D - Community Survey Results

Please help us plan for the Town of Masonville's future by checking the appropriate box or by writing in the answer. Some questions will ask for only one response while others will ask for multiple answers. Also, if more than one person in your household would like to respond to the opinion questions, please feel free to pick up an additional survey form at the Town Hall.

- 1) Please tell us where you reside in the Town of Masonville by checking the appropriate boxes below. (Please check all boxes that apply to you)

School District:		Watershed:	
252	Sidney	171	Susquehanna
34	Bainbridge	90	Delaware
13	Walton		
4	Deposit		
(See map to right if you are unsure. The Delaware watershed slopes and drains toward Trout Creek)			
Portion of Town:			
55	Inside the Masonville Lighting District		
222	Outside the Masonville Lighting District		



- 2) How many years in total have you lived in the Town of Masonville and what is your residence status?

32	Less than 5 years	59	I am a second home owner in Masonville	14	Business & Home in Masonville
47	5 to 9 years	187	My primary residence is in Masonville	6	Property in Masonville
27	10 to 14 years	8	I am a business owner in Masonville		
33	15 to 19 years				
46	20 to 24 years				
127	More than 25 years				

If you are a business owner in the Town of Masonville how many employees are there (including yourself)? **124**

- 3) What most influenced your ORIGINAL decision to live here? (Please check no more than 5)

78	Born or raised here	72	Low crime rate	214	Rural atmosphere/farmland
61	Close to work	10	Quality of Town services	47	Quality of schools
91	Close to friends/relatives	83	Affordable housing costs	80	Low taxes
86	Lack of development	50	Lack of regulation	44	Other

- 4) Why do you continue to live in the Town of Masonville? (Please check no more than 5)

6	Born or raised here	81	Low crime rate	206	Rural atmosphere/farmland
35	Close to work	22	Quality of Town services	14	Quality of schools
59	Close to friends/relatives	45	Affordable housing costs	56	Low taxes
46	Lack of development	45	Lack of regulation	49	Other

- 5) Which BEST describes how Masonville has changed since you moved here? (Please check ONE.)

32	The Town of Masonville has become a more desirable place to live.
79	The Town of Masonville has become a less desirable place to live.
162	The Town of Masonville has not changed noticeably in its desirability as a place to live.
27	I have not lived here long enough to form an opinion.

- 6) What do you like BEST about The Town of Masonville?

36	Cost of services/taxes	11	Housing costs
29	Quality of services	9	Lack of cultural/recreation options
3	Transportation difficulties	19	New York City reservoir system
64	School and health care facilities	142	Lack of development

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7) What do you like LEAST about The Town of Masonville?

128	Cost of services/taxes	11	Housing costs
40	Quality of services	57	Lack of cultural/recreation options
31	Transportation difficulties	63	New York City reservoir system
64	School and health care facilities	32	Lack of development

8) So we can learn if the Town qualifies for certain grants, can you give us your household income range?

47	Less than \$20,000	60	\$40,000 – \$60,000	28	\$80,000 – \$100,000	Note: The County median household income in 2000 was \$32,461.
65	\$20,000 – \$40,000	57	\$60,000 – \$80,000	100	More than \$100,000	

9) How important is it for the Town to review each of the following aspects of developments?

	Very Important	Important	Somewhat Important	Not That Important	Undecided
Historic character	88	91	68	41	6
Business signs	37	67	81	89	14
Site design and layout	68	82	69	52	13
Landscaping	61	86	76	53	12
Preserving large trees at new commercial sites	87	67	50	32	7
Scenic impact	118	99	38	29	7
Impact on streams	138	97	37	14	5
Protection of farmland	158	80	48	7	6
Density of development	111	88	50	26	11
Hillside development	82	89	55	46	10
Proximity of commercial development to residences	123	63	54	40	10

10) Modern technology and ease of travel has made it possible to conduct more businesses from home.

Do you have an existing home occupation?	52 Yes	250 No
Would you like to have a home occupation?	1 Yes	204 No

11) To what extent would you generally favor spending your tax money ADDING, EXPANDING or IMPROVING each of the following public services and facilities?

	Strongly Support	Support	No Opinion	Oppose	Undecided
Sewage maintenance district for Masonville Center hamlet	37	50	96	78	19
Town roads	98	152	21	20	3
Volunteer fire protection	140	124	15	15	6
Volunteer ambulance service	142	123	14	16	6
Library services	57	130	55	47	6
New Town Highway Shed	29	68	71	113	14
New Town Hall / Community Center	51	72	80	85	8
Beautification efforts Townwide	74	112	65	41	6
Additional clean-up days	88	118	60	26	5
Baseball/softball fields	41	94	79	70	9
Basketball courts	36	85	89	70	10
Walking trail systems	58	97	76	53	8
Picnic facilities	39	76	103	69	10
More playground facilities	40	80	92	70	12
Senior activities center	49	96	76	64	10
Other youth-based recreation	51	92	84	59	12

Appendix D - Community Survey Results

12) Where is the last place you lived prior to moving to the Town of Masonville?

21	Elsewhere in Masonville	78	New York City/Westchester/Rockland/Long Island
6	Elsewhere in Delaware County	36	Pennsylvania/New Jersey/Connecticut
27	Elsewhere in Upstate NY	15	Elsewhere in U.S. or outside U.S.
21	Always lived where I do now		

13) If there are any children under age 18 years living at home with you please indicate number by age category.

24	Pre-school age	19	Middle school age
29	Elementary school age	56	High school age

14) Which of the following best describes your current employment status?

123	Employed by others full-time
30	Employed by others part-time
34	Self-employed full-time
23	Self-employed part-time
114	Retired
4	Student
8	Unable to work
8	Unemployed, seeking work

15) Please indicate where you work.

47	The Town of Masonville	23	Walton	16	Broome County	52	Elsewhere in NY
15	Deposit	32	Chenango County	32	Elsewhere in Delaware County	24	Another state
57	Sidney	15	Otsego County				

16) Please indicate your age bracket (principal householder only).

7	<25 years	56	40-49 years	42	65-69 years
6	25-29 years	74	50-59 years	23	70-74 years
29	30-39 years	42	60-64 years	27	75+ years

17) How would you describe your present occupation(s)? (Check any that apply for both householders).

43	Executive/administrative/managerial	16	Service occupation
69	Professional occupation	27	Farming, forestry or mining
21	Technician or support occupation	16	Precision production, craft or repair
19	Sales occupation	22	Machine operator/assembler/inspector
15	Administration support occupation	20	Transportation or material moving
16	Private household occupation	25	Handler, cleaner, helper or laborer
122	Retired	40	Homemaker

18) Please rate the following for importance to the hamlet of Masonville.

	Very Important	Important	Not Important
Sidewalk improvements	46	121	109
Help with commercial building facade improvements	42	113	121
Sewage system maintenance	54	115	107
Housing rehabilitation loans and grants	79	135	69
A new central Post Office	64	78	143
New stores/shops (such as: Restaurant.)	54	57	90
New services (such as: Cell Service)	36	48	98
New industry (such as: Manufacturing)	33	51	93

Appendix D - Community Survey Results

19) How would you rate the quality of the following public and semi-public services?

	High Quality	Good Quality	Neutral/ Undecided	Fair Quality	Poor Quality
State/County Police protection	45	148	55	34	15
Fire protection	70	166	41	20	6
Ambulance services	75	145	53	18	8
Education services:	6	56	67	16	26
Public schools	14	92	84	36	36
Secondary schools	10	74	84	33	36
Health care services	7	62	79	52	61
Utility services:	7	44	28	16	10
Electric	55	148	25	43	26
Cellular phone	6	13	33	38	194
Telephone service	27	148	30	58	26
Cable television	8	48	81	29	95
High-speed internet	17	90	69	36	52
Highway maintenance:	21	63	14	7	6
State roads	54	196	13	29	6
County roads	34	175	24	35	30
Town roads	33	156	28	49	34
Overall Town code enforcement	14	101	93	48	35

20) Should the Town establish or improve local controls with respect to the following:

Regulating the construction of cellular communications towers?	196	Yes	101	No
Protecting the right to farm using sound mangement practices?	235	Yes	61	No
Protecting the right to quarry using sound industry standards?	224	Yes	67	No
Protecting the right to timber using sound industry standards?	229	Yes	63	No
Regulating junk vehicle storage?	253	Yes	45	No
Regulating mobile home parks?	234	Yes	59	No
Regulating individual mobile homes?	157	Yes	136	No
Regulating wind energy generation?	156	Yes	133	No
Regulating sign construction and placement?	207	Yes	85	No
Regulating land subdivision?	188	Yes	105	No
Creating a site plan review process?	200	Yes	83	No

21) If you are a farmer (someone who generates \$10,000/year income from agriculture), please rate the following for importance to farming in the Town.

	Very Important	Important	Not Important
Limit increases in property taxes	24	5	3
Help with environmental compliance (CAFO & NYC)	13	13	4
Right to farm laws	23	6	3
Agriculture district development	19	8	3
Purchase of development rights programs	12	9	10
Direct marketing of products to consumers	13	9	7
Development of new products and markets	10	9	9
Consumer "buy local" education	11	9	7
Youth agricultural education	11	11	6
Farm neighbor education	11	12	6
Estate planning education	9	12	8
Utility cost reductions	13	11	5
Financing availability	11	11	7
Agricultural land cost	1	11	6
Access to support businesses	11	10	8
Availability of skilled labor	10	11	8

Appendix D - Community Survey Results

22) Where would you like to see the Town of Masonville in the next 10-20 years - what is most important?

	Very Important	Important	Not Important
Preservation of historical heritage	103	126	53
Profitable farms and farmland preservation	158	117	14
Improved recreational facilities for residents	82	110	86
Development of the tourism industry	52	77	150
Higher quality development	64	117	90
A "clean and green" environment	156	93	42
A thriving timber industry	64	120	93
More second-home development	38	56	185
More diversified business and economic base	78	117	81
More small-scale industrial jobs	70	129	77
More local shopping opportunities	86	93	104

23) Do any members of your family volunteer time or otherwise participate in the following Town activities and, if not, are you interested?

	Now Participate	Would Like to Participate
Fire department	32	11
Fire auxiliary	8	12
Ambulance service	14	10
Scouting, 4-H or other youth programs	28	10
Beautification committee	8	25
Other civic organizations	31	14

24) How would you rate the appearance of properties in our Town?

67	Poor - there are many deteriorating and neglected properties that are eyesores
183	Fair - there are some poorly maintained properties but there more well-kept properties
52	Good - most properties in the Town are well kept and there are very few problems

25) The City of New York is actively pursuing the purchase of conservation easements on private property that limit future development and use of those properties. Such can have both positive and negative impacts on the future livelihood of the Town and landowners insofar as future economic development potential. Given this situation, should the Town have some ability to review the purchase of watershed conservation easements that would limit development rights prior to their acquisition by the City?

241	Yes
47	No

26) Which, if any, of the following initiatives should the Town pursue over the next five years?

139	Seek expanded use of the Oquaga Creek State Park?
142	Continue to work with NYS-DOT to craft different speed limits or other solutions (e.g., better warnings) for Routes 8 and 206
108	Seek upgrading of County Route 20 (Beech Hill Road)?
172	Pursue Townwide beautification program to encourage planters, holiday decorations, welcome signs, clean-ups, etc.?
190	Develop a local farmers' market?
142	Pursue a combined fire hall, community center and Town Hall facility to improve services and share overhead?
162	Maintain Pioneer Cemetery?
162	Clean up abandoned private cemeteries?

27) Is there anything else you would like to tell us for use in our Comprehensive Plan or any question where you wished you could offer an answer we didn't offer as a choice? If so, please provide your thoughts on the reverse side of this form. **THANK YOU VERY MUCH!**