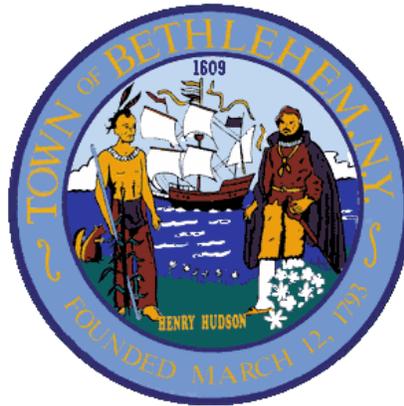


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# COMPREHENSIVE PLAN ASSESSMENT COMMITTEE



REPORT TO TOWN BOARD

JUNE 2013

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# COMPREHENSIVE PLAN ASSESSMENT COMMITTEE

## Town Officials

Supervisor – John Clarkson  
Deputy Supervisor – John Smolinsky  
Town Board Member – Bill Reinhardt  
Planning Board Chair – George Leveille  
Zoning Board Chair – Dan Coffey  
Director DEDP – Mike Morelli  
Deputy Town Planner – Robert Leslie  
Leah Farrell - Staff

## Community Members

David Barnett	Edward Kleinke	Loretta Simon
James Booker	Jill Knapp	Bruce Smith
Jessica Brand	Valerie Newell	Paul Tick
Joseph Castiglione	John Privitera	David VanLuven
Linda Jasinski	Lee Rosen	

## COMMITTEE CHARGE

Bethlehem's Comprehensive Plan was adopted in 2005, resulting in revisions to its zoning and related codes. The Plan identifies goals, objectives, principles, guidelines, policies, and standards for the immediate and long-range protection, enhancement, growth and development of the Town. In 2007, a Comprehensive Plan Oversight Committee (CPOC) was convened, which issued a variety of recommendations, one of which was to periodically review the Comprehensive Plan. Since CPOC's review, the zoning codes have been revised several times, new studies have been issued, and economic conditions have changed. It is therefore a good time to review the Plan to ensure that its goals are being met, broadly shared, and that the public understands how the Plan and land use controls operate.

**Mission:** To evaluate progress on the goals and objectives of the 2005 Comprehensive Plan and subsequent CPOC report to determine whether changes, additions or deletions are appropriate, considering changes in the community, the economic climate, as well as recommendations from advisory committees and the community at large. Broad subtasks include:

- 1) Review Comp Plan status (report prepared by staff)
- 2) Develop Public Information on Land Use Issues
- 3) Review of overall development patterns and projects
- 4) Identification of development and planning issues
- 5) Development of Public Engagement Process
- 6) Evaluate Planning issues identified by community participation.

**Committee Operation:** CPAC will involve objective fact-finding as well as broad public participation. The Committee will include Town officials and staff as well as citizens chosen to represent a cross-section of the community (a "focus panel"). The Town staff can provide baseline information, background reporting, etc., with the community members adding their experience and perspective. However, as the primary goal of this effort is to facilitate broad public participation, the Committee will also utilize surveys, public forums and any other appropriate methods to gather public input.

**Public Engagement Process:** CPAC will develop a public engagement process using local forums, surveys and other tools to provide for public input and public education on the current plan, land use and related issues. CPAC should provide for outreach to community leaders and residents of each neighborhood or area of town and conduct meetings that focus on interests to such areas. CPAC should also incorporate contact with other interested parties in its review: including the business community, industry, agricultural interests, neighboring municipalities and other municipal jurisdictions.

**End Product:** A report on progress in achieving Comp Plan goals and objectives that establishes a priority for remaining and new goals and initiatives, and identifies next steps and a proposed timetable for implementation.

## Introduction

Bethlehem's Comprehensive Plan was adopted in 2005, resulting in revisions to its zoning and related codes. The Plan and code identify goals, objectives, principles, guidelines, policies, and standards for the immediate and long-range protection, enhancement, growth and development of the Town. In 2007, a [Comprehensive Plan Oversight Committee](#) (CPOC) was convened, which issued a variety of recommendations, one of which was to periodically review the Comprehensive Plan. Since that review, the Zoning Law has been revised several times, new studies have been issued, and economic and demographic conditions have changed. As such, in March 2012 the Town Board established the Comprehensive Plan Assessment Committee (CPAC) to review the Comprehensive Plan to ensure that its goals are being met, broadly shared, and that the public understands how the Plan and land use controls operate.

In an effort to engage the public on this discussion, the Committee convened on nine occasions since July 2012, at which time the meetings were open to public attendance/participation and were video recorded for viewing on the Town website. Additionally a [Citizens Guide to Land Use, Planning, and Development](#) was developed and publicized. In related outreach, a series of community town hall meetings were held during the winter/spring of 2013 in Selkirk, Glenmont, Delmar/Elsmere, North Bethlehem, and Slingerlands to gather public input on topics affecting those areas of the Town including development and land use planning. Video recordings of the community meetings can be found on the Town [website](#).

This Report is intended to provide the Town Board with:

1. An overview of the recommendations that have been addressed/completed in the Comprehensive Plan.
2. Additional action items that should be considered by the Board to continue the implementation of the Comprehensive Plan goals.

Action items listed below are to be considered by the Town Board, and are discussed further in the Report. It is important to note that the action items identified contribute to the economic and environmental sustainability of Bethlehem, as well as preservation and enhancement of community character and quality of life.

### **ZONING LAW AND SUBDIVISION REGULATIONS**

- **Develop and adopt a New Scotland Road Hamlet zoning overlay district that supports the hamlet concept as envisioned in the New Scotland Road Hamlet Plan.**
- **Utilize the Delaware Avenue Hamlet Enhancement Study to develop a Delaware Avenue Hamlet Overlay District and invest in the recommended Transportation Plan.**
- **Investigate the application of a Form Based Code to the hamlet areas.**
- **Evaluate a requirement for mixed use (residential and commercial) developments in hamlet zoning districts to construct proposed commercial uses prior to all residential units constructed**
- **Evaluate the Planned Development District rezoning criteria and define and expand community benefits.**

- Evaluate the Planned Development District minimum area and density requirements with the goal of achieving Senior Housing developments in the hamlet areas of Town
- Evaluate the MEDD review process to identify ways to encourage development on the MEDD lands.
- Review the incentive zoning density bonus provisions as it applies to conservation subdivision regulations with the goal of encouraging further use of conservation subdivision.

#### **TRANSPORTATION**

- Develop a Transportation Plan for the Glenmont Area of Town.
- Continue to collaborate with NYSDOT on Town issues along State roadways.
- Appropriate Annual Town Funding for Pedestrian and Bicycle Improvement Projects.
- Continue to plan for and accommodate pedestrians and bicycles during the land use review process.
- Encourage the use of safe, convenient mass transit options

#### **CLIMATE SMART COMMUNITY AND SUSTAINABLE BETHLEHEM**

- Further implement the Town's Climate Smart Community Pledge, both mitigation and adaptation aspects

#### **PARKS**

- Develop a Parks and Recreation Master Plan.

#### **ECONOMIC DEVELOPMENT**

- Planning and land-use regulations should support the townwide economic development strategy.

#### **LOCAL WATERFRONT REVITALIZATION PROGRAM**

- Update and complete the Local Waterfront Revitalization Program (LWRP).

#### **OPEN SPACE PRESERVATION PROGRAM**

- Open space planning continues to be a heavily debated area, but CACC's extensive reports laid the groundwork for a fruitful discussion at CPAC that spanned two meetings. Given the diverse perspective of CPAC members, it was not expected that a consensus would be reached on this issue. However, the reports and discussion lead to potential action items for the Town Board to consider.



## Comprehensive Plan – Status Update

The Comprehensive Plan identified a vision for Bethlehem to be a community of attractive neighborhoods, vibrant hamlets, successful mixed-use commercial centers, modern industrial facilities, and productive rural lands – all well connected by regional highways and local streets and served by public transportation and pedestrian and bicycle accommodations. ***The Comprehensive Plan goals that were established to guide decision making remain high priorities for the Town.*** They include:

- ✓ Achieve a balanced tax base
- ✓ Create a business-friendly environment
- ✓ Encourage compact, mixed-use commercial and residential development/redevelopment
- ✓ Ensure that there is a reliable supply of high-quality water
- ✓ Expand public, private or non-profit active and passive recreational resources and community services available in the town
- ✓ Improve mobility – the ability of people, regardless of age and status, to engage in desired activities at moderate cost to themselves and society - throughout the town
- ✓ Improve the development review process
- ✓ Maintain existing public water and sewer infrastructure in developed areas of the town. Plan for fiscally responsible capital improvements to expand such infrastructure in a manner that is consistent with this plan
- ✓ Manage and protect significant environmental systems
- ✓ Promote commercial and industrial growth in specifically designated locations
- ✓ Promote energy efficiency and conservation, and the use of renewable energy in the town
- ✓ Provide opportunities for the development of a variety of housing options in the town
- ✓ Recognize the town’s significant cultural resources, historic resources, and natural resources
- ✓ Utilize flexible land use regulations and creative land development techniques to retain the economic value of rural land
- ✓ Work with willing landowners to conserve quality open spaces throughout the town

***The general consensus by the CPAC is that the accomplishments/work completed since the Town Board’s adoption of the Comprehensive Plan in 2005 has followed these goals and the Town’s land use and planning efforts continue to be on the right track.***

The Department of Economic Development and Planning reviewed the status of the Comprehensive Plan’s recommendations and prepared a Report Card, which is available on the CPAC [webpage](#). Overall the Town has been very active in preparing studies to achieve the goals of the Plan.

Significant studies issued since the Plan include:

- Delaware Avenue Hamlet Enhancement Study
- New Scotland Road Hamlet Plan
- US Route 9W Corridor Study

- Citizens Advisory Committee on Conservation (CACC) – Open Space Funding and Tools Report and Report on Open Space Issues and Needs
- Agricultural & Farmland Protection Plan
- Bicycle and Pedestrian Committee
- Draft Local Water Front Revitalization Plan (LWRP)
- Citizens Guide to Land Use and Planning Tools
- Sustainable Bethlehem Initiative (Climate Smart Community)

The Department of Economic Development and Planning's presentations on these studies and plans can be found on the CPAC [webpage](#).

## Demographic and Development Trends

### *Demographic Trends*

Based on data from the 2010 census, Bethlehem follows the national trend of an aging population. For example, in 2000, the 40 to 49 and the 30 to 39 age cohorts were the first and second largest in the Town, respectively. Ten years later, residents representing those same cohorts have aged 10 years and now the 50 to 59 and 40 to 49 age cohorts represent the first and second largest in Town, respectively, and the number of residents ages 60+ have increased substantially as well. A key trend also identified is the decrease in school age children, which mirrors the reduction in enrollment in the Bethlehem Central School District.

### *Development Trends*

The development trend of housing unit types approved since the adoption of the Comprehensive Plan in 2005 indicates minimal approval activity in the number of single family detached homes, and a greater percentage of approval activity occurring in apartment units (3+ family units). Commercial development activity remained steady. Based on the land use review process, the majority of the apartment units approved and built between 2006 – 2013 are located in hamlet zoning districts and were a result of site plan review, which requires Planning Board review/approval. Similarly, apartments represent a greater percentage of all housing units proposed to the Planning Board in that period. Single family attached homes (townhomes) would experience a minor increase in its representation of the total housing unit mix if all proposed units are approved.

A combination of the following factors may be considered for this recent mix of housing units that have been proposed in the Town:

- Consumer's demand for housing types has changed to types other than the traditional single family detached home.
- Aging demographic that desires housing options for seniors (apartments/townhomes).
- The availability of financing for these housing types (non-traditional single family).
- Comprehensive Plan recommended that the Town should allow for and promote a mix of housing options in the hamlets, which resulted in revisions to the zoning law to permit various housing options.

Based on 2010 census data and 2005 – 2010 Town Building Department data, the majority of building activity – residential and commercial have occurred south of the Delmar Bypass within the Glenmont area.

The Department of Economic Development and Planning's presentation on demographic and development trends, as well as all other presentation's to the Committee are available on the CPAC [webpage](#).

### *Review of Comprehensive Plan's Goal to Achieve a Balanced Tax Base*

CPAC felt it would be helpful to compare the Town's current tax base (residential vs non residential) to that at the time of the Comprehensive Plan. This is in response to the Plan's goal of achieving a balanced tax base by expanding its non-residential tax base. The CPAC [webpage](#) contains a brief review of the current tax base and identifies potential non-residential growth that would be needed to help achieve a balanced tax base. It is important to note that the Town will undertake a full town-wide reassessment next year (2014), which is expected to provide materially new information towards the balanced tax base discussion.

## **CPAC Findings and Action Areas**

### **Zoning Law and Subdivision Regulations**

The Town's Zoning Map and Law serve as a framework to ensure growth occurs in accordance with the Town's goals in the Comprehensive Plan. The Town also employs tools that afford more flexibility in design, such as Hamlet zoning districts, Mixed Economic Development, Planned Development District, and Conservation Subdivision.

### *Hamlet Zoning Districts*

Based on the recommendation of the Comprehensive Plan to develop hamlet master plans for specific hamlets, the Town completed the [Delaware Avenue Hamlet Enhancement Study](#) and the [New Scotland Road Hamlet Charette](#). The studies established a vision for each hamlet's development, and identified streetscape improvements and design principles to achieve the vision.

**Action Item:** Develop and adopt a New Scotland Road Hamlet zoning overlay district that supports the hamlet concept as envisioned in the New Scotland Road Hamlet Plan. The plan envisions a hamlet of three to four story mixed use buildings consisting of retail, commercial, office and residential uses. Lands include development areas, public open space areas, and a pedestrian and bicycle friendly transportation environment. However, the current Hamlet zoning district applied to the area, which

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permits eight dwelling units per acre, is unable to achieve the density envisioned in the plan (8+ dwelling units per acre). Planning tools should be investigated that will achieve the New Scotland Hamlet vision while providing developers incentives and flexibility.

**Action Item: Utilize the Delaware Avenue Hamlet Enhancement Study to develop a Delaware Avenue Hamlet Overlay District and invest in the recommended Transportation Plan.**

To achieve the traditional “Main Street” environment for the Delaware Avenue Hamlet, the Study provided design guidelines and standards that should be applied to new development and redevelopment within the hamlet, and a transportation plan that accommodates all users – motorists, pedestrians, and bicyclists through streetscape improvements. Currently, the Planning Board has been instructed by the Town Board to use the Study as a guide during its review of development projects. More formally, the design guidelines and standards should be implemented in the Zoning Law as the Delaware Avenue Hamlet Overlay District. Furthermore, the Town should appropriate funding to pursue the streetscape improvements as identified in the Transportation Plan and work with NYSDOT to schedule the improvements to coincide with the Department’s plans for a road resurfacing project.

Addressing the visual environment along the edge of roadway is an important aspect of streetscape enhancements. In addition to freestanding decorative lighting fixtures and landscaping this also includes utility lines and poles. When the Town pursues investment in the streetscape improvements, utility lines and poles should be addressed with regard to replacement of cobra head lighting fixtures with ornamental/decorative lighting fixtures, pole consolidation, removal of excessive and unused lines, and consideration should be given to the burying of all utility lines (power, cable TV, phone, etc.), where funding is available. Additionally, these items should be reviewed during redevelopment opportunities, as well.

**Action Item: Investigate the application of a Form Based Code to the hamlet areas**

According to the [Form Based Code Institute](#) form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals. They are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types.

The Town should consider investigating the application of a form based code to the hamlet areas (hamlet zoning districts) in the Town. A comparison between the development outcome that is to be achieved through the current Hamlet Zoning District regulations and Hamlet studies and that which can be achieved from a form based code should be reviewed. Locally, the Town of Malta has adopted a form based code and the Town of Clifton Park is developing one for their Town Center area.

Form-based code could also be considered as an overlay district that provides geographic flexibility in its application. To the extent any current developers are interested in pursuing form based code, they may be helpful in development and adoption of such code modifications.

**Action Item: Evaluate a requirement for mixed use (residential and commercial) developments in hamlet zoning districts to construct proposed commercial uses prior to all residential units constructed**

### *Planned Development Districts*

The Comprehensive Plan recommended utilizing the Planned Development District (PDD) tool found in the zoning regulations. Planned development district regulations are intended to provide for new residential, commercial, or manufacturing uses in which economies of scale or creative planning concepts may be utilized by the developer. Since a PDD is essentially a zoning change, a developer must receive approval by the Town Board based on a recommendation from the Planning Board. The Town Board typically considers such a proposal if the developer demonstrates some public benefit in return for the flexibility that such zoning provides.

**Action Item: Evaluate the Planned Development District rezoning criteria and define and expand community benefits**

Since the adoption of the Comprehensive Plan three Planned Development Districts have been approved by the Town Board and a fourth is to be considered by the Town Board soon. Approvals include Van Dyke Spinney Senior Housing, Blessings Corners Condominiums, and the Phillipin Kill Manor. Delmar Pointe is under consideration by the Town Board. These PDDs have provided a public benefit in the form of dedication of open space lands (68.37 acres) and diversity of housing to accommodate an aging demographic (as recommended in the Comprehensive Plan). Combined, these projects have permitted townhomes, senior housing, and condominiums on lands in which the underlying zoning prohibits those housing forms.

Most recently two Planned Development District projects presented to the Development Planning Committee would result in 600 units (mix of apartments and condos). The applicants have identified providing a diversity of housing as the public benefit for the project, which under current regulations meets some criteria but does not imply that the Town Board's discretionary powers to approve PDDs need be exercised. It is recommended that the criteria for rezoning to planned development district be revisited with a goal of expanding the criteria, allowing off-site public benefits, and also clarifying that the PDD must be seen by the Board as providing a significant community benefit. New criteria could include a minimum percentage of open space required, purchase of development rights or land within a vicinity of the project to offset the proposed density increase, and requiring a minimum amount and type of commercial/neighborhood services to be provided within the residential development.

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**Action Item: Evaluate the Planned Development District minimum area and density requirements with the goal of achieving Senior Housing developments in the hamlet areas of Town that contain services (i.e. bus routes, commercial/retail, etc.)**

As a floating zone that can be located anywhere in the Town, Planned Development Districts serve as a flexible land use tool that can create the diversity of housing options the Comprehensive Plan recommended, such as senior housing. Currently, the Planned Development District regulations contain a minimum area requirement of 5 acres, which may not be available in the developed areas of Town that contain services, such as along Delaware Avenue. The minimum area requirement should be evaluated to determine its necessity for senior housing developments. The current maximum density requirement of 8 dwelling units per acre should also be evaluated to determine a project's feasibility under this requirement. Perhaps a specific higher density should be allowed or no listing of density requirement so as to allow the project site to dictate the appropriate density. Specific PDD requirements to address senior housing may achieve this action item.

### *Mixed Economic Development Districts*

Based on the Comprehensive Plan recommendation, the Town Zoning Law was updated to allow for mixed uses in specific areas of the Town within zones identified as Mixed Economic Development Districts (MEDD). This district allows for a mix of office, light industry, and technology business as primary uses and high-density residential and neighborhood commercial as secondary uses. The zoning requires these areas to have a master development plan approved by the Town Board. The Vista Technology Campus is a key example of this district and the only project proposed and approved to date. However, MEDD zoning was also applied to the following lands:

- an area bounded by Glenmont Road, Route 9W, the Thruway, and Wemple Road;
- an area south of Wemple Road between Route 9W and the Thruway;
- an area between Wemple Road and Clapper Road to the north and south, and between the railroad tracks and Route 144 to the west and east; and
- an area along Route 144, just north of Exit 22 and south of the Cedar Hill hamlet.

The current land use review for MEDD developments is processed as if the project were requesting a rezone of the property. Development proposals are introduced to the Town Board, who then refers the proposal to the Planning Board for their review and recommendation back to the Town Board. The Town Board then takes action on SEQR, holds a public hearing, and considers approval, approval with modifications or disapproval of the MEDD proposal. This process extends the review time and cost for applicants.

**Action Item: Evaluate the MEDD review process to identify ways to encourage development on the MEDD lands.** Initial suggestions include revising the process to entail Planning Board review only, which would establish a review process similar to how other permitted uses are handled. Another suggestion is to establish thresholds or criteria that would trigger the project to undergo the current review process (Town Board and Planning Board). The Vista Technology Campus is an example of a project that would

continue to have Town Board review. The land uses permitted in the MEDD should also be reviewed to identify those uses that would be compatible with the other primary uses allowed (i.e. commercial and industrial). A third approach may be to rezone these areas for intended uses.

### *Conservation Subdivision*

The Comprehensive Plan recommended the use of conservation subdivision techniques as a way to support the Town's goals of protecting significant environmental systems and natural resources and providing for a variety of housing options. The Town subdivision regulations include provisions for conservation subdivision, which allows for reducing lot sizes while maintaining overall buildable yield in order to preserve open space and minimize land disturbance. Density incentives are also available in exchange for the preservation of additional open space lands.

**Action Item: Review the incentive zoning density bonus provisions as it applies to conservation subdivision regulations with the goal of encouraging further use of conservation subdivision**

To date, three conservation subdivision projects have been proposed to the Planning Board; one has received final approval and two others have received preliminary approval. DEDP Staff's review of the conservation subdivision regulations and its limited application to date has indicated that it is a tool originally designed to conserve land in semi-rural and rural areas at the urban fringe. The concept can and does work where underlying densities permitted in a zoning code are low enough, and minimum lot size requirements are large enough, to provide economic incentive for clustering. Successful use and examples usually begin with minimum underlying lot size requirements in the two (2) to five (5) acre range or larger. The tool is not easily applied to a suburban environment, as in the case of Bethlehem, where underlying minimum lot size requirements range from 0.166 acres in the Core Residential Zoning District to 0.32 acres in the Residential A Zoning District.

### *Additional Land Use Related Items*

The following land use related items were also considered by the Committee and represent potential action items:

- Evaluate the desirable housing mix and develop on-going assessment criteria to allow evaluation of new project proposals, particularly those requesting zoning changes, density bonuses or special districts.
- Review economic impacts of all development proposals to identify and get the full picture of costs and benefits.
- Review the development of the Vista Tech Park to see if the goals/vision of the Vista Master Plan are being achieved (How are we doing, what's working, what's not working, etc.).
- Encourage enhanced landscaping and planting within new developments (especially street trees).
- Investigate a Town shade tree program, including operations, and costs and benefits.
- Implement recommendations made in the Comprehensive Plan (Section 4.2) for "In Town Residential Area" (Core Residential) for 'carriage houses', 'well designed duplexes' and 'small, well designed neighborhood commercial establishments in a few specific locations'.

- Implement recommendations made in the Comprehensive Plan (Section 4.3) for “Residential Area” (Residential A) for ‘carriage houses’ and ‘well designed duplexes’.
- Review ‘home occupation’ regulations in the context of ‘home-based businesses’, as recommended in the Comprehensive Plan for ‘In Town Residential’ and ‘Residential’ areas.
- As Town demographics change, development is proposed, and planning strategies are pursued, the costs and demands on public services should be assessed. Studies have shown that smart growth strategies have the potential to mitigate or reduce impacts on public services.

### **Transportation**

Automobiles are the primary mode of transportation in the Town of Bethlehem. However, as mentioned above, the shift in the Town’s demographics to an older population reinforces the need that all travel modes including walking, biking, and public transit, are accommodated both during the Town’s undertaking of infrastructure improvements and those improvements provided by the development community.

#### *Glenmont Area Transportation Plan*

As identified in the development trends section, development over the past 10 -15 years has mainly occurred south of the Delmar Bypass within the Glenmont area. New development proposals including Wemple Corners and those along Route 9W, Glenmont Road, Wemple Road, Feura Bush Road, and Elsmere Avenue have the potential to generate a significant increase in traffic.

#### **Action Item: Develop a Transportation Plan for the Glenmont Area of Town**

While the Comprehensive Plan recommended the development of an Official Map, discussions with the Committee revealed that such a map, as authorized by NYS Town Law §270, shall be final and conclusive with respect to the location and width of streets and highways, drainage systems and the location of parks shown thereon. Substantial Town resources would be required to prepare an Official Map of a conclusive nature; therefore, an official map is not advisable at this time. A planning driven approach is recommended to develop a transportation plan, which could cover the most immediately affected area consisting of – Feura Bush Road/Wemple Road/Elsmere Avenue/Route 9W area in Glenmont. It is envisioned that this Plan would include general locations of road connections and extensions that would accommodate all modes of travel – pedestrians, bicycles and motor vehicles. As other areas become apparent transportation problems or hotspots, a similar targeted transportation study could be initiated.

Various traffic impact studies were provided to the Planning Board during the review of development projects in this area over the past several years. These studies may provide existing traffic data and operation analyses of several key intersections in the Glenmont area, which could be used as a starting point for development of the transportation plan. Other components to develop the plan could include ongoing review and analysis of existing and potential land use applications to determine levels of potential growth, an analysis and validation of the data that led to the recommendation by LUMAC that

specific collector road routes be explored, formation of an advisory committee, public forums to gather public input, and interaction with other affected jurisdictions (County and State).

Funding approaches to implement the study may also be investigated such as:

- Utilization of the Town's authority to hire consultants at the developer's expense to prepare or review traffic studies associated with development
- Development of a Generic Environmental Impact Statement (GEIS) through funding advanced by the Town and recaptured through mitigation fees. All improvements identified in the GEIS to mitigate impacts could also be recaptured through mitigation fees.

In May 2010 the Department of Economic Development and Planning developed a conceptual transportation map during the Planning Board's review of the Kendall Square development. The map illustrates Kimmey Drive, Elsmere Avenue, and Wemple Road road extensions and connections, which are intended to provide alternate travel routes in the Glenmont area. The map was presented to the CPAC at its December meeting and can be found on the CPAC [webpage](#). Plans for the road extensions were first identified in the Town of Bethlehem Master Plan prepared by the Land Use Management Advisory Committee (LUMAC), and adopted by the Town Board in 1997 as a land use planning reference resource, to be used as an advisory document for land use and planning decisions. The recommended road extensions were a result of the LUMAC's transportation plan analysis of various growth scenarios and their impact on the transportation system.

### *Collaborative Effort with NYSDOT*

While discussing transportation issues, the Committee repeatedly became aware of the State's jurisdiction over the primary travel routes in the Town, including but not limited to New Scotland Road, Delaware Avenue, Elsmere Avenue, Feura Bush Road, Kenwood Avenue (portion), Maple Avenue, etc. These roads, while maintained by the NYSDOT, traverse major population and destination areas of the Town and it is of paramount importance for NYS to be responsive to the Town's vision and plans for these corridors as outlined in Town studies and specifically the Town's Bicycle and Pedestrian Priority Network.

**Action Item: Continue to collaborate with NYSDOT on Town issues along State roadways.** Discussions between the Town Supervisor and NYSDOT Acting Director and associated Staff have included:

- Transfer of New Scotland Road to develop the New Scotland Hamlet as envisioned in the New Scotland Road Design Charrette and Slingerlands Pedestrian Plan
- Replacement of trees in right-of-way on Town's historic streets that are State Roads, such as Delaware Avenue and a portion of Kenwood Avenue
- Implementation of Delaware Avenue Hamlet Enhancement Study coordinated with scheduled NYSDOT preservation project (road resurfacing)
- Pedestrian friendly improvements along Delaware Avenue in Elsmere, and along other State roadways

- Selkirk Bypass feasibility
- Pedestrian safety improvements on Maple Avenue in Selkirk

### *Bicycle and Pedestrian Improvements*

The Town's Bicycle and Pedestrian Committee has made great strides in addressing pedestrian and bicycle mobility in the Town. Their work, which can be found on the Committee [webpage](#), relates directly to the Comprehensive Plan's recommendation to maintain and enhance pedestrian and bicycle connections within and between neighborhoods, recreation facilities, and hamlet centers. However, without annual Town funding for new pedestrian and bicycle improvement projects, and maintenance of existing facilities the Town's approach to providing and improving facilities is reactive instead of the desired proactive approach. Furthermore, every transit trip includes a portion taken by foot as a pedestrian, and so as the Town improves and provides pedestrian facilities, a goal of improving transit in Town can be achieved.

**Action Item: Appropriate Annual Town Funding for Pedestrian and Bicycle Improvement Projects** The Bicycle and Pedestrian Committee has established an evaluation process to prioritize new projects, and a maintenance manual to evaluate the conditions of existing facilities. These tools should be utilized by Town Departments in association with the implementation of annual Town funding for pedestrian and bicycle projects. The annual funding should be applied to projects on the Capital Plan. The Town should continue to maintain and enhance pedestrian and bicycle connections within and between neighborhoods, recreation facilities, and hamlet centers

**Continue to plan for and accommodate pedestrians and bicycles during the land use review process.** In August 2009 the Town Board adopted a Complete Streets resolution which recognizes pedestrians and bicyclists as equally important to the Town's roadways as motor vehicles. The resolution directed the Town Planning Board to consider bicyclists and pedestrians during its land use review, refer to the Bethlehem Bicycle and Pedestrian Priority Network, and require infrastructure improvements for these travel modes, where applicable. This practice should continue to be followed.

### *Public Transit*

**Encourage the use of safe, convenient mass transit options.** The Town's hamlets are ideal areas to encourage mass transit usage because compact, higher density development is necessary to support mass transit. The Capital District Transportation Authority (CDTA) operates several bus routes throughout the Town. The Town should look to coordinate with CDTA and encourage and improve routes (stop frequency and location) in the vicinity of hamlet centers. The use of mass transit would help to reduce the traffic volume and congestion on the Town's roadways, and would also allow those without a vehicle to be more mobile. Senior citizen developments are one example of housing that would benefit from locating in the vicinity of bus routes.

### Climate Smart Community and Sustainable Bethlehem

The Town has taken several major steps towards planning for, and implementing, climate protection and sustainability initiatives in the community. Most recently, these efforts were branded into a comprehensive sustainability program, Sustainable Bethlehem, launched in 2012. Sustainable Bethlehem information can be found on its [webpage](#). The Town's sustainable activities began in 2009 when the Town adopted the New York State Climate Smart Communities Pledge. With the adoption of the pledge, the Town made a public commitment to reduce greenhouse gas (GHG) emissions and prepare for unavoidable climate change. As an official Climate Smart Community, the Town is eligible for additional services and funding opportunities from the [State](#).

Since 2009, Bethlehem has made significant upgrades to its facilities in order to save money, become more efficient, and reduce GHG emissions. The Town has participated in multiple NYSERDA programs to identify energy efficiency and hydroelectric opportunities in the Town's wastewater treatment and water treatment facilities. Bethlehem has improved the aeration system at the municipal wastewater treatment plant, saving 460,000 kWh of electricity annually. Most recently, the Town received funding to install a 30 kW solar photovoltaic system at the Elm Avenue Park Administration Building. The Town also established a Bicycle and Pedestrian Committee to address bicycle and pedestrian mobility.

**Action Item: Further implement the Town's Climate Smart Community Pledge through utilization of technical resource services provided by the Climate Smart Communities Regional Coordinator Program**

The Climate Smart Community Pledge consists of [10 elements](#) that aim to reduce greenhouse gas emissions, prepare for the impacts of climate change, and save taxpayers money. Most recently, Bethlehem has participated in the Climate Smart Communities Regional Coordinator program managed by the Capital District Regional Planning Commission through funding from New York State Energy Research and Development Authority, Department of Environmental Conservation, Department of State, Department of Transportation, and Public Service Commission. Through assistance from this program the Town developed a green building development strategy that identifies potential mechanisms and incentives for new buildings to be designed and constructed using standard green building and/or energy efficiency practices. Phase II of the program provides additional consultant resources to advance the green building development strategy or other tasks desired by the Town to help implement the Climate Smart Community Pledge. The Town should take action to adapt to climate change by undertaking assessment of the Town's key vulnerabilities to climate change, especially in relation to public infrastructure.

Furthermore, the Town Board supported a grant to be considered by the US Department of Energy that would provide technical assistance to communities in the Northeast with regards to local solar permitting, interconnection, and planning processes. The Town Board should continue to accept and

participate in these types of technical assistance opportunities that help to achieve the Climate Smart Communities goals.

### **Parks**

A Tier III recommendation of the Comprehensive Plan was to conduct a Park Master Plan to inventory existing parks and identify a community-based need for future facilities. The Parks and Recreation Department has annually made improvements to the Town's parks through Town funding, grants, donations, and the parkland set-aside fund (with a \$338,900 balance as of December 2012). Most recently the Henry Hudson Park Master Plan was prepared during the development of the Local Waterfront Revitalization Program, and the Mo-He-Con-Nuk Preserve Master Plan was also prepared and is currently being implemented

#### **Action Item: Develop a Parks and Recreation Master Plan**

A Parks and Recreation Master Plan, which would include the identification of existing public and private recreation resources/facilities (schools, soccer club, YMCA, etc.) and identification of needs. For example, identify amenities at Henry Hudson Park that would attract a greater number of park users. It is recommended that the process should involve an ad hoc or formal advisory committee, with the outcome being a plan outlining priorities and possibilities. Expense should be a consideration along with timing and implementation. A key item identified by the CPAC was to evaluate the need for local (pocket) and centralized parks with an emphasis on providing safe connectivity from residential areas. It was also suggested to provide information on the Town website describing all walking and other trails convenient for town residents use, whether town-operated, state, or non-profit. This would include trails within the Mohawk Hudson Land Conservancy preserves, NYSDEC Five Rivers, and facilities on roads in the Town that can provide safe connections to important recreation destinations.

An example of amenity that may attract a greater number of park users is a boat launch for car top boats (canoes and kayaks) located at the northern end of Henry Hudson Park. This area of the park could include a small parking lot for car top boats and a boat launch on sand in a small cove. The hard surface trailer boat launch at the Park is incompatible with canoes and kayaks.

### **Economic Development**

During several meetings the Committee identified the need for a townwide economic development strategy. Land use regulations should be more conducive or attractive to the type of businesses that add to the overall economy of the Town.

**Action Item: Planning and land-use regulations should support a townwide economic development strategy.** This includes:

- A proactive approach to attract the type of businesses desired.
- Specific locations: Selkirk Yards area and NYS Thruway Exit 22 area
- Selkirk Bypass – apply appropriate zoning compatible with the Bypass and continue pursue new NYS Thruway Exit
- Implement recommendations of the Agricultural and Farmland Protection Plan

The Town has assisted in the transformation of the Glenmont Plaza, the lease-up of 158 West Yard Road, and several other adaptive re-use projects. The Picotte Building (formerly occupied by Blue Cross Blue Shield) on Mahar Road remains a priority for redevelopment and the Town should identify other infill development opportunities and maintain as priorities on a development opportunity list.

In November 2011, the Bethlehem 20/20 Economic Development Sub-Committee, in collaboration with the Bethlehem Industrial Development Agency (BIDA) prepared an [Economic Development Strategy 2011-2012](#) for the Town. The strategy outlines the Town's challenges and opportunities for economic development, and actively supports the development of the Vista Technology Campus and the Selkirk Yards Industrial District. Furthermore, the strategy identifies the need for a part-time economic development staff person. This strategy should continue to be followed, implemented and updated as necessary.

### **Local Waterfront Revitalization Program (LWRP)**

The Draft Local Waterfront Revitalization Program was prepared in 2007 by the Town with the assistance of a Local Waterfront Advisory Committee. The purpose of the LWRP is to guide the future of Bethlehem's waterfront areas by creating a balance between future development and the protection of the unique environment and heritage expressed along the Hudson riverfront. Essentially, the LWRP will serve as a guide for decision making when evaluating policies, programs and projects within the riverfront areas. Since the 2007 preparation the LWRP has undergone several revisions to reflect comments provided by the NYS Department of State (NYSDOS) Coastal Resources Division. The latest revision provided to the NYSDOS in 2011 resulted in several new comments by the Department, which have not been addressed.

To revisit the recommendations of the LWRP, Department of Economic Development and Planning Staff provided a presentation to the Committee. Staff from the NYS Department of State (NYSDOS) Coastal Resources Division also attended the presentation to discuss the LWRP with Committee.

**Action Item: Update and Complete the Local Waterfront Revitalization Program (LWRP).** The CPAC provided the following comments on the LWRP, which should be considered in the final plan:

- Plan should promote a Gateway vision for the Hudson River corridor.
- Rural Light Industrial and Rural Riverfront zoning districts need to encourage development for riverfront uses including commercial activity (restaurants, marina).
- Plan for storm effects at Henry Hudson Park and elsewhere.
- Address climate change and evaluate rising water levels in relation to the proposed development areas.
- Keep larger industrial projects in the North Riverfront District.
- Need safer access (motorists, pedestrians, bicyclists) to the Hudson River waterfront.
- Evaluate potential for "Park like" setting/trails integrated with commercial development proposals.
- Prepare Scenic Overlay District to preserve the special views of the Hudson River and beyond. Identify viewshed areas.

- Preserve lands for farmland, and agriculture – younger generation needs farmland .
- Revitalize Route 144 economically in areas appropriate for development (e.g., near exit 22).
- Identify areas that are not developable due to natural constraints (wetlands, slopes).
- Identify areas within the waterfront area that the Town desires for development.
- Identify developable areas the Town may want to protect from development.
- Improve bicycle access and facilities on State & Town roads leading to the waterfront .
- Identify lands that Scenic Hudson has protected (land purchase or conservation easements) and identify which lands have public access.
- Work with federal officials to obtain a commitment regarding a waterfront plan and public access for the Glenmont Job Corp lands along the Hudson River.

### **Open Space Preservation Program**

The CPAC discussed open space preservation at its February and March 2013 meetings, which generated significant public attendance. It is important to understand the current manner in which open space land in Bethlehem can be preserved and maintained:

- Town land use regulations applied during development projects
- Local organizations, such as the Mohawk Hudson Land Conservancy, whose mission is to preserve open space lands, purchase or accept land donations.
- Private landowners maintaining their land
- Town parks
- Low cost/no cost donations of land to the Town

### ***Town Zoning Law and Subdivision Regulations***

The Town's land use regulations found in its Zoning Law and Subdivision Regulations provide opportunities to protect open space through development projects. For example, the conservation subdivision regulations require a portion of the land proposed for development to remain in its natural state as open space. The Town's zoning regulations also place restrictions on impacts to constrained lands. Constrained lands are lands containing one or more of the following: protected freshwater wetlands, floodplains or flood hazard areas; steep slopes; and streams, ponds or lakes.

In reviewing residential site plans and subdivisions, and proposals for planned residential and mixed economic developments, the Town must ensure that the park demands generated by new residential development are addressed. This can be accomplished by requiring that a portion of the parcel be reserved for such purposes or alternatively can require that a fee in lieu of land reservation be paid to the Town. The Town Board can use this fee to improve existing Town parks and recreation areas or purchase additional land for parks. The Town's parkland set-aside fund, as of December 2012, maintains a balance of \$338,900.

Additionally, Federal and State development requirements encourage the protection of land. For example, the State Department of Environmental Conservation (DEC) requires stormwater pollution prevention plans for the majority of development projects in the Town. These plans encourage the conservation of natural areas as a practice to treat stormwater. Wetlands that are greater than 12.4 acres fall under the jurisdiction of the DEC. The Army Corps of Engineers also protects wetlands, regardless of size. Proposed impacts to wetlands require approvals from the applicable government agency.

### ***Local Organizations***

Local organizations, such as the Mohawk Hudson Land Conservancy, and other State and National organizations such as the Open Space Institute and Scenic Hudson actively pursue the preservation of open space lands. These organizations utilize their own criteria in determining when to acquire or conserve open space lands that meet their organization goals. The Recommendations on Open Space Needs and Opportunities Report identifies the amount (area) of open space land conserved by local organizations.

### ***Private Landowners***

Private landowners maintain a large portion of the remaining open space lands in the Town. These lands are used for agricultural and farming purposes or other uses as desired by the landowner.

The issue surrounding open space preservation consists of two viewpoints:

1. the Town is not doing enough to preserve open space, whether through regulation or acquisition, and
2. the Town should not be involved in purchasing land for open space purposes (unless it is through use of parkland setaside funds to purchase parkland), but should assist landowners in maintaining their land by enforcing illegal dumping, encroachment and trespassing laws.

While members of the CPAC expressed two very different viewpoints, there was agreement that voluntary cooperation from willing landowners would be needed in any open space program. Additionally, it was agreed that further information is needed for large landowners and farmers to better understand the tools (such as conservation easements) that could be used to aid in deciding the future of family lands – if the goal is to keep the land as open space.

Essentially, the CPAC discussion surrounded the merits of an expanded and programmed Town involvement in open space preservation which could consist of:

***Develop criteria for land protection and acquisition to be used by the Town Board purchasing or accepting land for open space preservation.*** Viewpoints on this ranged from those who feel the Town should not be involved in purchasing land for open space preservation to those who feel criteria would provide the Town Board with sufficient guidance when faced with an open space preservation opportunity. Criteria would also play a role in obtaining outside funding such as State or Federal funds.

The CACC's Open Space Funding and Tools Report provides sample land preservation criteria that can be used as a starting point, if so desired by the Town Board. Additionally, the proposed goals and recommendations of the Parks Master Plan and the LWRP should be utilized to inform this criteria.

#### ***Establishing Funding Sources to Purchase Land***

The CACC's 2006 Open Space Funding and Tools [Report](#) presented an overview of funding methods, programs, and sources for the implementation of an open space preservation program.

#### **Use of the Parkland Set-aside Fund**

The Town's parkland setaside fund , as of December 2012, maintains a balance of \$338,900, which is permitted to be used exclusively for the acquisition of public park, playground or recreation land and/or the improvement of public park and recreation facilities. The Town Board may consider using the parkland set aside funds for the purchase of open space lands. Any land purchase would have to be open to the public for recreation purposes, which could include passive recreational trails.

#### **Voluntary Donations by Residents**

Establish an account for residents who want to voluntarily make a private monetary donation to the Town for open space land acquisition, (include a donation box on tax bill).

#### ***Outreach, Education and Public Involvement***

During much of the CPAC's open space discussions it became apparent that further information and education on open space tools is needed. The Town Board may consider establishing an outreach program to facilitate discussions between conservation organizations (MHLC, Scenic Hudson, Open Space Institute, etc.) and landowners regarding open space conservation tools (i.e. conservation easement tax benefits to landowners) that may be applicable to landowners' conservation interest for their property. Additional suggestions included provide land conservation information and website links to organizations such as Albany County Agricultural and Farmland Protection Board, the NY Farm Bureau, and NYS Department Agricultural & Markets on the Town's website.

#### ***Assistance to Landowners***

Comments from CPAC members identified growing difficulty for landowners to both afford and maintain their land. Landowners are affected by trespassing, illegal dumping, and encroachment issues that make it increasingly difficult and frustrating to steward the land. Enforcement efforts in these areas could go a long way towards assisting landowners in maintaining lands that are appreciated as open space.

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**Potential Action Items:**

Open space planning continues to be a heavily debated area. While CACC's extensive reports laid the groundwork for a fruitful discussion, due to the diverse perspectives on the CPAC committee, it was not expected that a consensus would be reached. However, the reports and discussion lead to potential action items for the Town Board to consider, including:

- Establish criteria for open space preservation in the Town of Bethlehem to provide guidance to Town staff, landowners, developers and private conservancies for identification of possible open space acquisitions and partnerships.
- Incorporate updates in Town Code regarding acquisition tools and priorities in Town planning processes (e.g., transfer of development rights) as well as strengthen incentives for conservation subdivisions to encourage more developers to select this option.
- Set up a Town reserve fund to accept funds from developers, landowners and donors for open space acquisition. If any Town revenues were provided, they would be subject to annual budgeting and capital planning.
- Assist in the development of education materials and outreach efforts for the general public and landowners as well as guidance and information for individuals to help them pursue open space options privately. Identify residents with relevant expertise to assist Town Planning Staff and the Town Board in open space planning.
- Develop and maintain a map that shows lands that have restrictions on development including recreation lands (parks), conservation lands, and lands with conservation easements. Of these lands, public access and non-public access should be identified.
- Explore the development of a permanent and term conservation easement program (temporary lease of development rights), which would provide property tax relief to landowners who agree to conserve open space resources on their land.

**Conclusion**

The action items identified in this Report reflect open and collegial discussions during the CPAC meetings. A wide breadth and depth of information on development trends and planning issues were prepared, summarized, and presented by the Department of Economic Development and Planning to help inform the Committee's determinations. While there may not be consensus on the details of each action item, it is important to note that achieving consensus on these items was not CPAC's charge. The Town Board's pursuit of these action items will provide an opportunity for stakeholders and residents to participate in on-going discussions.

CPAC was able to determine that overall the goals of the Comprehensive Plan are being achieved through the various completed studies, plans and zoning law revisions, and they remain priorities. However, the benefit of eight years of experience in implementing the goals of the Comprehensive Plan has provided an opportunity to identify additional action items that will achieve the vision of the Comprehensive Plan. The next steps for the Town Board are to consider each action item with an eye

towards achieving solutions that are both environmentally and economically sustainable, including meeting our Town climate smart goals

