



TOWN OF BETHLEHEM

Chapter 128. Zoning Code

Part 3. Development Regulations

DRAFT – OCTOBER 13, 2025

ARTICLE 30	BUILDING & SITE DESIGN	4
	§ 128-30.1 Purpose & Intent	4
	§ 128-30.2 Applicability	4
	§ 128-30.3 Building Placement & Orientation	6
	§ 128-30.4 Building Massing & Form	7
	§ 128-30.5 Building Façades & Fenestration.....	11
	§ 128-30.6 Roof Styles & Treatments	13
	§ 128-30.7 Materials & Color	14
	§ 128-30.8 Design Transitions Between Nonresidential & Residential Uses	15
	§ 128-30.9 General Site Design Standards	16
	§ 128-30.10 Rehabilitation & Reuse of Historic Structures	17
	§ 128-30.11 Multi-Family & Mixed Residential Developments.....	17
	§ 128-30.12 Infill Residential Development.....	20
ARTICLE 31	CIRCULATION, ACCESS, PARKING, & LOADING.....	23
	§ 128-31.1 Purpose & Intent	23
	§ 128-31.2 Applicability	23
	§ 128-31.3 Residential Parking Requirements.....	24
	§ 128-31.4 Off-Street Parking Space Requirements	25
	§ 128-31.5 Loading Space Requirements	26
	§ 128-31.6 Location of Spaces	27
	§ 128-31.7 Design Requirements	28



§ 128-31.8	Alternative Parking Arrangements.....	28
§ 128-31.9	Bicycle & Pedestrian Accommodations	30
§ 128-31.10	Access Management.....	31
ARTICLE 32	LANDSCAPING & SCREENING	33
§ 128-32.1	Purpose & Intent	33
§ 128-32.2	Applicability.....	33
§ 128-32.3	Landscape Plan Requirements.....	34
§ 128-32.4	Plant Material Requirements	34
§ 128-32.5	Installation.....	35
§ 128-32.6	Maintenance.....	36
§ 128-32.7	General Standards & Criteria.....	36
§ 128-32.8	Lawn Area.....	37
§ 128-32.9	Building Foundation Landscaping.....	37
§ 128-32.10	Street Trees	37
§ 128-32.11	Nonresidential Use Buffering.....	38
§ 128-32.12	Off-Street Parking & Loading Areas	39
§ 128-32.13	Dumpster Screening.....	43
§ 128-32.14	Mechanical Equipment Screening	43
ARTICLE 33	LOTS BORDERING STREAMS, WETLANDS, & STORMWATER MANAGEMENT.....	44
§ 128-33.1	Purpose	44
§ 128-33.2	Applicability.....	44
§ 128-33.3	LOTS BORDERING STREAMS	44
§ 128-33.4	Stormwater management	45
ARTICLE 34	SIGNS	47
§ 128-34.1	Purpose & Applicability	47
§ 128-34.2	Sign Permit Required	47
§ 128-34.3	Sign Permit Applications	48
§ 128-34.4	Review Procedures.....	49
§ 128-34.5	Measurement	49

- § 128-34.6 Prohibited Signs.....50
- § 128-34.7 Safety Provisions for All Signs50
- § 128-34.8 Construction.....51
- § 128-34.9 Illumination of Signs51
- § 128-34.10 Location.....52
- § 128-34.11 Maintenance & Repair52
- § 128-34.12 Signs Authorized Without a Permit52
- § 128-34.13 Regulations by Zoning District.....54
- § 128-34.14 Additional Signage for Developments.....55
- § 128-34.15 Regulations by Sign Type56
- § 128-34.16 Sign Design Guidelines58

- ARTICLE 35 EXTERIOR LIGHTING60**
 - § 128-35.1 Purpose & Intent60
 - § 128-35.2 Applicability.....60
 - § 128-35.3 Lighting Plan60
 - § 128-35.4 Lighting Design.....61
 - § 128-35.5 Intensity of Illumination64
 - § 128-35.6 Prohibited Lighting.....64

- ARTICLE 36 PARKLAND RESERVATION & FEE.....65**
 - §128-36.1 Applicability.....65
 - §128-36.2 Land Reservation Requirement.....65
 - §128-36.3 Criteria for Land Reservation.....65
 - §128-36.4 ProcedureS.....66
 - §128-36.5 Fee In Lieu of Public Park, Playground, or Recreational Land ..67
 - §128-36.6 Credits.....68

ARTICLE 30

BUILDING & SITE DESIGN

§ 128-30.1 PURPOSE & INTENT

- A. Purpose.** The purpose of this Article is to improve the overall character and image of the Town of Bethlehem through the application of design standards to future development and investment. These regulations are further intended to guide redevelopment of existing properties and new facilities in a manner compatible with the future development vision of Bethlehem. As development takes place, emphasis should be placed on improving the aesthetics of the site and surrounding area, fostering high-quality investment, and promoting the Town as an attractive place for people to live, work, shop, and socialize. Furthermore, these regulations recognize the importance of the historic and architectural character of the hamlets of the Town of Bethlehem, and to ensure future development and redevelopment in the Hamlet Districts is compatible and harmonious with the desired traditional character and design.
- B. Intent.** The application of these design standards and guidelines should seek to achieve the following objectives:
 1. Improve the ambiance and visual quality of the Town’s hamlet, waterfront, and multi-use areas;
 2. Promote diversity in architectural design, variations in building footprints, and visually interesting façades, while also creating a cohesive aesthetic between buildings on the same site and/or streetscape;
 3. Reflect the appropriate and desired building scale and character of the surrounding neighborhood, activity center, and/or corridor;
 4. Achieve building designs that are compatible with a human-scaled public realm that invites passive use of public space, walking, cycling, and other active transportation modes;
 5. Utilize elements, details, styles and architectural features for buildings, sites, and public spaces that enhance the visual appeal of the surrounding area and foster a sense of place;
 6. Utilize high-quality building materials and avoid prototypical corporate or franchise style architecture to ensure longevity in the life and use of buildings and structures; and
 7. Encourage the development of buildings consistent with the goals of the Leadership in Energy and Environmental Design (LEED) program.

§ 128-30.2 APPLICABILITY

- A. Uses Subject to Regulation.** These design standards shall apply to all existing, altered, or newly constructed buildings, sites, and structures of the following uses and development configurations as noted in the table below:

USE	APPLICABLE REGULATIONS
NONRESIDENTIAL / OTHER	
Nonresidential, existing or new construction	§128-30.3 to 30.10
Mixed-Use, existing or new construction	§128-30.3 to 30.10
Agricultural	Exempt
Industrial	Exempt
Any use in the RMU District	Exempt

**table continued on next page*

USE	APPLICABLE REGULATIONS
RESIDENTIAL	
Multi-Family Dwelling, over 4 units on a single lot	§128-30.3 to 30.10 and §128-30.12
Mixed Residential ¹	§128-30.11
Multi-Family Development ²	§128-30.8 and §128-30.11
Infill Residential Development ³ , new construction	§128-30.12
Residential Dwelling, by conversion to increase number of units	§128-30.12
Single-family dwelling, not included in a mixed residential development	Exempt

NOTES: 1. Mixed Residential Developments, defined as developments including at least two differing residential densities (single-, two-, or multi-family).
 2. Multi-Family Developments, defined as developments including two or more multi-family structures.
 3. Infill Development for Residential Uses, defined as any two- or multi-family dwelling on a single lot abutting and/or situated across from an existing single-family dwelling.

- B. Site Plan Review.** The requirements of this Article shall be applied and approved through site plan review as provided for by Article 42.
- C. Review Body(s).** The terms “review body” or “reviewing body” shall mean the board, committee, commission, or other agent with site plan review authority as duly designated by Article 42.
- D. New Construction.** New construction and infill development shall be in conformance with all requirements of this Article, unless otherwise provided herein.
- E. Existing Buildings and Sites.** Improvements to existing buildings and sites shall follow the regulations of this Article to the greatest extent practicable. In the case of nonconformities, Subsection G shall apply.
- F. Substantial Improvements.** Where the total cost of proposed improvements to an existing building and/or site are 75% or more of the property’s assessed value, all improvements shall be in full compliance with this Article.
- G. Nonconformity.** A building or site not in conformance with this Article may not be required to bring the entirety of such structure into conformance, if, in the opinion of the reviewing body, the proposed improvements to the property do not increase the level of nonconformity and are otherwise consistent with the intent of this Article.
- H. Historic Structures.** For this purpose of this Article, the term “historic structure” shall refer to all historic properties, local landmarks, and contributing structures listed on the New York State and/or National Registers of Historic Places.
- I. Supplemental Building Design Standards.** The guidelines and standards provided herein are to be used in conjunction with the following supplementary design standards and guidelines:
 - 1. Delaware Avenue Hamlet Enhancement Study Streetscape and Hamlet Design Standards and Guidelines Final Report, dated October 26, 2010.
 - 2. New Scotland Road Hamlet Community Charette, dated 2006.
 - 3. US 9W Corridor Transportation Planning Assessment, Advancing the Town of Bethlehem’s Comprehensive Plan and Economic Development Goals, dated December 2008.

Where there is a conflict in procedure or regulation of property between this Chapter and the above referenced documents, the requirements of this Chapter shall take precedence.
- J. Property Owner Guidance.** Property owners should refer to the guidelines and standards of this Article and the supplemental building design standards as a source of inspiration, innovation, and distinctive solutions when undertaking changes, modifications, or adaptive reuse of buildings and properties. Owners of existing buildings are strongly encouraged to consult with Town Staff and/or all applicable review bodies for assistance in following these design guidelines prior to making exterior repairs, renovations, restorations, and alterations to their buildings when site plan review is not required.
- K. Flexibility.** Recognizing that the rigidity of these regulations may limit the extent to which development proposals may be sensitive of context and unique site conditions, the standards herein may be waived or

modified, in whole or in part, by the reviewing body as part of its site plan review authority. In this regard, a finding must be made by the reviewing body that such waivers or modifications:

1. Are in keeping with the intent of this Article and Chapter;
2. Offer an innovative development/design solution for the site in question;
3. Are not requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular development plan; and/or
4. Are otherwise compatible with the stated vision and goals of the Town's Comprehensive Plan and other relevant plans and studies.

§ 128-30.3 BUILDING PLACEMENT & ORIENTATION

- A. **Context.** Placement refers to how a building is situated on the lot. Orientation refers to the location of a building's main axis, or primary façade. Building placement and orientation is a crucial part of the interface of private building façades with public thoroughfares, which shape a compact, walkable public realm.
- B. **Building Placement.** The placement of buildings shall follow the minimum and maximum front setback requirements of this Chapter. Relief from this provision may be provided for appropriate architectural elements and pedestrian amenities, such as recessed entries or chamfered corners, as deemed appropriate by the reviewing body (See Figure 30.1 and Figure 30.2).

FIGURE 30.1 Recessed Building Entry



FIGURE 30.2 Chamfered Building Corner

- C. Building Orientation.** The primary façade(s) shall be oriented to the street(s).
- D. Emergency Accessibility.** All buildings shall be accessible to emergency vehicles.
- E. Integration and Arrangement.**
 1. All buildings in the plan shall be integrated with each other and with adjacent buildings and shall have convenient access to and from adjacent uses.
 2. All buildings shall be arranged to avoid undue exposure to concentrated loading or parking facilities, wherever possible, and shall be oriented to preserve visual and auditory privacy between adjacent buildings.

§ 128-30.4 BUILDING MASSING & FORM

- A. Context.** Massing and form refer to the volume and shape of a building. Buildings should provide visual interest that engages pedestrians and others to promote activity and business vitality.
- B. Building Massing.**
 1. Buildings should appear to be taller than they are wide. Buildings should have facades that possess vertical architectural elements, or sections of recessed facades. Buildings which are "squat" in proportion, or which have very strong horizontal elements that dominate the façade, are discouraged (see Figure 30.3).
 2. Primary buildings in the nonresidential districts shall appear to be a minimum of 1.5 stories in height (see Figure 30.4).
 3. All buildings shall exhibit a clearly defined base, mid-section, and crown. This can be accomplished using a combination of architectural details, materials, textures, and colors (see Figures 30.5 and 30.6).
 4. A single, large, dominant building mass shall be avoided. No façade shall have a blank, uninterrupted length exceeding 40 feet without including architectural features such as columns, pilasters, piers, or changes in plane, in texture or masonry pattern, storefronts and entry treatments, or equivalent design element that subdivides the wall into pedestrian-scaled proportions (see Figures 30.5 and 30.6).
- C. Building Form.**
 1. Buildings designed to advertise or promote a uniform corporate image in a manner that may render the building undesirable or unable to reasonably accommodate future uses shall be prohibited.
 2. Buildings situated at street corners shall "wrap" the corner by continuing certain façade elements (such as the cornice, roofline treatments, or horizontal accent bands) on all street elevations (see Figure 30.7).

- Buildings of two or more stories shall have a transition line. A transition line is a horizontal architectural element, such as a cornice, balcony or change in material, which spans the full width of the façade, and creates a distinction between the first and second stories. Transition lines shall be designed in proportion to the overall height and width of the building (see Figure 30.7).

FIGURE 30.3 BUILDING MASSING & FORM



DISCOURAGED



ENCOURAGED

FIGURE 30.4 1.5 Story Building



FIGURE 30.5 Façade Articulation (Multi-Story Example)

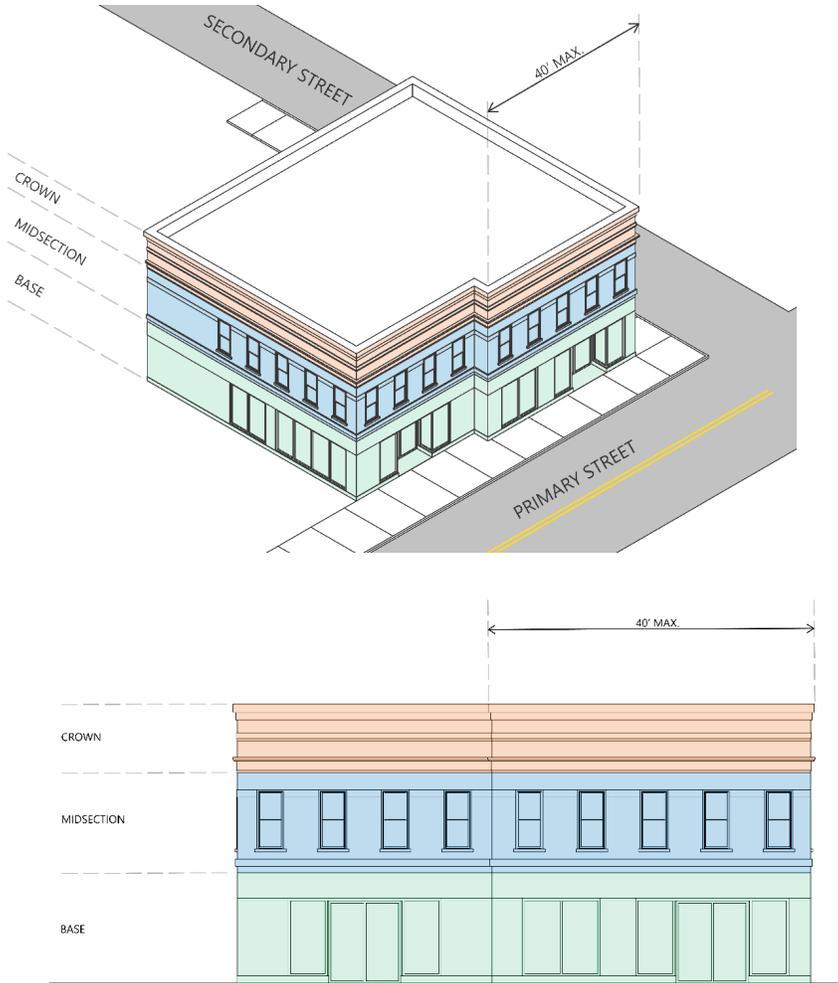


FIGURE 30.6 Façade Articulation (Single-Story Example)

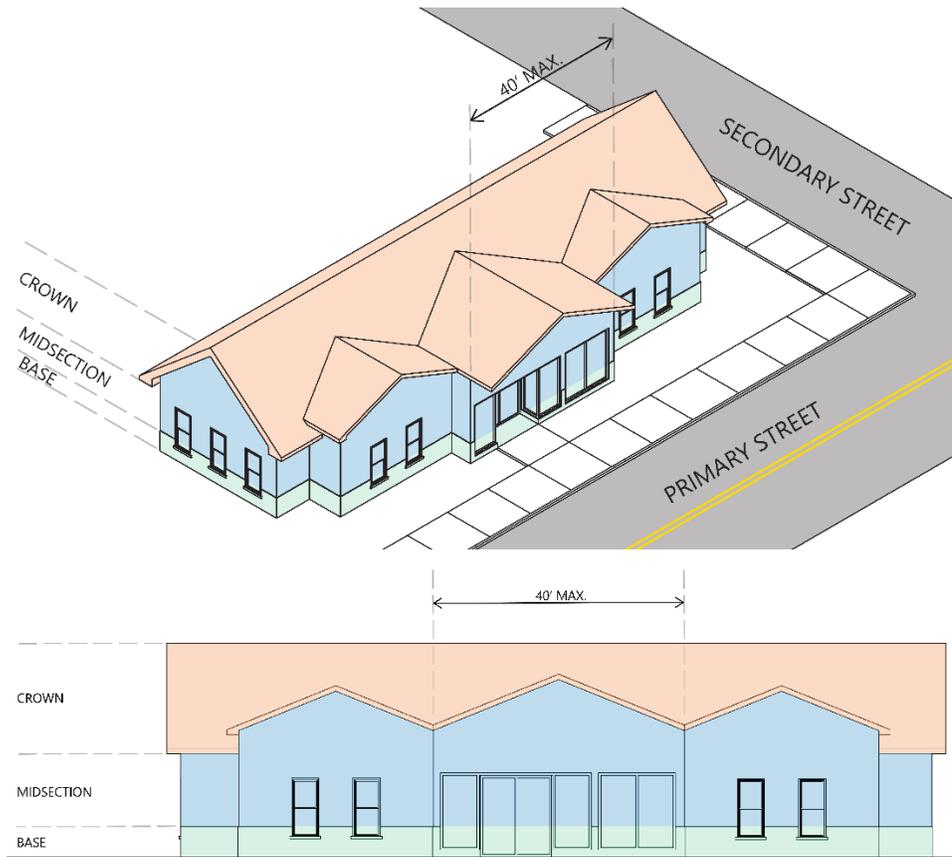
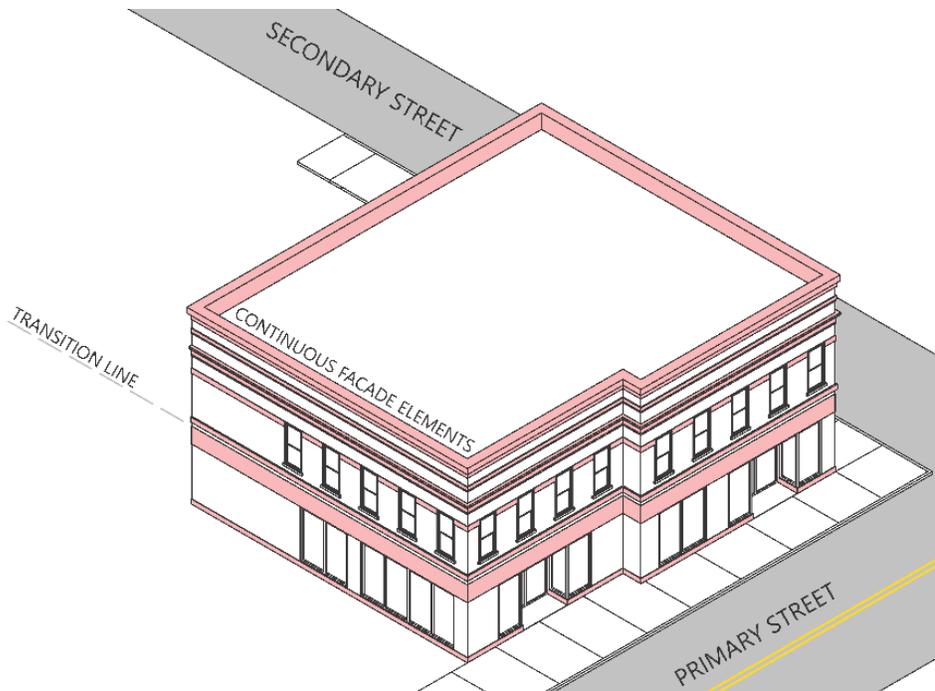


FIGURE 30.7 Continuous Façade Elements



§ 128-30.5 BUILDING FAÇADES & FENESTRATION

A. Context.

1. A building façade serves as the interface between the public realm and the interior space of the building and should be compatible with the character and context of the surrounding area. Proper façade composition creates visual interest and adds character to a façade, providing visibility into the building interior, particularly for retail uses, contributing to the pedestrian, bicyclist, and motorist experience throughout the Town.
2. Fenestration refers to the area of the façade or building exterior covered with openings, in particular windows and doors, how transparent the enclosing glass in the openings is, and how the openings are arranged and/or relate to each other with respect to size, depth, location, etc. Transparency, created by fenestration, on the first floor of a building creates visual interest for patrons and visitors within the building as well as a sense of security and comfort for passing pedestrians.

B. General Façade Design.

1. Buildings should employ four-sided architecture design practices, extending and relating architectural detailing and design elements across all façades.
2. The same exterior treatment provided to the primary façade shall also be provided to any side and rear wall facing a public right-of-way or residential use.
3. For the purposes of this Article, buildings that are located on a street corner are considered to have two primary façades.
4. Façade elements such as windows and bays shall be of a consistent proportion to each other (see Figure 30.8)
5. In Hamlet and Multi-Use Districts, buildings are encouraged to have overhangs, arcades, canopies, or awnings in areas where outdoor seating is appropriate.
6. The use of depth is encouraged to highlight façade openings such as windows to create a three-dimensional relief which produces shadows.

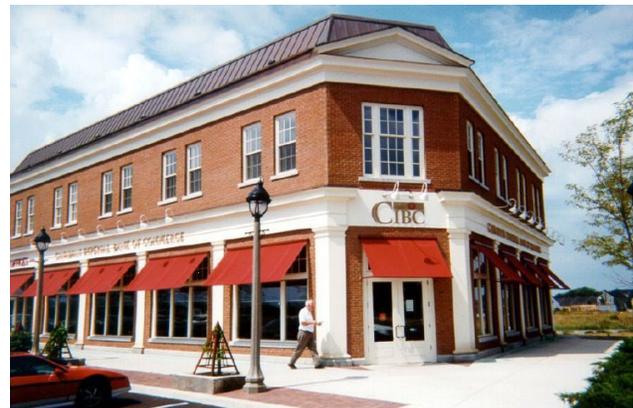
C. First Floor. Includes the area of façade below the roofline for single-story structures, or the transition line for two or more story structures.

1. The first floor of any building should be between 12 and 15 feet in height.
2. The first floor of a structure shall include vertical elements dividing the building into "bays." Each bay should contain a window or entrance door (see Figure 30.9).
3. The first-floor levels of a façade shall provide the highest amount of façade openings, articulation, and transparency.

FIGURE 30.8 Façade Element Proportions



DISPROPORTIONATE



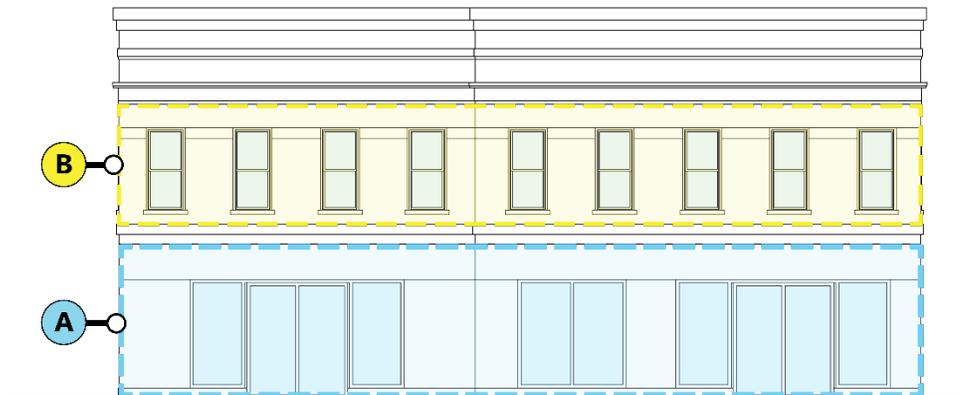
PROPORTIONATE

FIGURE 30.9 Building Bays



- D. Upper Floors.** Includes all façade area above the transition line.
 1. The spacing and rhythm of upper-floor openings shall match that of the major entrance and design elements on the first floor.
 2. Upper-floor openings shall be residential in size, proportion, and character (see Figure 30.10).
- E. Windows and Doors.**
 1. All primary façades shall observe the transparency requirements by use and zoning district in the following table.

FIGURE 30.10 Façade Transparency



BUILDING / USE	RR, RH	CMU, TH, CH
MIN TRANSPARENCY – FIRST FLOOR (A)		
COMMERCIAL/MIXED USE	35%	50%
OTHER	25%	35%
MIN TRANSPARENCY – UPPER FLOORS (B)		
ALL BUILDINGS/USES	20%	35%
MIN TRANSPARENCY – TOTAL FAÇADE AREA (A+B)		
ALL BUILDINGS/USES	75%	85%

NOTE: Transparency shall be measured as the percentage of the primary wall area per floor.

2. Doors that are comprised of an area of at least 30% transparent glass shall be used for building entrances on the primary façade. Opaque doors may be used for doorways providing access to upper floors.
3. The use of opaque, mirrored, or tinted glass with less than 50% light transmittance is prohibited. If screening is necessary, interior blinds or curtains are encouraged.

F. Storefronts and Entrances.

1. Primary entrances shall face the street and be so located to afford direct access from the sidewalk, where applicable.
2. Where parking areas are located behind the building, secondary entrances should be provided at the rear or side of the building to offer direct access.
3. Upper floor entrances shall be distinguished from entrances for first floor uses.
4. Corner buildings may have two separate entry points or a single-entry point at the corner.
5. Storefront construction should be recessed enough at the point of entry to allow the door to swing out without obstructing the sidewalk, where applicable.
6. The sill of storefront windows should be no higher than three feet above grade.

G. Awnings and Canopies.

1. Awnings or canopies may be permitted over entrances, storefronts, large first-floor windows, and upper-floor windows.
2. Awnings and canopies shall be designed to fit the window, door, or storefront openings that they are intended to cover. Placement should not conceal architectural features.
3. The use of reflective, neon, translucent, plastic, or fiberglass materials is prohibited.
4. Awnings and canopies shall be capable of withstanding both high winds and winter snow loads.
5. Street-level awnings and canopies shall be mounted so that the bottommost edge is no less than seven feet above grade.
6. Awnings and canopies shall not project more than seven feet from the building façade.

§ 128-30.6 ROOF STYLES & TREATMENTS

A. Context. A roofline is an architectural element, such as a cornice, parapet, or change in material, plane, or design, which creates a distinction between the top of the building and the lower floors.

B. Roof Design.

1. All structures shall have a distinct, visible roofline.
2. Building rooflines should be varied to highlight entrances and bays and otherwise contribute to the visual interest of the building.
3. Rooflines shall be designed in proportion to the overall height and width of the building.
4. Flat roofs shall slope appropriately to provide proper drainage away from the public right of way and shall include a cornice element.
5. Peaked or gable roofs shall be consistent with the placement, size, and patterns of nearby or adjacent structures, where applicable.
6. Mechanical equipment that is located on the rooftop shall be effectively screened with parapet walls, decorative fencing and/or gables to eliminate views from the ground level.

C. Sustainable Roof Treatments.

1. Roofing materials that reflect sunlight (e.g. lighter colors) or incorporate vegetated roofing are encouraged. Lighter colors decrease heating and cooling needs, while “green roofs” reduce stormwater run-off.
2. Where “green roofs” are proposed, the reviewing body may deduct a portion of the “green roof” building from the lot coverage calculations up to 75% of the “green roof” footprint.

3. The use of alternative energy materials and systems, such as solar panels or shingles, is encouraged. Their installation shall be incorporated into the design of the building so as not to detract from the architectural style and detailing.

§ 128-30.7 MATERIALS & COLOR

A. Allowable Materials.

1. Building façades shall be constructed of durable materials such as brick, stone, finish masonry, or fiber cement (panels, siding, and trim boards) or finished wood, or their equivalent or better. The most stringent quality standards will be applied to buildings in locations most visible to people in public spaces.
2. In proposing other exterior building materials, the applicant must show that the material is appropriate to the use proposed and will not significantly impact the overall visual quality of the environment.
3. The use of modern materials or design may be permitted at the discretion of the reviewing body. This may include, but is not limited to, the use of metal for decorative features.
4. Building materials that appear consistent with those of the surrounding area are encouraged.

B. Variety of Colors and Materials.

1. No less than two and no more than three building materials or colors (excluding trim) shall be used on any one façade of a building.
2. A single material or color should be used as the dominant theme in the façade, with secondary materials and colors used to highlight and accent the design (see Figure 30.11).
3. Changes in materials shall occur at inside corners. Material changes at the outside corners or in a plane shall be prohibited, unless otherwise approved by the reviewing body (see Figure 30.12).

C. Metal Buildings. No building or structure may be constructed 100% of metal materials unless approved by the reviewing body.

D. Discouraged Materials. Materials inconsistent with the surrounding community character shall be discouraged, such as stucco, vinyl, fiberglass, plastic panels, sheet metal, clear-coated or corrugated aluminum, iron, stainless steel, mirrored glass, concrete block, or smooth concrete.

E. Color. Florescent, neon, day-glow, primary, pastel, or metallic colors are prohibited.

FIGURE 30.11 Single Building Material / Color with Accents

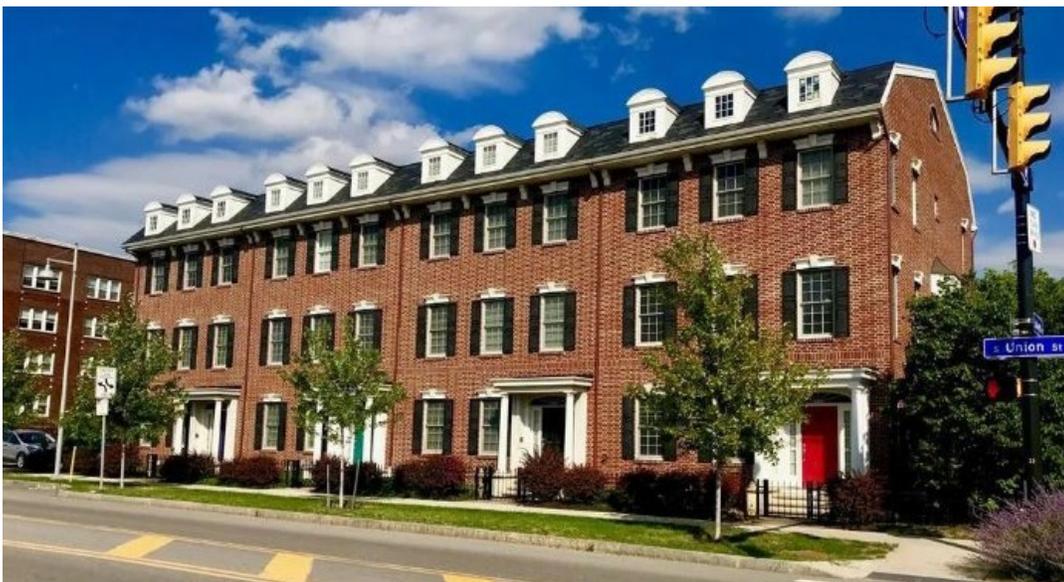


FIGURE 30.12 Change in Materials



§ 128-30.8 DESIGN TRANSITIONS BETWEEN NONRESIDENTIAL & RESIDENTIAL USES

- A. Applicability.** All structures that are nonresidential, mixed use, or multi-family dwellings over four units, shall employ similar building and site design standards to ensure compatibility with adjacent residential development. These requirements shall be applied in addition to the design standards and guidelines of this Article and requirements set forth by this Chapter for landscaping, screening, and buffering of uses.
- B. Requirements.** To the maximum extent practicable, structures that are nonresidential, mixed-use, or multi-family dwellings over four units, shall use all the following techniques when adjacent to a residential use (see Figure 30.13).
1. Similar building setback;
 2. Similar building height;
 3. Similar roof form; and
 4. Similar exterior materials.
- C. Multi-Family Dwelling Design.** A single multi-family dwelling over four units, where proposed as infill development, shall also be subject to the provisions of §128-30.12.

FIGURE 30.13 Transition between Nonresidential and Residential Uses



§ 128-30.9 GENERAL SITE DESIGN STANDARDS

A. Natural Topography and Grading.

1. The design of buildings and the parking facilities should take advantage of the natural topography of the project site where appropriate.
2. Contour grading, where both the horizontal and vertical slopes are varied to reflect naturally occurring landforms, is preferred.
3. Grading should be minimized to the extent possible, and all finished grades shall blend with existing off-site grades.

B. Passive Solar Building Design.

Buildings should be oriented so that a building's longest plane is positioned no more than 30° off the east/west axis to the extent practicable.

C. Pedestrian and Bicyclist Accommodations.

1. Pedestrian connections shall be designed as integral parts of an overall site design and be properly related to existing and proposed buildings. Separated circulation should be provided to the extent practicable.
2. Buildings and vehicular circulation areas shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
3. Bicycle and walking paths should be parallel to major roadways or driveways and shall form an interconnected network of path facilities within a property or group of properties.
4. Wherever practicable, every effort should be made to interconnect on-site pathways to adjacent parks and trails, including the larger regional network of paths.

D. ADA Conformance.

All new or reconstructed off-street parking areas and pedestrian and bicyclist access routes shall conform to Americans with Disabilities Act standards and ADA Accessibility Design Guidelines for Public Rights of Way.

E. Stormwater Management.

The documents below serve as the official guides and specifications for stormwater management.

1. New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation).
2. New York State Standards and Specifications for Erosion and Sediment Control (New York State Department of Environmental Conservation).
3. Chapter 98 (Stormwater Management) of the Code of the Town of Bethlehem.

§ 128-30.10 REHABILITATION & REUSE OF HISTORIC STRUCTURES

The following additional regulations shall apply to the rehabilitation and reuse of existing nonresidential historic structures, unless it is so determined by the reviewing body that the restoration of any such structure to its historic state would be inconsistent with the purpose and intent of this Article.

A. Preservation of Character.

1. Each property shall be recognized as a product of its own time. Alterations that seek to create a false sense of historical development are discouraged.
2. Changes to a building that have taken place over time are evidence of its history and development. If those changes have acquired significance in their own right, they should be recognized and preserved.
3. Where architectural or site features are determined to contribute to the character of the property, proposed alterations or additions shall be designed to minimize the impact on those features.
4. New additions, exterior alterations, or new construction shall not destroy historic materials or general features that characterize the property. The new work shall be compatible with the massing, size, scale and architectural features of the property and the surrounding neighborhood, to protect the integrity of the property.
5. Additions or alterations to structures shall be constructed in such a manner that, if removed in the future, the essential form and integrity of the structure and the site would be unimpaired.
6. Design elements on historic structures shall not be altered or covered in a manner that would adversely impact the façade and architectural character of the structure.

B. General Repair and Replacement.

1. Existing historic structure architectural elements and features shall be retained to the greatest extent practicable. Removal of historic elements must be approved by the reviewing body.
2. Existing historic materials shall only be replaced when it is demonstrated they are deteriorated beyond repair. Repair or replacement shall be done so in kind by either reusing historic materials or duplicating the existing in form, profile, and texture.
3. In the event that historic structure architectural elements or features have previously been removed or altered from their historic state, subsequent efforts to repair or replace these elements shall be done to return the structure to its historic specifications as closely as possible.

C. Preservation, Repair & Replacement of Openings.

1. Original window, storefront, and door openings shall not be reduced in size or covered. Transoms must be retained and uncovered.
2. Original window, storefront, and door openings that have been covered or filled in on a building façade shall be restored.
3. Replacement windows shall fill the original size of each opening and be of similar style (ex. double hung) and shall utilize true divided lights or simulated divided lights when matching the original mullion and/or muntin configuration. The use of interior-only grids or grids between the panes of glass is prohibited.
4. Lowered ceilings shall have a soffit at each window that allows retention of the full window height.

§ 128-30.11 MULTI-FAMILY & MIXED RESIDENTIAL DEVELOPMENTS

A. Purpose. The purpose of this section is to ensure proposed mixed density and multi-family developments provide for a gradual transition in density where abutting existing single-family neighborhoods. To achieve this, the following regulations address the compatibility of residences and other improvements through their arrangement, bulk, form, character, and landscaping.

B. Areas Abutting Single-Family. Where a new multi-family and mixed residential development directly abuts or is within 100 feet of existing single-family properties, the following regulations shall apply. See Figures 30.14 and 30.15 for examples.

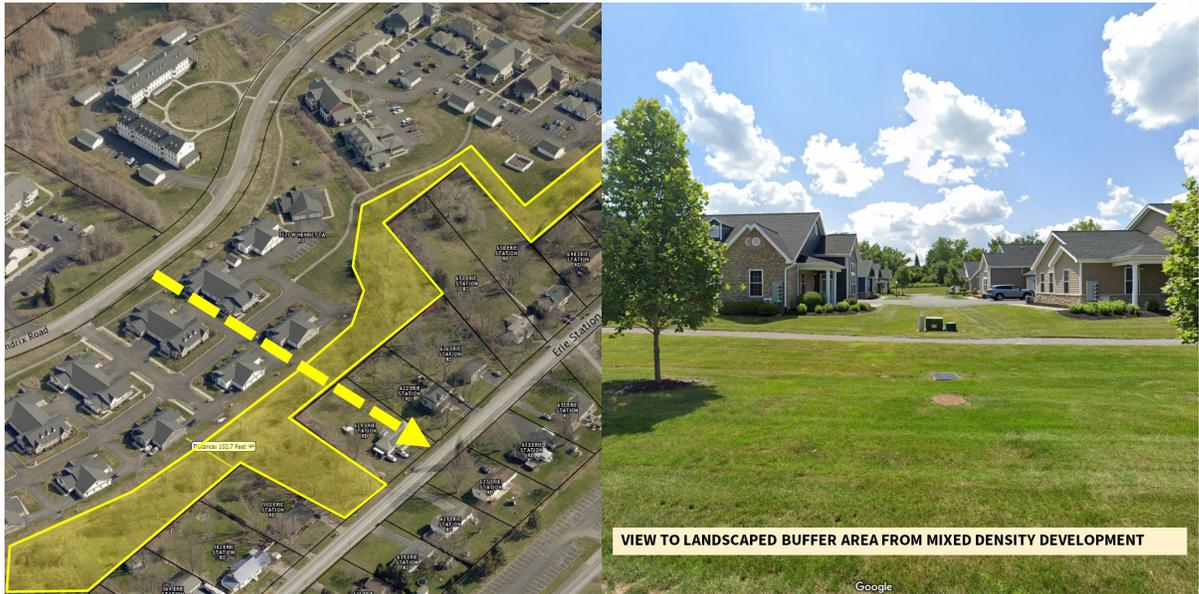
1. Density. The density of residential development shall be limited to:

- a) Single-family dwellings, attached or detached; and/or
 - b) Two-family dwellings.
2. Lot Width. The arrangement and width of lots shall be similar to that of the abutting properties, with no more than a 20 foot reduction in lot width.
 3. Building Design. New residential development abutting existing homes shall follow similar a building height, bulk, and scale, including complimentary roof lines. Flat roofs shall be prohibited.
 4. Streetscape Amenities. Where sidewalks and street trees are present, new development shall continue such treatments both in areas abutting existing neighborhoods as well as throughout the development site.
- C.** Where a proposed development provides a buffer of at least 100 feet in width, and no less than 25 feet between the property line and building within such buffer area is visually screened with existing natural vegetation at least six (6) feet in height and deed restricted to protect said visual screening, the requirements above shall not apply.
- D. Requirements Applicable to Entire Development.**
1. Buildings shall not have uninterrupted or undefined continuous wall or roof planes in excess of 50 feet. Varied roof heights, projecting bays, gables, recesses, and porches shall be used to visually divide larger building facades to produce a scale that is compatible with and complimentary to adjacent residential development.
 2. Buildings shall maintain a distance of at least 20 feet from other structures on the lot.
 3. Garages shall be setback at least five (5) feet from the front building line. Detached garages shall be located in the side or rear yard only.
 4. Buildings shall be laid out so that the primary entrances face the street or side yard. Each entrance shall be connected by sidewalk to the Town's public sidewalk system, where applicable.
 5. Accessory structures, such as clubhouses, pools, pool buildings, storage buildings, and trash enclosures, shall be located in a manner that does not disturb or encroach upon the public realm of the site (pedestrian walkways, roadways, etc.).

FIGURE 30.14 - Mixed Residential Development Density Transition Example (Nall Hills – Overland Park, KS)



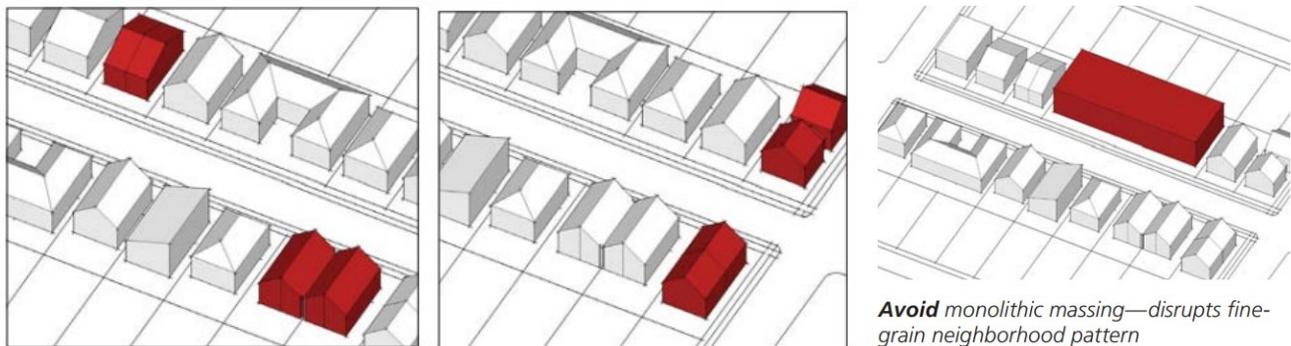
FIGURE 30.15 - Mixed Residential Development Buffer Example (Erie Station Village – Henrietta, NY)



§ 128-30.12 INFILL RESIDENTIAL DEVELOPMENT

- A. Street Frontage.** The street frontage characteristics of the infill development shall be compatible with that of abutting properties. See Figure 30.16. This shall include the following:
1. A similar setback, which is no more than five (5) feet in front of or behind the front building line of the abutting properties.
 2. A similar building rhythm to the block on which it is located. This includes consistent spacing between buildings of adjacent existing properties as well as similar building widths.
 3. Use of greenery and landscaping in the lawn area and provision of street trees, where applicable.
 4. Strong connections between main entrances and sidewalks, including connectivity to the existing sidewalk network, where applicable.

FIGURE 30.16 Building Placement, Massing, & Design (Infill Design Toolkit – Portland, OR)



- B. Building Design.** See Figure 30.18 for examples.
1. Primary building entrances shall be positioned to appear as a single- or two-family dwelling, with no more than two entrances fronting the street. Where additional entrances are necessary, they shall be located so as to face the side or rear yard area.

2. The use of architectural features (such as façade articulation, window and entrance details, and porches or balconies) that provide a human-scaled level of detail are encouraged.
 3. The height of an infill development building shall be within 10% of the average building height of the buildings immediately surrounding the site, provided that the infill development building is a minimum of two stories.
 4. Windows and entrances on the side and rear of the structure shall be located so as to minimize impacts to the privacy of neighboring properties. (e.g. windows not directly facing that of adjacent dwellings).
 5. The massing and form of infill buildings shall be designed to minimize solar access impacts on adjacent properties. This may include the use of stepbacks for upper floors.
- C. Garages.** Garages shall conform to the following. See Figure 30.17.
1. Garages shall be located at least five (5) feet behind the front building line.
 2. Detached garages shall be located in the rear yard.

FIGURE 30.17 Inappropriate Garage Location



FIGURE 30.18 Examples of Two- and Multi-Family Dwellings following Single-Family Dwelling Design

Two- to Three-Family Dwellings



Four-Family Dwellings



Multi-Family (5+) Dwellings



ARTICLE 31

CIRCULATION, ACCESS, PARKING, & LOADING

§ 128-31.1 PURPOSE & INTENT

- A. Purpose.** The purpose of this Article and intent of its regulations is to achieve the following objectives:
1. Ensure that any site is designed to provide proper circulation, reduce hazards to people travelling on foot or by another active transportation mode, and protect the users of adjacent properties from nuisances caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles;
 2. Ensure there are adequate amounts of parking and loading spaces to serve the use(s) and users of the property;
 3. Encourage alternative parking designs and modes of transportation to reduce dependence on single-occupancy vehicular trips and improve efficiency during travel;
 4. Ensure safe, comfortable, and well-planned multi-modal access can be made to all commercial and residential properties within the Town while minimizing potential conflicts; and
 5. Improve the Town’s resiliency to significant weather events exacerbated by climate change through the implementation of green infrastructure and adherence to sustainable design principles.
- B. Redevelopment.** These regulations are further intended to guide redevelopment of existing properties and new facilities in a manner compatible with the future development vision of the Town of Bethlehem. As redevelopment and investment takes place, emphasis should be placed on improving the multi-modal connectivity and aesthetics of the site and surrounding area, especially as it relates to commercial corridors.

§ 128-31.2 APPLICABILITY

- A. Uses Subject to Regulation.** All nonresidential, mixed-use, and multi-family development shall meet the requirements of this Article. No building or zoning permit shall be issued for any use that does not conform to the requirements herein.
- B. Residential Uses.** Single-, two-, and multi-family properties up to four units shall be exempt from the requirements of this Article, except for the provisions of §128-31.3.
- C. New Construction.** New construction and infill development shall be in conformance with all requirements of this Article, unless otherwise provided herein.
- D. Existing Sites.**
1. If an existing building, use, or occupancy is altered so that there is an increase in the minimum required off-street parking and loading spaces, the number of such spaces shall be provided at least equal to the number required for the increased area of the building or use in accordance with all provisions of this Article.
 2. Improvements to already developed sites shall follow the regulations of this Article to the greatest extent practicable. In the case of nonconformities, Subsection G shall apply.
 3. Parking spaces shall not be required for structures and uses in existence on the effective date hereof that are rebuilt or repaired as a result of damage or destruction by causes beyond the control of the owner or lessee. This exception shall not permit the rebuilding or repair of a building having a greater number of stories or square feet of ground space than the building damaged or destroyed unless provision is made for off-street parking as provided in this chapter.
 4. Hamlet District. Notwithstanding the above provisions of Subsection (D)(3), structures that are existing on the effective date of this Chapter and located on a lot in a Hamlet District shall be exempt from the off-street parking requirements relating to the number of required parking spaces, as such are found in §128-31.4(B),

provided that there is no increase in the floor area of the building(s) on the lot, and further provided that there is no reduction in the number of parking spaces located on the lot, as each existed on the effective date of this chapter.

- E. Substantial Improvements.** Where the total cost of proposed improvements to an existing site are 75% or more of the property's assessed value, all improvements shall be in full compliance with this Article.
- F. Nonconformity.** A building or site not in conformance with this Article may not be required to bring the entirety of such structure into conformance, if, in the opinion of the reviewing body, the proposed improvements to the property do not increase the level of nonconformity and are otherwise consistent with the intent of this Article.
- G. Banked Parking.** If the Planning Board finds that compliance with the off-street parking requirements herein would have an adverse impact upon the physical environment or visual character of the area, and if the Board also finds that all of the parking required in the Schedule of Off-Street Parking will not be necessary for the anticipated use of the site, the Planning Board may reduce the amount of parking required to be constructed, provided that sufficient usable land is set aside (banked) to satisfy the parking requirements in the future should the need for such additional parking arise. The Planning Board shall, as a condition of any approval granted, retain the right to require the owner of the property to construct such additional parking whenever it finds that such parking is needed.
- H. Flexibility.** Recognizing that the rigidity of these regulations may limit the extent to which development proposals may be sensitive of context and unique site conditions, the standards herein may be waived or modified, in whole or in part, by the reviewing body as part of its site plan review authority. In this regard, a finding must be made by the reviewing body that such waivers or modifications:
 1. Are in keeping with the intent of this Article and Chapter;
 2. Offer an innovative development/design solution for the site in question;
 3. Are not requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular development plan; and/or
 4. Are otherwise compatible with the stated vision and goals of the Town's Comprehensive Plan and other relevant plans and studies.

§ 128-31.3 RESIDENTIAL PARKING REQUIREMENTS

- A. Regulations for Residential Uses.** The requirements of this section shall apply to all single-, two-, and multi-family uses and lots up to four units. Residential lots within the Rural Multi-Use District are exempt.
 1. The minimum number of parking spaces shall be provided in accordance with §128-31.4 B.
 2. Parking may be permitted in the front yard area, provided all vehicles are located on an approved driveway. The driveway width shall be limited to the minimum and maximum width requirements of §128-31.10 E.
 3. Only one curbcut shall be allowed per road frontage on a residential lot and shall conform to the requirements of Chapter 100 (Streets and Sidewalks) of the Code of the Town of Bethlehem.
- B. Parking of Recreational Vehicles.** Parking of personal seasonal vehicles, boats, trailers, or recreational vehicles is permitted, provided such vehicles:
 1. Are registered and licensed;
 2. Are not used for living purposes;
 3. Are not parked within the front yard area;
 4. Are parked on an approved surface; and
 5. Do not obstruct vehicular, pedestrian, or bicyclist vision and access.
- C. Commercial Vehicles.** No more than 2 commercial vehicles per dwelling unit may be parked overnight on a single lot, subject to the following:
 1. In no instance shall a commercial vehicle in excess of 23 feet in length or 8,000 pounds in curb weight be parked overnight on a single lot without first obtaining a special use permit.

§ 128-31.4 OFF-STREET PARKING SPACE REQUIREMENTS

A. Number of Parking Spaces.

1. The requirement for a single use (e.g. a retail store) shall be determined directly from this section, unless otherwise noted within this Chapter.
2. The requirements for a combination of uses (e.g. a retail store with an office building) shall be determined by establishing the requirement for each single use and adding them together, unless otherwise noted herein.
3. For uses not specifically listed, the requirement shall be the same as for the most similar listed use as determined by the Code Enforcement Officer. If no similar use exists, the Code Enforcement Officer shall use their discretion to determine the amount of parking to be required.
4. The number, size and dimensions of parking spaces suitable for use by the physically handicapped shall comply with the requirements set forth in the New York State Uniform Fire Prevention and Building Code. Each area reserved for handicapped off-street parking shall have a minimum width of 16 feet. Spaces in a lot shall have a minimum clear width of eight feet and an adjoining access aisle having a minimum clear width of eight feet. Two accessible parking spaces are permitted to share a common access aisle.

B. Parking Minimums. The minimum number of off-street parking spaces per use shall be in conformance with the following:

LAND USE	MINIMUM SPACES
Residential	
<i>Single-, Two-, Three-, or Four-Family Dwelling</i>	2 per unit
<i>Multi-family Dwelling (5+ Units)</i>	1.5 per unit
<i>Multi-family Senior Housing</i>	1.1 per unit
Commercial / Industrial	
<i>Retail Store</i>	3 per 1,000 sf of gross floor area ¹
<i>Service Business</i>	2 per 1,000 sf of gross floor area
<i>Office or Clinic</i>	1 per patient room + 1 per employee ²
<i>Restaurant or Bar</i>	4 per 1,000 sf of gross floor area
<i>Recreation or Entertainment Facility</i>	0.25 per maximum occupancy
<i>Self-Storage</i>	1 space per 40 units of self-storage
<i>Industrial Operation</i>	1 per employee ²
Other	
<i>Place of Worship or Public Assembly</i>	1 per 3 seating spaces
<i>School</i>	1 per classroom + 1 per employee ²
<i>Nursing or Convalescent Home</i>	1 per each 4 beds

- NOTE:** (1) Parking for shopping plazas shall be based on total gross floor area of all buildings in the plaza, regardless of change in tenant.
 (2) Per employee at maximum shift.

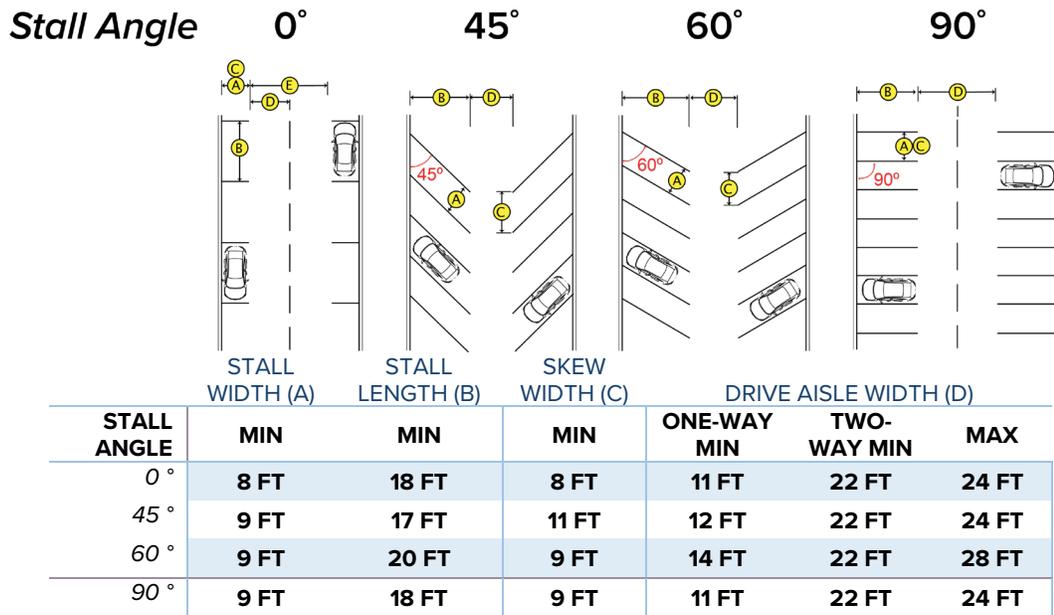
C. Parking Maximums. The maximum number of parking spaces allowable for any use shall not exceed 120% of the minimum requirement, except through the submission of a parking demand analysis in accordance with §128-31.8(D) and site plan approval.

D. Delaware Avenue Hamlet Overlay District.

1. Buildings that are existing on the effective date of this chapter and located on a lot in the Delaware Avenue Hamlet Overlay District shall be exempt from the off-street parking requirements of this chapter. This exemption shall continue for so long as the building floor area existing on March 11, 2015 continues or is expanded by 25% or less, unless the expansion also causes a reduction in the number of parking spaces located on the lot on the effective date of this chapter.

2. Building expansions greater than a 25% increase to the existing floor area of the building located on a lot in the Delaware Avenue Hamlet Overlay District shall provide parking spaces for all uses based on a requirement of one space per 250 square feet of the gross floor area of the building expansion. The existing building located on the lot shall continue to be exempt from the off-street parking requirements, provided that there is no reduction in the number of parking spaces located on the lot, as each existed on the effective date of this chapter.
3. New buildings constructed on a lot in the Delaware Avenue Hamlet Overlay District shall receive a 10% reduction from the off-street parking requirements relating to the number of parking spaces, if the lot is located within 1/4 mile walking distance of any of the following: municipal parking lot, on-street parking, or CDTA transit service. The walking distance is to be measured along the public right-of-way. New buildings in the Delaware Avenue Hamlet Overlay District not meeting this locational requirement shall comply with the off-street parking requirements of this chapter then in effect.

E. Size of Parking Spaces. The size off off-street parking spaces and aisles shall conform to the following dimensional standards:



§ 128-31.5 LOADING SPACE REQUIREMENTS

A. Applicability. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, off-street loading areas must be provided in accordance with this section.

B. Minimum Spaces Required. Loading spaces shall be provided for uses in accordance with the table below.

GROSS FLOOR AREA (SF)	MINIMUM SPACES	MINIMUM SIZE
Less than 5,000	0	-
5,000 to 10,000	1	12 by 25 ft
10,000 to 30,000	1	14 by 50 ft
Each additional 15,000	+1	14 by 50 ft

C. Deliveries. Where loading spaces are located within 100 feet of a residential use or district there shall be no deliveries between the hours of 11:00PM and 7:00AM EST.

- D. Short-Term Loading Zones.** The provision of on-street, short-term loading zones is highly encouraged. Where such zones may be reasonably accommodated, the number of spaces provided may count towards the off-street loading space requirements of this section.

§ 128-31.6 LOCATION OF SPACES

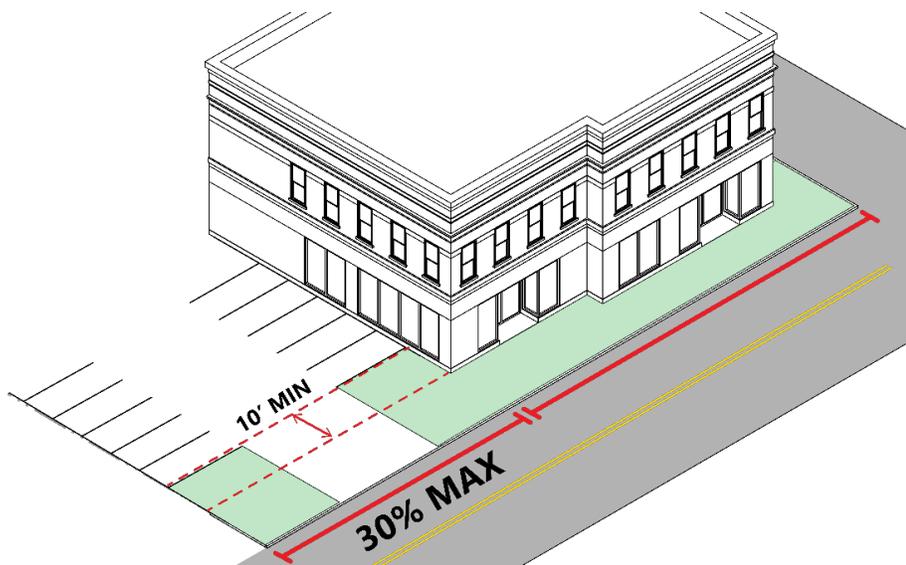
A. Front Yard.

1. In the TH, CH, and RH Districts, no off-street parking spaces shall be located in the front yard area.
2. In the CMU District, no off-street parking spaces shall be located in the front yard area, with the exception of a single row of parking spaces and the necessary access road to said spaces. The convenience parking area frontage shall be screened from the public right-of-way in accordance with §128-32.12(B).
3. In the RLI, HI, RMU, and RR Districts, off-street parking shall not be permitted within 10 feet of the front lot line. Such setback area shall be considered as a minimum; however, additional setback area may be required if determined to be necessary by the Planning Board and in accordance with Article 42 (Site Plan Review) of this chapter. In addition, such setback area shall be suitably landscaped in accordance with the requirements of §128-32.12(B) of this chapter.
4. No off-street loading spaces shall be permitted in the front yard area or fronting a primary street.
5. Carports and other open-sided roofed structures intended to provide shelter for the parking of motor vehicles shall be prohibited in a front yard.

B. Side and Rear Yards.

1. Off-street parking areas may be permitted in the side yard when in compliance with the following standards:
 - a) The overall width of the parking area frontage does not exceed 30% of the lot width. **See Figure 31.1.**
 - b) The paved parking area is at least 10 feet behind the front building line. Where no primary structure is provided on a lot, the parking area shall meet the minimum setback requirements or be located at least 10 feet behind the front building line of an adjacent property, whichever is greater. **See Figure 31.1.**
2. Except as otherwise provided, off-street parking areas as required for any use within the RLI, HI, RMU, and RR Districts, shall be located no closer than 15 feet to any side or rear property line, except as may be approved by the Planning Board for the purpose of providing adjacent properties joint driveway access from the street, off-street access between properties and shared parking areas. Where such setback is reduced, the Board may require that a comparable amount of site area be added to other setback areas on the same site.

FIGURE 31.1 Side Yard Parking



- C. **Same Lot Requirement.** All off-street parking and loading spaces shall be on the same lot as the use they are intended to serve, unless otherwise allowable with an alternative parking arrangement.
- D. **Distance from Residential Property.**
 1. Parking areas shall maintain a setback of at least 10 feet from abutting residential use or district property lines, unless otherwise approved as part of site plan review.
 2. Loading spaces and delivery areas shall maintain a setback of at least 30 feet from abutting residential use or district property lines.

§ 128-31.7 DESIGN REQUIREMENTS

All off-street parking and loading areas, including their vehicular access drives and pedestrian, and bicyclist connections, shall conform to the following:

A. Paving Materials:

1. Acceptable surfacing materials shall be those capable of being kept in a smooth, well-graded condition, free of snow and debris. This includes concrete, asphalt, blacktop, brick, or other such properly engineered paving material with approval by the reviewing body. The use of pervious paving material is highly encouraged.
2. Prohibited surfacing treatments include dirt, gravel, pavement millings, or loose stone unless the Planning Board determines the use and frequency of vehicle traffic will not result in nuisances from excessive dirt or dust.
3. All areas shall be constructed to withstand the loads to be imposed by the vehicles for which the parking or loading area is intended.

B. Markings.

1. Parking and loading spaces shall be properly marked with clear and permanent painted strips of at least four inches in width.
2. Areas designated for pedestrian and/or bicyclist access and use shall also be clearly delineated in this manner, unless otherwise separated by curbing or some other physical barrier.

C. **Landscaping and Screening.** All off-street parking and loading areas shall be landscaped and screened in accordance with Article 32.

D. **Lighting.** The exterior lighting of parking and loading areas shall be in conformance with the provisions of Article 35.

E. **Snow Storage.** All parking and loading areas must include a dedicated area for the placement and storage of snow. If on-site snow storage is demonstrated to be infeasible, the Planning Board may permit snow removal within 24 hours of a winter precipitation event over 4 inches of accumulation.

F. **Stormwater Management.** All parking and loading areas shall conform to the stormwater management regulations of Chapter 98 of the Code of the Town of Bethlehem.

G. **Electric Vehicle Charging Stations.** Off-street parking and loading spaces may include charging stations for use by electric vehicles.

§ 128-31.8 ALTERNATIVE PARKING ARRANGEMENTS

A. **On-Street Parking.** On-street parking spaces and public parking lots may be used to satisfy the minimum off-street parking requirement, in whole or in part, at the discretion of the reviewing body. Such spaces must be located within 1,000 feet of the use.

B. **Public Transit Access.** A public transit stop or station may be used to satisfy up to 10% of the minimum off-street parking requirement, provided the transit stop or station is located within 1,000 feet of the use.

C. Stacked or Valet Parking.

1. Stacked or valet parking is allowed if an attendant is present to move vehicles.

2. If stacked parking is proposed to be used for all or a portion of required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will be present when the lot is in operation.
3. The requirements for minimum or maximum spaces and other applicable parking area development standards continue to apply for stacked parking.

D. Parking Demand Analysis.

1. The number of parking spaces required for any use may be adjusted with the completion of a parking demand analysis by the applicant and approval by the reviewing body.
2. A parking demand analysis may be required where shared parking is proposed to determine the sharing factor.
3. Such analysis shall include, at a minimum:
 - a) The names and addresses of the owner(s) and tenant(s) that will be using the parking;
 - b) An estimate of the number of spaces needed to accommodate the proposed use(s);
 - c) A summary and map of the proposed location and configuration of spaces (on-site, public lots, on-street, joint, shared, etc.);
 - d) A market study and/or other supporting information and rationale behind the requested number of parking spaces; and
 - e) An analysis of existing parking conditions in the surrounding area, to include a radius of at least 1,000 feet.
4. The reviewing body may waive a parking demand analysis and the requirements thereof in whole or in part in accordance with §128-40.4 (Application Submittal & Processing).

E. Joint or Shared Parking and Loading Spaces.

1. Where two or more uses are located on the same lot or located on separate lots, an applicant may propose the use of joint or shared parking and/or loading spaces.
2. Such arrangements may be authorized by the reviewing body as part of site plan review, provided the following conditions are met:
 1. The parking area is located within 1,000 feet of the building(s) or use(s) it is intended to serve.
 - a) The loading area is within 100 feet of the building(s) or use(s) it is intended to serve.
 - b) The minimum number of spaces provided is at least that of the use with the greatest requirement or otherwise compliant with an approved parking demand analysis.
 - c) It is proven that the uses have different peak hour demands, or the total demand at peak times is adequately served by the total number of spaces proposed.
 - d) A Joint or Shared Access Agreement is executed documenting all uses and property owners. Such agreement shall be reflected in a deed, lease, contract, easement or other appropriate legal document.
 - e) A Maintenance Agreement is executed documenting the responsibility of each user and/or property owner in the maintenance and upkeep of such parking and/or loading areas.
 3. Applicants seeking authorization of such arrangement shall submit written documentation justifying their requests, including:
 - a) The names and addresses of the owner(s) and tenant(s) that will be using the parking and/or loading spaces.
 - b) A description of the uses involved, including their minimum individual parking and/or loading requirements determined by this Article.
 - c) The location, design, and number of parking and/or loading spaces that are proposed, including the number to be shared and/or reserved for a certain use, where applicable.
 - d) A parking demand analysis in accordance with Subsection D above to determine the appropriate sharing factor. To be approved, this analysis must show that the uses have differing peak parking or loading times or that users overlap in visiting more than one use during peak times and that the proposed spaces will be adequate for the anticipated demands of each use.

- e) The required access and maintenance agreements as outlined Subsection E (2).
4. Joint or shared parking and loading areas shall provide for cross access with clearly delineated vehicular drive aisles. Separation of joint or shared parking areas by a wall, guard rail, or other structure preventing vehicular access shall be prohibited, unless otherwise approved by the reviewing body.

§ 128-31.9 BICYCLE & PEDESTRIAN ACCOMMODATIONS

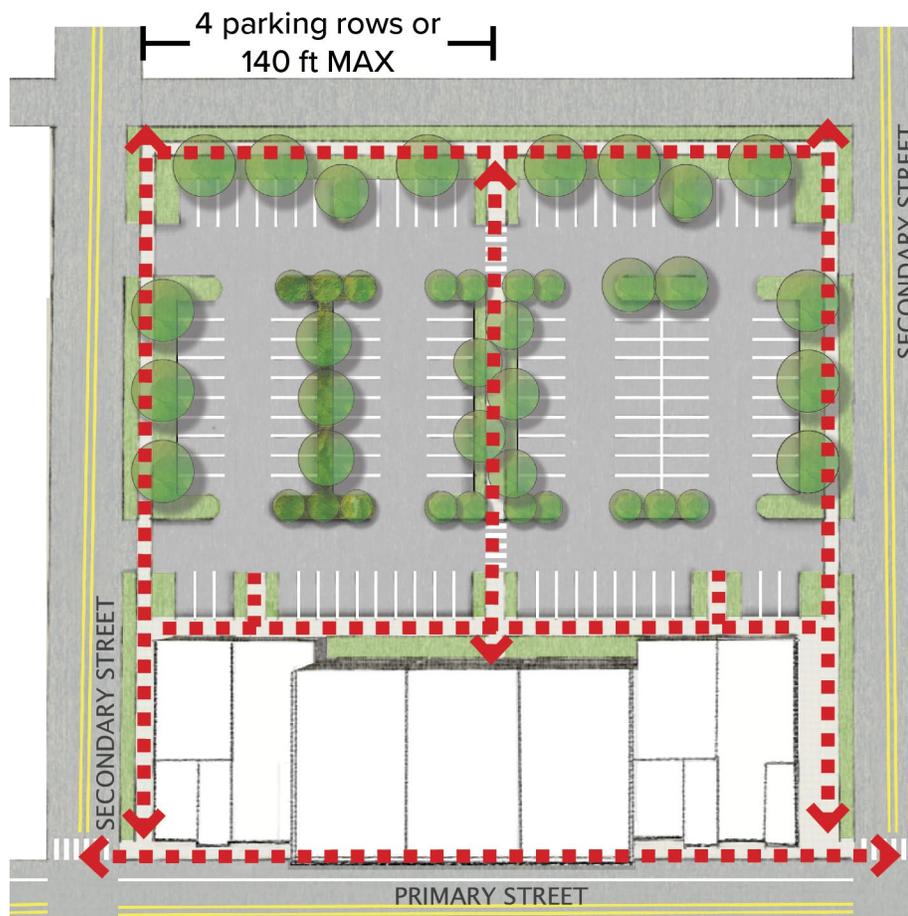
A. Bicycle Parking.

1. Bicycle parking may be required of all nonresidential development at a rate of at least 10% of vehicle parking requirements at the discretion of the reviewing body, up to a maximum of 20 spaces.
2. Publicly provided or shared bicycle parking facilities within 1,000 feet of the use may be credited for up to 10% of the required bicycle parking spaces.

B. Pedestrian Connectivity.

1. Off-street parking areas of ten or more spaces shall include a clearly identified pedestrian pathway from the parking spaces to building entrances and uses on site.
2. Pedestrian connections to the public sidewalk shall also be required, where applicable. **See Figure 31.2.**

FIGURE 31.2 Pedestrian Sidewalk Network



3. Pedestrian paths shall be a minimum of five feet wide, when not located immediately adjacent to parking stalls. When located immediately adjacent to parking stalls, pedestrian paths shall be a minimum of seven feet wide to avoid parked vehicles encroaching on the pedestrian area. The provision of wide pathways is encouraged where practicable. Pedestrian paths shall be distinguished from the parking area by grading or other protective device.

4. Pedestrian paths shall be visually distinct from vehicular access drives. The use of contrasting materials is encouraged, such as stamped concrete, pavers, or colored asphalt.
5. Pedestrian paths shall be located so the pedestrian has a short and efficient walking route.
6. Abutting land uses and buildings on a site shall be connected by a pedestrian path.
7. Pedestrian paths connecting off-street parking spaces to a building or use entrance shall be provided at a ratio of one pedestrian path for every four parking rows or 140 feet of parking lot width, whichever is greater.
8. The paving or material of any driveway shall not obscure or in any way alter existing public sidewalks, nor shall the paving or material for the driveway cover existing sidewalks.
9. Where a property is adjacent to a roadway on the Town Bicycle and Pedestrian Priority Network, and that roadway frontage is identified as appropriate for pedestrian improvements, a sidewalk along the road frontage shall be provided, along with any necessary easements, unless otherwise determined by the Town Planning Board.

§ 128-31.10 ACCESS MANAGEMENT

A. Access Required. All off-street parking and loading spaces shall have direct access to a public street or alley.

B. Joint or Shared Access.

1. To promote more efficient traffic flow and traffic safety and minimize the number of curbcuts, every effort shall be made to provide shared means of ingress and egress to developed and developing properties.
2. Where deemed necessary and appropriate, the reviewing body may require the provision of shared access drives and/or cross-easement agreements for rear access lanes to adjacent properties which minimize curbcuts along the primary roadway. **See Figure 31.3.**

FIGURE 31.3 Vehicular Cross Access



- C. **Delineation.** Access from streets to parking and loading areas shall be clearly defined. All curbcuts should be delineated with raised curbing.
- D. **Driveway Separation.** No access driveway shall be located closer than 75 feet to the intersection of public streets or another driveway. This minimum separation may be increased or decreased with review body approval or where otherwise required by the Albany County or New York State Departments of Transportation.
- E. **Driveway Dimensions.** The size and dimension of driveways shall conform to the standards indicated in the following table.

LAND USE	REQUIRED WIDTH (FT)	
	MIN	MAX
<i>Single-, Two-, or Multi-Family, up to 4 Units</i>	10 FT	1/3 OF LOT FRONTAGE OR 20 FT¹
<i>Multi-Family, over 4 Units</i>	12 FT	20 FT
<i>Nonresidential, One-Way Access</i>	10 FT	16 FT
<i>Nonresidential, Two-Way Access</i>	18 FT	24 FT

NOTE: (1) Whichever is less.

- F. **Conformance with Local and State Regulations.**
 1. All curbcuts and street openings shall conform to the requirements of Chapter 100 (Streets and Sidewalks) of the Code of the Town of Bethlehem.
 2. All exit or entrance drives connecting parking and loading spaces to the street shall be approved by the Town Engineer as well as the Albany County and New York State Departments of Transportation, where involved.
 3. Reference should be made to the New York State Department of Transportation Access Management Guidelines and regulations to determine the most appropriate access management strategy, including shared access and spacing of curbcuts.

ARTICLE 32

LANDSCAPING & SCREENING

§ 128-32.1 PURPOSE & INTENT

- A. Purpose.** The Town of Bethlehem values trees and landscaping for their role in protecting the health, safety and welfare of Town residents. Landscaping offers numerous benefits, including offering shade and reducing urban heat island effects, creating habitat for local wildlife, impeding soil erosion, retaining and absorbing stormwater to reduce excess runoff and flooding, improving air quality, and creating aesthetic value. Emphasis shall be placed on providing landscaping features that enhance the overall character of the Town of Bethlehem.
- B. Intent.** The standards contained in this article are intended to:
1. Encourage the landscaping of developments and to dissuade the unnecessary clearing and disturbing of land so as to preserve the natural and existing growth of flora and to replace removed flora or plant new flora indigenous to the region.
 2. Provide natural visual screening and buffering of parking areas and along property boundaries to protect the existing visual quality of adjacent lands.
 3. Reduce surface runoff and minimize soil erosion through the natural filtering capability of landscaped areas.
 4. Provide natural buffers protect wetlands, stream corridors and other significant environmental features.
 5. Moderate the microclimate of parking areas by providing shade, absorbing reflected heat from paved surfaces and creating natural wind breaks.
 6. Enhance the overall environmental and aesthetic quality of the community to provide a healthful and pleasant atmosphere for Town residents and visitors.

§ 128-32.2 APPLICABILITY

- A. Uses Subject to Regulation.**
1. All nonresidential, mixed-use, two-family development, multi-family development over three units, and subdivisions shall meet the requirements of this Article.
 2. Single-family properties that are not subject to Planning Board or Administrative review shall be exempt from these provisions.
 3. Agricultural uses shall also be exempt from these provisions.
- B. Site Plan Review.** The requirements of this Article shall be applied and approved through site plan review as provided for by Article 42 (Site Plan Review).
- C. Review Body(s).** The terms “review body” or “reviewing body” shall mean the board, committee, commission, or other agent with site plan review authority as duly designated by Article 42 (Site Plan Review).
- D. New Construction.** New construction and infill development shall be in conformance with all requirements of this Article, unless otherwise provided herein.
- E. Existing Sites.** Improvements to existing developed sites shall follow the regulations of this Article to the greatest extent practicable. In the case of nonconformities, Subsection G shall apply.
- F. Substantial Improvements.** Where the total cost of proposed improvements to an existing site are 75% or more of the property’s assessed value, all improvements shall be in full compliance with this Article.
- G. Nonconformity.** A building or site not in conformance with this Article may not be required to bring the entirety of such structure into conformance, if, in the opinion of the reviewing body, the proposed improvements to the property do not increase the level of nonconformity and are otherwise consistent with the intent of this Article.

Planters, flower boxes, and other minimal landscaping features may be used to comply with the regulation in this Article for existing buildings on lots smaller than 10,000 square feet in area.

- H. Flexibility.** Recognizing that the rigidity of these regulations may limit the extent to which development proposals may be sensitive of context and unique site conditions, the standards herein may be waived or modified, in whole or in part, by the reviewing body as part of its site plan review authority. In this regard, a finding must be made by the reviewing body that such waivers or modifications:
1. Are in keeping with the intent of this Article and Chapter;
 2. Offer an innovative development/design solution for the site in question;
 3. Are not requisite in the interest of the public health, safety, or general welfare or inappropriate to a particular development plan; and/or
 4. Are otherwise compatible with the stated vision and goals of the Town's Comprehensive Plan and other relevant plans and studies.

§ 128-32.3 LANDSCAPE PLAN REQUIREMENTS

- A. Landscape Plan.** A landscape plan shall be required as part of the site plan review process, where applicable. Where determined to be necessary by the reviewing body, the landscape plan may be required to be prepared, signed and stamped by a registered landscape architect, professional engineer, architect, or certified nurseryman.
- B. Plan Specifications.** The landscape plan shall be drawn to scale, and include the locations and dimensions of the following, as applicable:
1. Existing and proposed structures and uses;
 2. All parking and loading areas;
 3. All vehicular, pedestrian, and bicyclist connections;
 4. Refuse disposal areas and dumpsters;
 5. Outdoor assembly, seating, and storage areas;
 6. Existing and proposed trees, shrubs, and plantings, including those that are to be removed;
 7. Drainage patterns and stormwater management facilities;
 8. Provisions for visual screening; and
 9. Snow storage areas.
- C. Proposed Planting Summary.** Landscape materials to be used on the site shall be identified in a planting schedule or species list to be included on the landscape plan with the following information:
1. Type, common, and botanical names, noting native species as applicable;
 2. Size and quantity;
 3. Spacing where applicable; and
 4. Pit or bed treatment.
- D. Change in Plant Species.** When species included in an approved landscaping plan are not commercially available, the use of a similar alternative plant species or size may be allowed at the discretion of the Planning Director.

§ 128-32.4 PLANT MATERIAL REQUIREMENTS

- A. Nursery Stock Standards.** All planting material shall be nursery grown in conformance with the American Standards for Nursery Stock (ANSI Z60.1)
- B. Mixing of Species.** Landscape plans should include a variety of trees, shrubs, and ornamental planting as part of the site design. The mixing of trees and shrubs helps to avoid a uniform, unnatural appearance, and to protect against extreme loss due to disease, infestation, or severe weather events.

C. Appropriateness of Species.

1. Existing native vegetation and other natural features shall be preserved on a site.
2. At least 50% of all trees and plantings on site shall be native species.
3. Perennial plant materials must be hardy to the regional climate, per the USDA Plant Hardiness Zone Map.
4. The use of invasive plant species listed by the New York State Department of Environmental Conservation as prohibited or regulated is not permitted.
5. Plant selection shall also consider the following factors to ensure plantings are appropriate for the site's microclimate and do not create a safety hazard or obstruct the public right-of-way:
 - a) Mature form, habit, and size;
 - b) Soil, water, and solar requirements;
 - c) Urban and pollution tolerance;
 - d) Salt tolerance;
 - e) Disease and pest resistance;
 - f) Disaster resistance and resiliency to extreme weather events;
 - g) Pollinators and biodiversity;
 - h) Seasonal interest; and,
 - i) Maintenance requirements.

D. Suggested Species. The Town encourages the use of the suggested tree species listed in Attachment A – Suggested Species List. However, this shall not preclude the use of other appropriate plant material in accordance with Subsection C above.

E. Minimum Tree Specifications. All trees shall be species having:

1. A minimum caliper of two (2) inches at time of planting, unless otherwise specified in the species table or approved by the reviewing body.
2. Trees having an average mature spread of less than 15 feet may be substituted by grouping the same to create the equivalent of a 15-foot crown.
3. Conifer trees shall have a minimum height of five feet at time of planting.

F. Minimum Shrub and Hedge Specifications.

1. Shrubs shall be a minimum of two feet in height when measured immediately after planting.
2. Hedges shall be planted and maintained to form a continuous visual screen within two years after time of planting.

§ 128-32.5 INSTALLATION

- A.** All plantings shown on an approved site plan must be installed prior to issuance of a Certificate of Occupancy, unless infeasible due to the season. In such instances, plantings must be installed in the next planting season.
- B.** Plantings shall utilize appropriate soil for the species.
- C.** A minimum planting pit size of 24" greater than the size of the plant root ball.
- D.** No permanent impervious surfacing shall be located around the base of any plant which may impede the growth of that plant.
- E.** All plants shall be protected from possible damage inflicted by vehicles using the parking lot or access drives by means of a raised curb placed at the edge of the pavement or other methods as approved.
- F.** All areas where landscaping is required, a minimum of 80% of the surface area shall be covered by living materials, rather than mulch, bark, gravel, or other non-living material.

§ 128-32.6 MAINTENANCE

- A. All plant materials located on a site shall be maintained by the property owner in a healthy condition throughout their lifespan. Deceased plant material shall be removed and replaced as soon as possible.
- B. Maintenance shall include, but not be limited to; watering, weeding, mowing (including trimming at the base of fencing), fertilizing, mulching, proper pruning, and removal and replacement of dead, damaged or diseased trees and shrubs on a regular basis.
- C. Replacement of any plant materials shall be of a similar species, but may not be in-kind so as to avoid continuation of disease.
- D. Irrigation systems shall be designed to minimize spray on buildings, neighboring properties, roads or sidewalks; maintained in proper operating condition and conserve water to the greatest extent feasible.
- E. Improper maintenance may be determined through periodic inspection by the Code Enforcement Officer. The Code Enforcement Officer may require a certified copy of the plant list from the nursery providing the plants or a review and status report of plantings by a registered landscape architect, arborist, or engineer. All reasonable costs for review and determination shall be at the property owner's expense.

§ 128-32.7 GENERAL STANDARDS & CRITERIA

A. Existing Vegetation.

1. Existing vegetation and trees (of all sizes and stages of maturity) shall be preserved, wherever possible.
2. Existing vegetation may be used to satisfy the landscaping and screening requirements of this ordinance if protected and maintained during site development and construction phases of work and if such trees or plants are not otherwise invasive and/or prohibited. The credit of existing vegetation shall be determined through site plan review.
3. Any grading or digging to be completed on site shall not occur within the drip edge of any tree that is to be preserved.

B. Landscape Design.

1. Appropriate shrub and tree plant materials shall be arranged in rows or clusters, and designed as buffers, screens or hedges in a manner that:
 - a) Gives attractive definition to the street edges or other areas of a lot.
 - b) Buffers a property along its lot lines with adjacent properties, without compromising site security by creating tall, opaque barriers that completely prevent the site from being surveilled from adjacent public rights-of-way.
 - c) Screens utility buildings, refuse collection areas, storage areas, cooling systems or other similar structures, and other similar installations and features.
 - d) Provides landscaped islands or planted sub-areas which punctuate otherwise developed internal portions of a site, in conjunction with appropriate combinations of decorative fences, walls and berms.
2. The arrangement and spatial location of landscaped areas shall be designed as an integral part of the site development and dispersed throughout the site, and not just located around the perimeter.
3. Plantings should be designed to stage blooms and have color throughout the growing season.
4. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.
5. Ornamental lighting and street furnishings may be incorporated within landscaped areas as part of site plan review, provided such lighting is in conformance with Article 35 (Exterior Lighting).
6. To the extent practicable, the integration of green infrastructure and/or structural soil systems designed to meet or exceed pavement design and installation requirements while remaining root penetrable and supportive of tree growth is encouraged wherever possible to manage stormwater runoff, increase the tree's rooting space, and promote tree survivorship.

7. In Traditional Hamlet, Commercial Hamlet, Rural Hamlet, and Commercial Multi-Use districts where buildings are located near an existing or proposed pedestrian path, the area between the pedestrian path and the front façade is encouraged to include features that would improve the pedestrian experience such as seating, shade trees or structures, planters and/or hanging baskets, public art, and pedestrian-scale lighting if and where appropriate.
- C. Snow Removal and Storage.** Provisions for snow removal and snow storage must not adversely impact landscaped areas. Any area damaged as the result of snow removal or storage activities must be fully restored in accordance with the approved landscaping plan within the next planting season.
- D. Site Obstructions.**
1. Landscaping patterns along street right-of-way lines shall not obstruct site triangles at intersections.
 2. Shrubs and similar materials shall generally not be higher than three feet above the adjacent street grade and street trees shall have branches generally no lower than 12 feet above the adjacent street grade.

§ 128-32.8 LAWN AREA

- A.** Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded.
- B.** In areas where other than solid sod or grass seed is used, over-seeding shall be sown for immediate effect and protection until coverage is otherwise achieved.
- C.** Replacement or over-seeding mixes shall match or complement the original installation.
- D.** Grass areas shall also provide continuous, uniform, and consistent coverage.

§ 128-32.9 BUILDING FOUNDATION LANDSCAPING

- A.** Foundation landscaping is intended to complement the building and enhance the overall character and view of the site from public rights-of-way. As an example, a formal planting of a diversity of ornamental trees and shrubs in lines and masses can be planted to enhance a symmetrical building facade with a grand entrance, while an asymmetrical planting of off-centered trees and shrubs with curving lines can be planted to enhance buildings with multiple sized facades with a variety of architectural elements. Tall plantings can soften sharp corners, shrub masses can break up a long stretch of blank wall, ornamental trees can provide a focal point in a monotonous series of windows, and flowing shrubs and perennials can emphasis an entrance and add interest. Foundation planting should not visually overwhelm an interesting or modern appearing building. Planting sizes should be commensurate with the scale of the building.
- B.** Foundation plantings may vary from a continuous line along 100% of the front of a building to as little as 25% where exposure to view is minimal.
- C.** Plantings must include a combination of trees, shrubs, perennials, and ground covers that is commensurate with the scale of the building and will enhance the building's architecture, soften its mass, and break up blank walls. Turf grass shall not be counted as part of the required foundation planted area.
- D.** Plantings should decrease in size and increase in detail, color, and variety near entryways into buildings.
- E.** No foundation landscaping is required on a side(s) where buildings are located on a lot line.

§ 128-32.10 STREET TREES

- A. Street Trees.**
1. Street trees shall be planted no greater than two (2) feet from the property line along the entire length of a lot adjacent to a public right-of-way.
 2. Spacing of the trees shall be consistent with the mature size of the trees. A minimum of one street tree shall be installed for every 40-feet of public right-of-way frontage.
 3. Tree selection and installation must comply with requirements specified in §128-32.4 and §128-32.5.
 4. In the event the agency with jurisdiction over the roadway has maintenance concerns, the species type, location and height of landscaping would be subject to approval of that agency and landscaping may extend beyond two feet from the property line.

B. Exemptions. The following conditions are exempt from this requirement:

1. Frontages along alleys;
2. Where the minimum required number of street trees is already installed and in healthy condition;
3. Where the planting of new trees would overcrowd and compromise the health of existing trees;
4. Where an underground utility, driveway, or other feature interferes with the placement of a tree;
5. Where the planting of a tree would result in less than 5-feet of sidewalk width for unobstructed pedestrian movement;
6. Where otherwise not permitted by the state, county, or Town department with jurisdiction over the right-of-way.

§ 128-32.11 NONRESIDENTIAL USE BUFFERING

A. Nonagricultural and Nonresidential Uses.

1. Nonagricultural and nonresidential uses proposed for property abutting a residential district shall include a landscaped buffer between the proposed improvements and the residential district.
2. The landscaped buffer shall be planted in accordance with Subsection C.

B. Industrial Uses.

1. When buildings, parking areas, access aisles, parking spaces and outdoor storage areas for industrial uses are located on property adjacent to a residential zoning district, 100 feet within the required minimum setback along each yard that abuts said residential district shall be planted in accordance with Subsection C.
2. Landscaping should be planted in an organic pattern; avoiding straight rows of plantings and softening hard architectural lines.
3. Variation of species and clustering of plantings should be utilized to provide visual interest.
4. The species type, location and planted height of such landscaping shall be subject to the approval of the reviewing body.

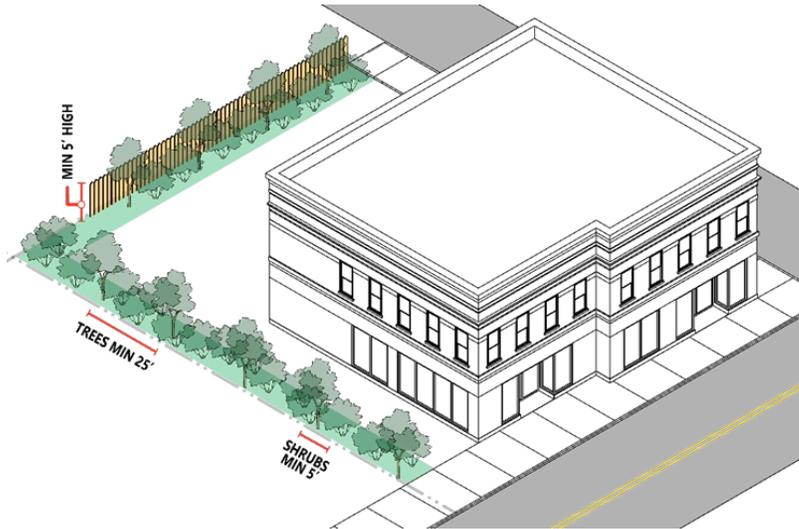
C. Buffer Treatments. The landscaped buffers required in Subsections A and B above shall install a combination of the following (see Figure 32.1):

1. Decorative, opaque fencing, hedges, or other live vegetative barrier at least five feet in height.
2. Tree plantings spaced a minimum of 25 feet center-to-center or shrub plantings located a minimum of five feet center-to-center.

D. Parking and Loading Areas. Parking and loading areas shall be screened from residential in accordance with §128-32.11 A.

E. Screening Along Street Frontage. In the RLI and HI Districts, nonresidential uses shall provide a landscaped buffer of at least 20 feet in width along all street frontages.

FIGURE 32.1 Screening from Residential



§ 128-32.12 OFF-STREET PARKING & LOADING AREAS

- A. Screening from Residential.** Off-street parking and loading areas abutting a residential district or property line shall conform to the following:
1. Where the minimum setback requirements are met, the perimeter shall be landscaped with a combination of low berm (less than three feet in height), ground cover, low shrubs or flowering plants, and shade trees planted at intervals of not more than 25 feet.
 2. Where the minimum setback requirements are unable to be met due to the physical constraints of the site, a solid wall or fence at least five feet in height shall be required in addition to the above.
 3. The reviewing body may waive or modify these requirements as deemed necessary during site plan review.
- B. Buffering at Street Frontage.**
1. Off-street parking areas located along a primary street frontage may be screened with a combination of landscaping and a decorative knee-wall. Such landscaping or wall shall be at least two feet in height (see Figure 32.2). The location of such wall shall be subject to reviewing body approval.
 2. In CMU Districts where parking is located in the front yard, a landscaped buffer shall be provided consisting of a combination of low berm (less than 3 feet), ground cover, low shrubs and shade trees. See (Figure 32.3).

FIGURE 32.2 Parking Lot Knee Wall.

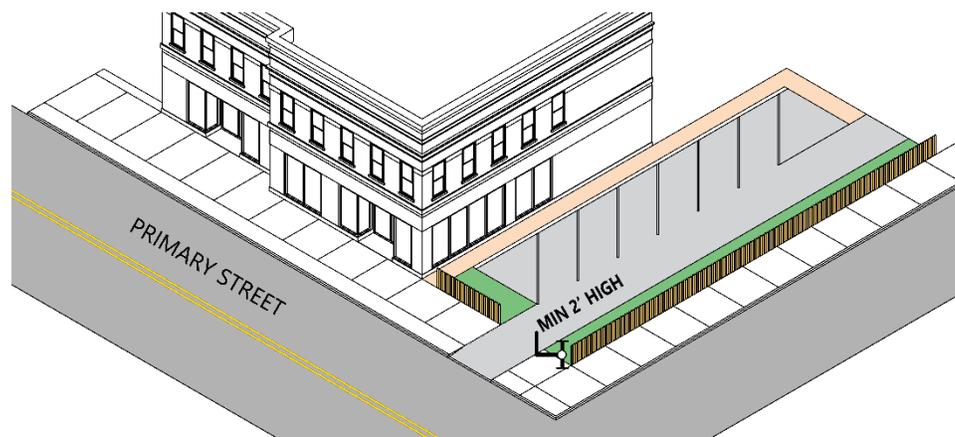


FIGURE 32.3 Front Yard Parking Buffer



- C. Landscaped Islands and Medians.** Parking areas containing 10 or more spaces shall include landscaped islands and/or medians in accordance with the following:
1. Landscaped islands should be utilized in parking areas to separate parking stalls into groupings of not more than 20 spaces between islands (see Figure 32.4).
 2. Parking areas should be broken up into “rooms” of no more than 40 spaces, separated by landscaped medians or pedestrian accessways (see Figure 32.4).
 3. The dimensions of all islands and medians should be a minimum of eight feet wide at the shortest side to protect plant materials and ensure proper growth (see Figure 32.4).
 4. Each island and median shall include at least one tree. Low shrubs and ground covers will be required in the remainder of the area (see Figure 32.4).
 5. Trees shall be provided at a rate of one shade tree per eight spaces. Large and medium shade trees (no less than eight feet in height at maturity) are recommended. Due to heat and drought stress and vision clearances, ornamental and evergreen trees are not recommended in parking areas.
 6. Islands and medians shall be protected with concrete curbing, with allowance for curb inlets for green infrastructure drainage practices (See Figure 32.5).
 7. Green infrastructure for on-site stormwater management shall be integral to parking lot landscaping (See Figure 32.5).
 8. Where solar carports are utilized in parking lots, up to 30% of the internal landscaping requirements of Subsection C may be waived.

FIGURE 32.4 Parking Area Design & Landscaping

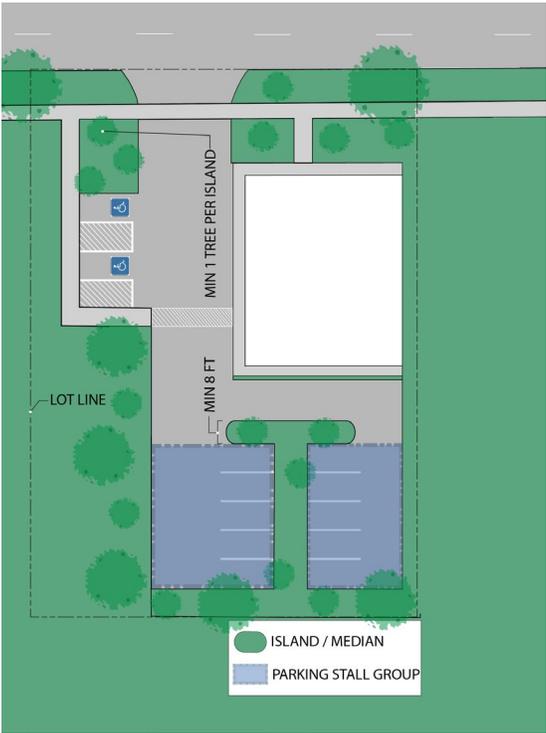
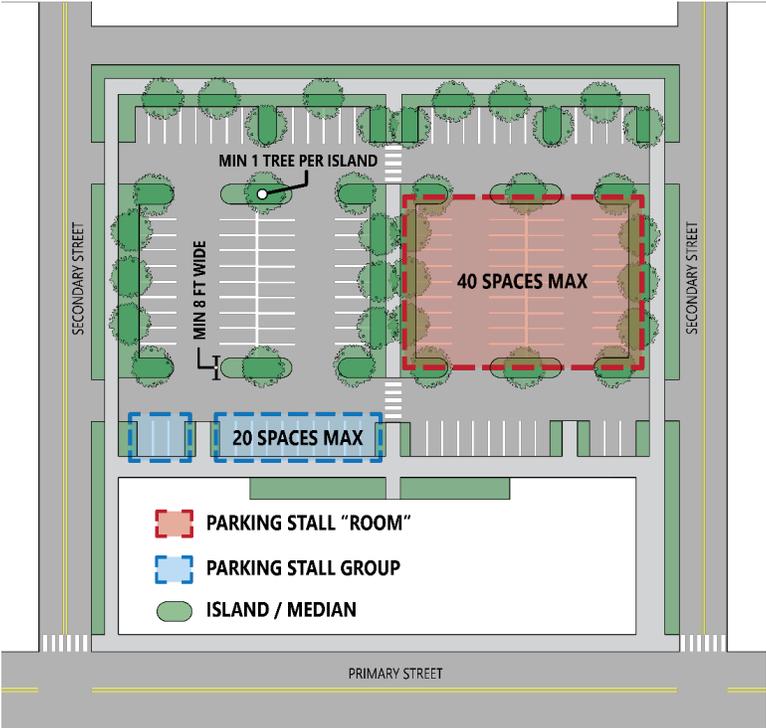


FIGURE 32.5 Parking Lot Green Infrastructure – Curb Inlets and Vegetated Bioswales



- D. Public Gathering Spaces.** Public gathering spaces may be located in front of a building or structure adjacent to the public right of way or between the public right of way and surface parking lots. The public gathering space may be in the form of a pedestrian plaza, courtyard, square, pocket park, or other such configuration integrated into the development and designed as a focal point. Such spaces shall be in conformance with the following requirements:
1. A minimum of 30% of the public gathering space shall be landscaped with a combination of trees, shrubs, perennials, grasses, and groundcovers to provide year-round visual interest and color.
 2. All public gathering spaces shall be designed to safely provide pedestrians with ingress and egress, shall be adequately lit, and shall be ADA compliant. Adequate seating and trash receptacles shall be provided.
 3. Such gathering space shall be conveniently located and accessible from all adjacent buildings.
 4. The applicant shall have an agreement with the Town of Bethlehem for public access to the public gathering space.

§ 128-32.13 DUMPSTER SCREENING

- A. Location.** No dumpster shall be located near or adjacent to a primary roadway or otherwise visible from the road.
- B. Screening.** Dumpsters shall be screened from public view in accordance with the following:
1. Screening shall include a combination of landscaping and decorative fencing of at least 75% opacity, or similar enclosures.
 2. The height of such enclosure shall be between one and two feet taller than the dumpster being screened.
- C. Materials.**
1. Enclosures shall be compatible in material and color with the principal structure on the lot.
 2. Materials for walls and solid fences shall be wood, masonry, metal or concrete.
- D. Use.** Dumpsters shall be secured and kept closed when not in use.

§ 128-32.14 MECHANICAL EQUIPMENT SCREENING

- A. Ground Level Equipment.** Mechanical equipment located at ground level must be effectively screened with vegetation, low berms, fencing, or others measures that are equal to or taller than the equipment being screened.
- B. Rooftop Mounted Equipment.**
1. Rooftop equipment should be so grouped and located to minimize visibility from the ground to the greatest extent practicable.
 2. Where visible from the public right-of-way or abutting residential uses, architectural screening in the form of a parapet wall or other design feature shall be utilized.
 3. Equipment placed on the building roof may be permitted above the maximum height specified, provided that such mechanical equipment is set back a minimum of 15 feet from any exterior walls and does not exceed 10 feet in height above the finished roof line of the building upon which it is installed.

ARTICLE 33

LOTS BORDERING STREAMS, WETLANDS, & STORMWATER MANAGEMENT

§ 128-33.1 PURPOSE

The purpose and intent of this Article is to achieve the following objectives:

- A. Minimize impacts on environmental resources (including but not limited to sensitive lands, such as wetlands, floodplains, and steep slopes);
- B. Mitigate the effects of climate change by protecting and preserving ecosystems and supporting wildlife habitat on both public and private lands;
- C. Use vegetation and green infrastructure to help manage stormwater runoff; and
- D. Regulate uses and structures along the Town’s waterways to avoid increased erosion and sedimentation and improve water quality.

§ 128-33.2 APPLICABILITY

- A. **Uses Subject to Regulation.**
 - 1. All development and uses shall meet the requirements of this Article.
 - 2. Agricultural uses shall be exempt from these provisions.
- B. **Site Plan/Building Permit Review.** The requirements of this Article shall be applied and approved through site plan review as provided for by Article 42 (Site Plan Review) or Article 41 (Building Permit Review).
- C. **Review Body(s).** The terms “review body” or “reviewing body” shall mean the board, committee, commission, or other agent with site plan, subdivision, or planned development review authority as duly designated by Part 4 (Administrative Procedures) of this Chapter.

§ 128-33.3 LOTS BORDERING STREAMS

- A. **Purpose.** The purpose of these regulations is to establish minimum buffer requirements for named streams and creeks, wetlands, and other waterbodies to protect water quality, prevent erosion, reduce flood risk, and ensure compliance with New York State Department of Environmental Conservation (DEC) Protection of Waters regulations. Furthermore, it is the intent of these regulations to achieve the following objectives:
 - 1. Protect the ecological integrity of streams, creeks, and waterbodies.
 - 2. Maintain natural waterbody functions and processes.
 - 3. Prevent contamination of surface waters.
 - 4. Reduce stormwater runoff and erosion.
 - 5. Preserve fish and wildlife habitat.
 - 6. Comply with state regulatory requirements.
- B. **Stream Corridors.**
 - 1. No building permit shall be issued for the construction or installation of any permitted or accessory use in any district within 100 feet of the bank or the 100-year flood zone, whichever is greater, of the following streams:
 - a) Normans Kill Creek.
 - b) Vloman Kill Creek.
 - c) Onesquethaw Creek.

- d) Phillipin Kill Creek.
- e) Dowers Kill Creek, south of Route 32
- f) Binnen Kill Creek
- g) Krum Kill Creek
- h) Coeymans Creek

- C. Design Plan Required.** An application for a building permit for lots bordering or containing streams, creeks, wetlands, or other waterbodies shall be accompanied by a design plan prepared and certified by a professional engineer or registered landscape architect. The intent of the design plan shall be to ensure that there will be no movement, storage or stockpiling of soil, sand, gravel, organic material or any other material that may potentially:
1. Cause silt and eroded material to enter the stream during storm events or as a result of wind movement.
 2. Affect the efficiency or the capacity of the stream.
 3. Increase flood heights.
 4. Cause an increase in water flow velocity.
 5. Obstruct, catch, or collect debris that would obstruct flow under flood conditions.
- D. Wetlands.** The treatment, use, and buffering of wetland areas shall be in compliance with the NYS Environmental Conservation Law and all required permits therein.
- E. Reference Documents.** Development activity shall also comply with all applicable State and Federal regulations, including but not limited to:
1. NYS DEC Protection of Waters Program (6 NYCRR Part 608)
 2. NYS DEC Water Quality Standards and Classifications
 3. NYS DEC Stream Crossings Technical Guidance
 4. NYS DEC Freshwater Wetlands Regulations (6 NYCRR Part 664)
 5. Article 24 of the New York State Environmental Conservation Law.
 6. Section 404 of the Clean Water Act. 33 U.S.C § 1344.

§ 128-33.4 STORMWATER MANAGEMENT

- A. Guiding Documents and Regulations.** The documents listed below serve as the official guides and specifications for stormwater management.
1. New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation).
 2. New York State Standards and Specifications for Erosion and Sediment Control (New York State Department of Environmental Conservation).
 3. Town of Bethlehem Standard Details and Specifications.
 4. Chapter 98 (Stormwater Management) of the Town of Bethlehem.
- B. Discharge Preferences.**
1. Where technically feasible, stormwater discharges must be directed to sewers according to the following hierarchy of preference:
 - a) Green infrastructure system in accordance with Subsection C.
 - b) Storm sewer and/or storm overflow sewer.
 2. Where the stormwater will be released to a storm sewer or storm overflow sewer, the project must meet both the sizing criteria and water quality standards contained in the New York State Stormwater Management Design Manual.

C. Green Infrastructure.

1. Where practicable, stormwater management facilities should utilize Green Infrastructure Best Management Practices (BMPs) according to the following hierarchy of preference:
 - a) Conservation of natural areas.
 - b) On-site infiltration practices including, but not limited to, bioretention cells/rain gardens, vegetated swales, filter strips, constructed wetlands and porous pavement.
 - c) Capture and reuse of runoff through low- impact practices including, but not limited to, green roofs, blue roofs, and rain barrels or cisterns.
2. Where on-site green infrastructure BMPs are not feasible for all or a portion of stormwater runoff volume due to factors including, but not limited to, contamination, high groundwater table, shallow bedrock, or poor infiltration rates, or where it can be proven that such practices would cause property or environmental damage, the remaining portion may be treated by another stormwater management practice acceptable to the reviewing body.
3. In cases where on-site BMPs have been determined not to be feasible, the reviewing body may consider the following alternative stormwater management practices to meet water quantity standards, in order of preference:
 - a) Off-site green infrastructure BMPs within the same sub-sewershed;
 - b) Retention through subsurface infiltration or underground storage vaults;
 - c) Detention through underground storage vaults.
4. Where stormwater management performance standards cannot be met due to unique site constraints or any other conditions beyond the control of the applicant, the reviewing body may provide an exemption to the standards of this section.

ARTICLE 34

SIGNS

§ 128-34.1 PURPOSE & APPLICABILITY

- A. Purpose.** The purpose of this Article is to permit the use of signage within the Town of Bethlehem, while also promoting and protecting the health, welfare, and safety of the public. The intent of this Article is to achieve the following objectives:
1. Ensure right to free speech as protected under the United States Constitution;
 2. Establish a clear and impartial process for those seeking to install signs;
 3. Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
 4. Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
 5. Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
 6. Reduce the adverse effects of signage on the desirable aesthetic of the Town and on the general environment of the community; and
 7. Curb the deterioration of natural beauty in the community's environment.
- B. Applicability.**
1. The regulations of this Article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation, and removal of all signs within the Town visible from any street, sidewalk, public right-of-way, or public space.
 2. The provisions of this Article shall not apply to safety signs, road signs, historical markers, highway directional signs, or signs erected by governmental agencies.
 3. This Article shall in no event be construed or employed in any manner to prohibit the customary decoration of premises in any district during religious, patriotic or holiday seasons.

§ 128-34.2 SIGN PERMIT REQUIRED

- A. Permit Required.** Apart from the signs listed in §128-34.12, no sign shall hereafter be erected, enlarged, altered, rebuilt, extended, relocated, or used within the Town of Bethlehem unless a permit for such sign is first obtained from the Building Inspector.
- B. Exempt Actions.** The following actions shall not require the issuance of a new permit provided such maintenance, changes, or alterations do not in any way alter the type, size, design, illumination, location, or other physical sign feature.
1. Normal maintenance and repair of a sign not involving structure changes, including, but not limited to, repainting, repairing, changing of parts, or cleaning.
 2. Changes to the content or message of a sign.
 3. Changes in the sign user, owner, or owner of the property on which the sign is located.
- C. Exempt Signs.** The following signs shall be exempt from regulation under this Article and shall not require a building permit for a sign:
1. Signs prohibiting trespassing;
 2. Integral, decorative or architectural features of building, except letters or trademarks;
 3. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located.

- D. Signs Requiring Permits.** Sign permits are required for certain sign types, depending upon its location, design, or size. The table below indicates permit requirements by sign type.

SIGN TYPE	PERMIT REQUIRED	SIGN REGULATIONS
<i>A Frame</i>	Yes	§34.15 (A)
<i>Awning or Canopy</i>	Yes	§34.15 (B)
<i>Directional</i>	No	§34.12 (A)
<i>Flag and Banners</i>	No	§34.12 (B)
<i>Gasoline / Charging Station</i>	No	§34.12 (C)
<i>Governmental</i>	Yes	§34.15 (C)
<i>Ground</i>	Yes	§34.15 (D)
<i>Incidental</i>	No	§34.12 (D)
<i>Internal</i>	No	§34.12 (E)
<i>Murals</i>	No	§34.12 (F)
<i>Neon</i>	No	§34.12 (G)
<i>Projecting</i>	Yes	§34.15 (E)
<i>Suspended</i>	Yes	§34.15 (F)
<i>Temporary</i>	No	§34.12 (H)
<i>Wall</i>	Yes	§34.15 (G)
<i>Window</i>	No	§34.12 (I)

- E. Alteration.** Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the Building Inspector.
- F. Expiration.** Refer to §53-7 A.
- G. Revocation.** The Building Inspector, at any time for a violation of this Article, may issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property, building, and/or sign owner. Said violation must be corrected within 30 days of the date of notice, otherwise the sign permit shall be revoked and the sign in question shall be required to be removed.
- H. Variances.** Notwithstanding any other provision of this Article, upon application to the Zoning Board of Appeals, that Board may vary or adopt the strict application of any of the requirements of this Article.
- I. Failure to Obtain a Permit.** Signs requiring a permit but erected without a permit will incur a penalty in the amount of twice the permit cost per the Town of Bethlehem Fee Schedule.

§ 128-34.3 SIGN PERMIT APPLICATIONS

A. Application Submittal.

- Sign applications shall not be processed until all required materials have been submitted to the Building Inspector.
- Incomplete applications will not be processed. The Building Inspector shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of notice, the application will be considered withdrawn.

- B. Application Requirements.** Applications for sign permits shall be submitted on form(s) provided by the Building Inspector and shall include all supplemental materials as noted therein. The Building Inspector may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign.

§ 128-34.4 REVIEW PROCEDURES

- A. **Review Criteria.** The approval of sign permit applications shall be based upon the following criteria:
 1. The sign follows the design guidelines outlined in §128-34.16 to the greatest extent practicable;
 2. The sign is otherwise compliant with this Article and all other applicable local, state, and federal laws and regulations; and
 3. The sign is not confusing or distracting in a manner that will impact the attention of the motorists and will not create a traffic hazard or otherwise adversely impact public safety.
- B. **Standard Review Procedures.** The Building Inspector is hereby authorized to review, approve, approve with modifications, or deny a sign application in accordance with this Article.
- C. **Site Plan or Special Permit Review.** Developments subject to review and approval under this chapter may have proposed signage reviewed and approved as part of the special permit or site plan review process. In the event of such review, all required sign permit application materials shall be provided as part of the special permit or site plan application.

§ 128-34.5 MEASUREMENT

- A. **Sign Area.**
 1. **Single Sign Face.** The area of a sign shall be computed by means of the smallest geometric figure, or the sum of the combination of regular geometric figures that encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed. Letters and graphics affixed directly on a building façade shall be considered to have no backdrop. See Figures 34.1 and 34.2.
 2. **Two-faced Signs.** In the case of a two-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45 degrees or less. No sign shall be permitted to have more than two sides.

Figure 34.1 Single Sign Face Area



Figure 34.2 Individual Letter Sign Area



- B. **Sign Height.**
 1. **Freestanding Sign.** The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign (see Figure 34.3).

2. Other Signs. The height of all other signs shall be determined by measuring the vertical distance between the top part of the sign face to the bottommost edge of the sign face.

Figure 34.3 Freestanding Sign Height



§ 128-34.6 PROHIBITED SIGNS

A. Sign Types. Certain sign types are prohibited in the Town:

1. Roof Signs.
2. Pole Signs.
3. Signs that emit audible sounds, odor, or visible matter.
4. Signs employing vertical louvered blinds, mechanically changing, or movable materials.
5. Digital or electronic signage.
6. Beacons.
7. Off-premise signs and billboards.

B. Sign Characteristics. In addition, signs with the following characteristics are prohibited:

1. Any sign for which no sign permit was issued, for which a sign permit was revoked, or any other sign not explicitly authorized herein.
2. Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or any sign which hides from public view any traffic or street sign, signal, or device.
3. Any sign that flashes, blinks, rotates, or revolves, or utilizes unshielded lighting devices, mirrors, or reflectors to outline or provide the background of a sign.
4. Any sign that is not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.
5. Any sign prohibited within a residential district that is located in an adjacent nonresidential district and is not set back at least 15 feet from the adjacent residential district property line.
6. Any sign that is located off-premise from the use and/or structure to which it serves, unless otherwise permitted by this Article.
7. Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any public street unless otherwise permitted by this Article.
8. Any signs on motor vehicles that:
 - a) Are inoperable;
 - b) Do not display a current vehicle inspection sticker or license plated;
 - c) Are not principally used as a mode of transportation for business purposes; or
 - d) Are conspicuously parked or located on a lot or public right-of-way for 24 hours.

§ 128-34.7 SAFETY PROVISIONS FOR ALL SIGNS

- A. No sign shall be erected in such a manner as to obstruct free egress from a window, door, or fire escape or to become a menace to life, health or property.

- B. No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
- C. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
- D. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.
- E. The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with generally accepted standards and requirements of the NYS Building Code.
- F. The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the Building Inspector.

§ 128-34.8 CONSTRUCTION

- A. All signs shall be constructed of permanent, weather resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this Article.
- B. Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the NYS Building Code. All sign supports shall be reviewed as part of the sign design.
- C. No sign may be constructed of untreated, unfinished, or unpainted wood, sandblasted metal, or other unfinished materials. All wood components of signs must be sealed and protected from the elements.
- D. All illuminated signs shall bear the Underwriters' Laboratories, Inc., seal in conformance with U.L. 48 or be inspected and certified by a Town-authorized electrical inspection company.
- E. All signs, including wall signs and projecting signs, shall be securely anchored.

§ 128-34.9 ILLUMINATION OF SIGNS

- A. In no event shall any illuminated sign or lighting device be placed so as to direct the beams and illumination therefrom upon a public street, highway, sidewalk or adjacent premises that would cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. All lighting fixtures shall be dark sky compliant and directed so as not to cast an illumination on adjacent properties.
- C. All illumination shall be a steady, continuous burning of bulbs or lights. The flashing, blinking, oscillating, rotating or intermittent turning on and off of any illuminating device is prohibited.
- D. Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- E. Permitted lighting fixtures include, but are not limited to, lanterns, goosenecks, and shielded spot lights. Single bar fluorescent tube fixtures are prohibited.
- F. Channel lettering and reverse channel lettering may be utilized in districts where illumination is permitted (see Figure 34.4).
- G. The full number of illuminating elements of a sign shall be kept in working condition or immediately repaired or replaced.

FIGURE 34.4 Sign Illumination



§ 128-34.10 LOCATION

- A. No sign, other than an official traffic sign, shall be erected within the right-of-way of any public street or highway (including Town, county, state, and federal streets or highways).
 1. The Building Inspector, Highway Superintendent or Commissioner of Public Works, or their duly designated representatives may remove any sign erected in a public street or highway right-of-way if they, or their duly designated representatives believe, erection of the sign may cause hazardous or unsafe conditions to motorists, bicyclists, or pedestrians or if the sign violates any provision of this chapter.
- B. No signs shall be placed on any other Town property, except for informational signs placed by the Town and such other signs that may be authorized by the Town relating to meetings or events occurring on Town property.
- C. No sign shall obscure, alter, or cover the architectural features of any building.
- D. All signs shall be located on the site of the use being promoted, identified, or advertised.
- E. All freestanding signs, unless otherwise noted within this Article, shall be no closer than three feet from the inner edge of the public sidewalk or 10 feet from the inner edge of the public roadway, whichever is greater.

§ 128-34.11 MAINTENANCE & REPAIR

All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Article at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the Building Inspector may require its removal.

§ 128-34.12 SIGNS AUTHORIZED WITHOUT A PERMIT

The following types of signs may be erected in the Town without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this chapter or may be subject to removal by the Building Inspector in accordance with Section 34.10.

- A. Directional Signs.** Non-illuminated direction signs do not require a permit provided the following conditions are met:
1. Such signs are located entirely on the property to which they pertain.
 2. No sign exceeds six feet in height and four square feet in area per face.
 3. Such sign does not extend above the first floor of any given structure or project beyond property lines.



- B. Flags and Banners.** Decorative banners, flags, posters, and streamers on residential premises, and those on nonresidential premises not containing any words, labels, figures or descriptions, and flags or insignias of any government shall not require a permit, provided the following standards are met:
1. In residential districts there shall be no more than two flags or banners per lot and no flag or banner shall exceed 15 square feet in area.
 2. In nonresidential districts there shall be no more than one flag or banner per lot and no flag or banner shall exceed 60 square feet in area.
 3. Flags and banners shall be removed when tattered, torn, or faded.

- C. Gasoline or Vehicle Charging Station Signs.**
1. Signs attached to a gasoline pump or vehicle charging station shall not require a permit provided the total area of fuel pump signs does not exceed 16 square feet. Operational and payment instructions on the face of the pump shall be exempt from this limitation.
 2. Such signs may utilize digital technology, provided the screen displays only static messages with no animation, no effects simulating animation, and no video.

- D. Incidental Signs.** A sign containing no commercial message and typically erected to identify addresses, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency addresses and telephone numbers, etc., shall not require a sign permit provided the following conditions are met:
1. Such signs are located entirely on the property to which they pertain.
 2. No sign exceeds an area of ten (10) square feet and is no more than three feet in height.
 3. The cumulative area of such signs do not exceed 12 square feet in a residential district or 16 square feet in a nonresidential district.
 4. Such signs are not illuminated.
 5. No sign extends above the first floor of any given structure nor projects beyond property lines.



- E. Internal Signs.** Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.
- F. Murals.** Murals shall be permitted in a Hamlet the TH, CH, RH, CMU, and RMU or Multi-Use districts on nonresidential buildings, provided they are not located on the front façade.
- G. Neon Signs.** Neon signs shall not require a sign permit provided they conform to the following:
1. Such sign is located within a nonresidential district and erected on the interior of the building's window area.
 2. There is no more than one sign per window, covering no more than 25% of the window area.
- H. Temporary Signs.** The following temporary signs shall not require a sign permit:

1. Temporary nonilluminated "For Sale," "For Rent," and "For Lease" real estate signs and signs of a similar nature concerning the vacant or improved real property upon which the sign is located, provided such signs do not exceed six square feet per side in a residential district and 32 square feet per side in a nonresidential district.
 2. Temporary "Opening Soon," "Coming Soon," and "Grand Opening" signs, and signs of a similar nature concerning the vacant or improved real property upon which the sign is located, provided such signs do not exceed 32 square feet per side, are limited to one such sign per property and are displayed only during the period of project construction and/or for a period not to exceed 90 days from the issuance of a certificate of occupancy for the establishment(s) advertised by said sign. In no instance shall said signs be displayed for a period exceeding one year from the date an application is submitted for the initial building permit for the project.
 3. Temporary, nonilluminated window signs and posters not exceeding 10% of the total window surface of a building.
 4. Temporary informational and directional signs for meetings, conventions and other assemblies displayed only for the duration of the event.
 5. Temporary signs (e.g., political signs, signs advertising civic, religious, educational, or nonprofit events, etc.) not exceeding six square feet that are permitted by the owner on noncommercial (e.g., residential, institutional, religious, educational, and other nonprofit) premises, as long as they are placed no less than five feet from the edge of the pavement of any public street or highway (including Town, county, state, and federal streets or highways). This exemption does not include signs advertising for-profit businesses.
 6. Temporary banners (e.g., grand opening banners), provided that they are affixed to a building, do not exceed 60 square feet in area, are limited to one banner per establishment and are displayed only during that period commencing on the date of issuance of a certificate of occupancy for the establishment and terminating 30 days thereafter.
 7. For agricultural land uses that are located in both the Town of Bethlehem and a certified agricultural district, a total of no more than four temporary signs may be located off the premises, provided said signs are of the sandwich board, chalkboard, reader board or similar type, are not permanently affixed to a stationary object, measure no more than eight square feet per side, do not obstruct sight distance for motorists or otherwise diminish traffic safety, are located on private property and outside of the highway right-of-way, are located on premises that are nonresidential in use, are nonilluminated, and advertise an agricultural business open to, or an agricultural service or product offered for sale to, the general public. "Temporary" shall mean a sign that is displayed only during the season of operation that the land use is open to the general public. For agricultural land uses not located in a certified agricultural district, not more than one sandwich board, chalkboard, reader board or similar type sign measuring not more than eight square feet per side may be placed in an off-site location.
- I. Window Signs.** No window sign shall occupy more than 10% of an individual window area, as delineated by the window frame, and shall not be illuminated.

§ 128-34.13 REGULATIONS BY ZONING DISTRICT

- A.** The following table indicates the number and types of signs permitted in the Town of Bethlehem by zoning district.
1. A "●" indicates that the sign type is permitted and may be illuminated.
 2. A "○" indicates that the sign type is permitted but may not be illuminated.
 3. A "-" indicates the sign type is prohibited.

ZONING DISTRICT	RLL, CR, LDR, MDR	TH, CH, RH	CMU, RMU	RLI, HI	RR	Other
Max # of Sign Types (per use) ¹	1	2	2	2	1	2
A-Frame	-	○	○	○	○	-
Awning or Canopy	-	● ²	●	●	-	● ²
Ground	○	● ²	●	●	○	● ²
Projecting	-	● ²	●	●	-	-
Suspended	-	● ²	●	●	-	● ²

ZONING DISTRICT	RLI, CR, LDR, MDR	TH, CH, RH	CMU, RMU	RLI, HI	RR	Other
Wall	○	● ²	●	●	○	● ²

- NOTE:** (1) This limitation applies to the type of sign only (e.g. 2 indicates you may have a mix of two different sign types). The maximum number of signs by sign type is provided in §128-34.15.
 (2) Signs shall be limited to external illumination methods or internal illumination in the form of backlighting (see Figure 34.4).

§ 128-34.14 ADDITIONAL SIGNAGE FOR DEVELOPMENTS

- A.** Due to the unique identification needs of residential, mixed use, and shopping center developments, additional signage may be permitted in accordance with the table below. All signs must be in conformance with §128-34.16, where applicable.

CONFIGURATION	PERMITTED SIGN TYPE & STANDARDS	
Multi-Family Residential Development		
Per Development	One ground sign, in conformance with §128-34.16	
Single Story, Mixed-Use or Shopping Center Development		
Per Use or Tenant	Up to 2 sign types in conformance with §128-34.16	
Per Entrance ¹	Less than or equal to 20,000 GFA	40 square feet
	Greater than 20,000 but less than or equal to 40,000 GFA	50 square feet
	Greater than 40,000 but less than 60,000 GFA	60 square feet
	Greater than 60,000 GFA	100 square feet
Multi-Story, Mixed-Use or Commercial Building		
Per First-Floor Use	Up to 2 different sign types in conformance with §128-34.16	
All Upper Floor Uses	One shared wall, projecting, or suspended sign in conformance with §128-34.16	

- NOTE:** (1) The additional signage shall only apply to entrance points from public streets.
 (2) GFA – gross floor area.

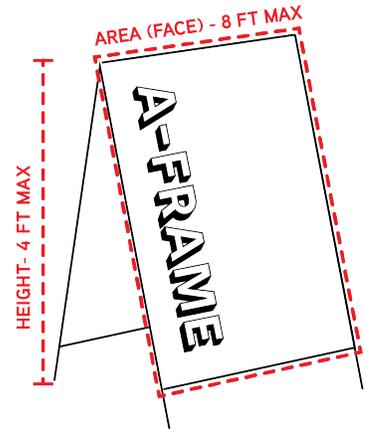
B. Coordinated Sign Plans.

- Coordinated sign plans shall be required for newly proposed multi-tenant developments.
- The purpose of this plan is to detail the standards for uniformity which the development proposes to live up to, and to state the manner in which the design criteria and standards for uniform sign set forth in this section shall be met.
- Building permits for signs for individual businesses within the development (and therefore subject to the coordinated sign plan) shall be approved by the Building Inspector, following coordinated sign plan approval.
- All signs shall conform to the approved coordinated sign plan on file with the Town. It shall be the responsibility of the owner of the development to ascertain that the most updated version is on file for purposes of this article.

§ 128-34.15 REGULATIONS BY SIGN TYPE

A. A-Frame Signs. A-frame signs, where permitted, shall meet the following requirements:

1. The sign does not interfere with vehicular, pedestrian, assisted mobility device, or bicycle access or visibility.
2. There is no more than one a-frame sign per use and the sign does not exceed four feet in height and eight square feet in area.
3. The sign is not illuminated.
4. The sign is brought in each day at the close of business.
5. The Building Inspector may permit the placement of a-frame signs in the public right-of-way provided the proposed location does not violate Subsection 1 above.
6. For agricultural uses temporary a-frame signs may be located off the premises that comply with the following requirements:
 - a) No more than four such signs shall be allowed within a certified agricultural district; no more than one such sign shall be permitted for agricultural uses not located in a certified agricultural district.
 - b) The signs are located on premises that are nonresidential in use.
 - c) The signs advertise an agricultural business open to, or an agricultural service or product offered for sale to, the general public.
 - d) "Temporary" shall mean a sign that is displayed only during the season of operation that the land use is open to the general public.



B. Awning Sign. A sign that is part of or attached to an awning.

1. All awning or canopy signs shall be in conformance with the standards of the following table:

Max Number	1 per awning / canopy structure
Max Area	50% of valence area
Max Height	-
Min Ground Clearance	9 ft



2. Additional Regulations.
 - a) Awning signs shall be limited to the valence area.
 - b) A single use may utilize no more than two awnings for signage. Where a single use has more than one awning, each awning shall match in color and style.
 - c) Where an awning relates to more than one use, each use shall be entitled to one sign on such awning provided the color and style of the signs are the same.
 - d) Awnings upon which a sign is to be placed shall be comprised of high-quality, weather-resistant materials designed for exterior use.

C. Governmental Sign. Signs erected and maintained pursuant to and in discharge of any governmental function, including state or federal historic markers, or required by any law, ordinance, or governmental regulation.

1. Such signs may utilize digital technology, provided the sign is in conformance with the area, height, location, and setback requirements of the district in which it is located, and the screen displays only static messages with no animation, no effects simulating animation, and no video.

D. Ground Sign. A sign not attached to any building or structure, which may be flush with the ground or supported by two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than six feet.

1. All ground signs shall be in conformance with the standards of the following table.



ZONING DISTRICT	RLI, CR, LDR, MDR ⁵	TH, CH, RH	CMU, RMU	RLI, HI	Other
Max Number	1 per lot	1 per building	1 per building	1 per building	1 per building
Max Area	10 sf ²	20 sf ^{1,2}	40 sf ^{1,3}	40 sf ^{1,3}	32 sf
Max Height	6 ft	10 ft ¹	15 ft	20 ft	8 ft
Min Separation between Signs on Same Premise	-	-	50 ft	50 ft	-
Min Setback	10 / 35 ft ⁴	10 / 35 ft ⁴	10 / 35 ft ⁴	10 / 35 ft ⁴	10 / 35 ft ⁴

- NOTE:**
- (1) Ground signs for home occupations shall not exceed four (4) sf in area, and six (6) ft in height.
 - (2) Ground signs for multifamily developments shall not exceed 20 sf in area, and 15 ft in height.
 - (3) Ground signs for multifamily developments shall not exceed 32 sf in area, and 10 ft in height.
 - (4) 10 feet from any highway right-of-way or 35 feet from any highway center line, whichever is greater.
 - (5) Notwithstanding the sign area provisions of this subsection, agricultural uses located in an agricultural district shall be permitted one ground sign not exceeding 32 square feet in area per side.

2. Additional Regulations.

- a) All ground signs must be sufficiently secured to prevent movement from wind.
- b) All ground signs shall have a landscaped area at the base of the sign. The landscaping shall fully surround the sign and utilize appropriate plantings so as not to obscure the visibility of the sign.
- c) All plantings shall be properly manicured and maintained as the season may require. Dead or decaying plant material shall be replaced within 30 days of written notice by the Building Inspector.
- d) External lighting fixtures may be mounted on the ground or on the sign. Lighting fixtures mounted on the ground shall be shielded and directed to illuminate only the sign face.

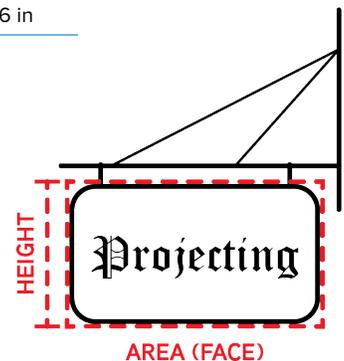
E. Projecting Sign. A sign which is wholly dependent upon a building for support and which projects more than nine (9) inches from such building.

1. All projecting signs shall be in conformance with the standards or the following table.

ZONING DISTRICT	TH, CH, RH	CMU, RMU	RLI, HI
Max Number	1 per use	1 per use	1 per use
Max Area	1 sf per ft of building frontage	1 sf per ft of building frontage	1 sf per ft of building frontage
Max Height	2 ft	2 ft	3 ft
Min Ground Clearance	7 ft 6 in	7 ft 6 in	7 ft 6 in

2. Additional Regulations:

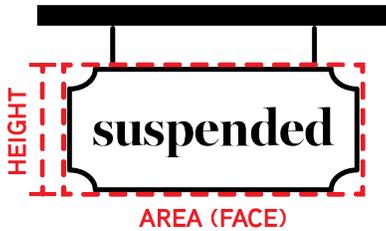
- a) Projecting signs shall have no more than two faces.
- b) The exterior edge of a projecting sign shall extend not more than five feet from the building face or 1/3 the width of the sidewalk over which it is suspended, whichever is less.
- c) No part of a projecting sign shall extend into a vehicular traffic area.
- d) No sign shall project from an awning.



- e) On multistory buildings, projecting signs shall be attached to the building above first-story windows and below second-story windowsills.
- f) On one-story buildings, projecting signs shall be attached above first-story windows and below the roofline.
- g) The size and location of a projecting sign shall complement neighboring signs.

F. Suspended Sign. A sign attached to and supported by the underside of a horizontal plane.

- 1. All suspended signs shall be in conformance with the standards of the following table.



ZONING DISTRICT	TH, CH, RH	CMU, RMU	RLI, HI	Other
Max Number	1 per use	1 per use	1 per use	1 per use
Max Area	1 sf per ft of building frontage			
Max Height	2 ft	2 ft	3 ft	2 ft
Min Ground Clearance	10 ft	10 ft	10 ft	10 ft

G. Wall Sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than nine (9) inches from such building or structure.

- 1. All wall signs shall be in conformance with the standards of the following table.

ZONING DISTRICT	RLL, CR, LDR, MDR ³	TH, CH, RH	CMU, RMU	RLI, HI	Other
Max Number	1 per use	4 per façade	4 per façade	4 per façade	1 per use
Max Area	10 sf ²	1 sf per ft of facade ^{1,2,3}	1 sf per ft of facade ^{1,2,3}	1 sf per ft of facade ^{1,2,3}	40 sf ^{1,2}
Max Height	2 ft	4 ft	4 ft	6 ft	4 ft
Min Ground Clearance	5 ft	5 ft	5 ft	5 ft	5 ft

- NOTES:** (1) The maximum length of a wall sign shall be 2/3 of the width of the face of the building on which the sign is located.
 (2) Wall signs for home occupations have a max area of 4 square feet, and multifamily developments have a max area of 20 square feet.
 (3) The cumulative area of all signs on the façade shall not exceed the maximum area.
 (4) Notwithstanding the sign area provisions of this subsection, agricultural uses located in an agricultural district shall be permitted one wall sign having a maximum total area of one square foot per linear foot of building façade.

- 2. Additional Regulations.
 - a) Wall signs shall not extend beyond the ends of the wall surface.
 - b) Wall signs shall not project more than 4” into a sidewalk or pedestrian space.
 - c) Painted wall signs may be permitted with Planning Board approval.

§ 128-34.16 SIGN DESIGN GUIDELINES

The following sign design guidelines are intended to provide applicants, the Building Inspector, and the Planning Board with guidance for best practices in addressing issues related to sign compatibility, legibility, placement, and color.

A. Compatibility.

- 1. Signs should be constructed of high quality materials that are compatible with the building form and the desired character of the area in which they are located.
- 2. Signs should be appropriately scaled for the building or site upon which they are located, so as not to dominate the façade or streetscape.

3. Signs on buildings that have a monolithic or plain façade should be used to create visual interest through appropriate sign design features, scale, and proportions.
4. Signs should be designed to include relief in the lettering or sign face to create shadows and provide depth and visual interest.

B. Legibility.

1. Hard to read, intricate typefaces should be avoided.
2. Letters and words should not be spaced too closely together.
3. Large areas of blank spaces should be avoided. Generally, 50% or more blank area should be avoided for boxed sign areas or framed signs.
4. Strangely shaped or unnecessarily narrow signs should be avoided. If an unusual shape is not symbolic it is more likely to be confusing.
5. Signs intended to convey messages to passing motorists should have text large enough to allow a motorist to see, process, and react to the message. The size of text should be based on the distance from the travel lane and the posted speed of the roadway.
6. Signs intended to convey messages to passing motorists should be as simple and concise as possible to allow motorists to see, process, and react to the message in a safe manner. In general, a sign should contain ten items of information (word, symbol, and shapes) or less. Fifteen items should be the maximum. Text that is less than 3" in height is not considered in the calculation of items of information.

C. Placement.

1. Signs should be so located to respect and compliment a building's façade, utilizing logical signage areas created by existing architectural details or ornamentation.
2. Signs should be placed at or near the public entrance to a building to indicate the most direct access.
3. Signs located on a building façade should be located in the sign board area.

D. Color.

1. Signs should feature substantial contrast between the color and material of the background and text or symbols.
2. Sign colors should complement the materials and colors of adjacent buildings, including accent and trim colors, where applicable.
3. Use of color and color combinations utilized for signs should be limited. Generally, a sign should not utilize more than three colors, including accent colors.
4. Day-glo or fluorescent colors are prohibited.

ARTICLE 35

EXTERIOR LIGHTING

§ 128-35.1 PURPOSE & INTENT

The purpose of this Article is to provide regulations for exterior lighting to achieve the following objectives:

- A. Allow for the provision of exterior lighting as needed for visibility, security and as an accent to architectural and/or landscape features.
- B. Permit the use of exterior lighting that does not exceed the minimum levels specified in the International Dark Sky Association and the Illuminating Engineering Society of North America recommended practices for nighttime safety, utility, security, productivity, enjoyment, and commerce.
- C. Minimize adverse offsite impacts of lighting such as light trespass, and obtrusive light.
- D. Curtail light pollution, reduce skyglow and improve the nighttime environment.
- E. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources.
- F. Conserve energy and resources to the greatest extent possible.

§ 128-35.2 APPLICABILITY

- A. **Uses Subject to Regulation.** These regulations shall apply to all exterior lighting on any property.
- B. **Site Plan Review.** The requirements of this Article shall be applied and approved through site plan review as provided for by Article 42 (Site Plan Review).
- C. **Review Body(s).** The terms “review body” or “reviewing body” shall mean the board, committee, commission, or other agent with site plan review authority as duly designated by Article 42.
- D. **Building Inspector Review.**
 1. To ensure that site lighting does not adversely affect neighboring properties, the Building Inspector shall have the authority to require changes to the on-site lighting fixtures to reduce and minimize glare and the spilling of light at the property lines and to assure continuous compliance with this section.
 2. Such changes may include, but are not limited to, lower lumens emitting from bulbs, lower temperature bulbs, the addition of shields to deflect light, and changes to the angle of the fixtures or shields.
 3. Failure to implement the changes as directed by the Building Inspector shall be a violation of this Chapter.

§ 128-35.3 LIGHTING PLAN

- A. **Lighting Plan Specifications.** Where required by the reviewing body, lighting plans shall be submitted to as part of the site plan review process. At a minimum, lighting plans shall include:
 1. The number, location, mounting height, aiming point, and type of proposed lighting fixtures.
 2. Shielding method proposed to cut-off direct light to adjacent properties.
 3. Manufacturer specification sheets, cut sheets or other manufacturer provided information indicating the specifications for all proposed lighting fixtures, including lamp style, bulb types (Incandescent, Fluorescent, Low-Pressure Sodium, LED, etc.), lumens, and wattage for each proposed light source.
 4. Computer-generated photometric grid showing footcandle readings every 10 feet within the property or site and 10 feet beyond the property lines. Iso-footcandle contour-line style plans are also acceptable (Refer to 35.5 A).
 5. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance levels of the elevations, and the aiming point for any remote light fixture.

- B. Additional Information.** Following the initial lighting plan review the reviewing body may request additional information or lighting plan materials if it is determined by the reviewing body that such information is necessary for an adequate and informed review.

§ 128-35.4 LIGHTING DESIGN

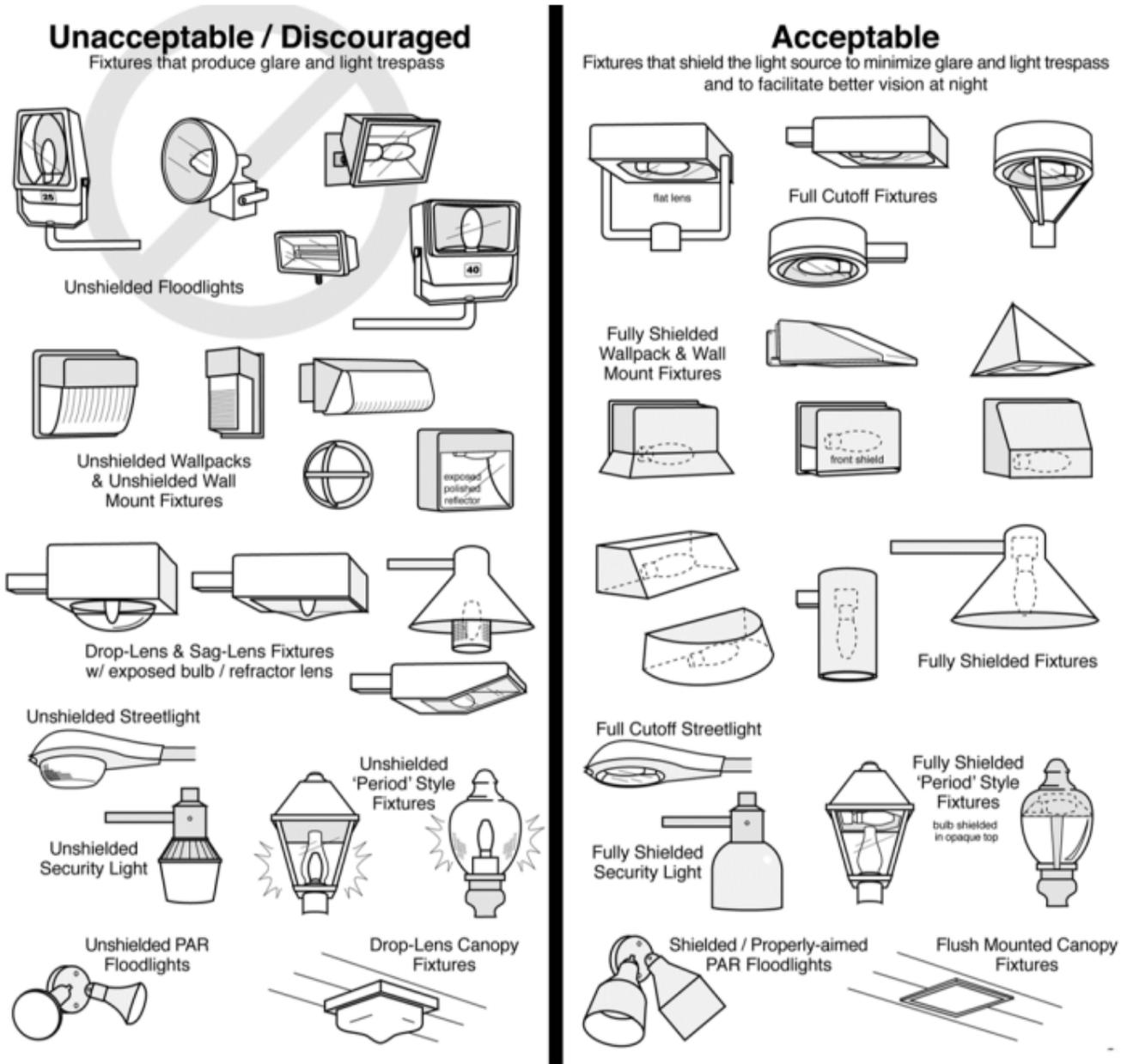
A. General Requirements.

1. No exterior lighting fixtures shall shine directly upon any neighboring residential property or be so established that it shall shine directly upon any residential property or shall shine directly on or into any room or rooms, porches or patios of any residential property, nor shall any exterior lighting fixtures be maintained or operated from any structure or land in such a manner as to be a nuisance or an annoyance to neighboring residential properties or as to interfere with the physical comfort of the occupants of residential properties.
2. Exterior lighting shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures should be of a design and size compatible with the building and adjacent areas, as determined appropriate by the reviewing body.
3. Vegetation and landscaping shall be maintained in a manner that does not obstruct outdoor lighting.
4. Exterior lighting installations should be designed to avoid harsh contrasts in lighting levels.
5. All wiring for lighting shall be installed underground, where applicable.
6. Fixtures and lighting systems shall be in good working order and shall be maintained in a manner that serves the original design intent of the system.

B. Shielding.

1. Fixtures shall be fully shielded, pointing downward, to minimize skyglow, glare, and light trespass in accordance with the International Dark Sky Association guidelines (See Figure 35.1).
2. Luminaries shall be so hooded or shielded that the maximum angle of the cone of direct illumination shall be 60 degrees drawn perpendicular to the ground. Such angle may be increased to 90 degrees if the luminary is less than three feet above ground (See Figure 35.2).
3. Vegetation screens should not be employed to serve as the primary means for shielding and should be achieved primarily by full cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement.

FIGURE 35.1 Acceptable Lighting Types & Shielding

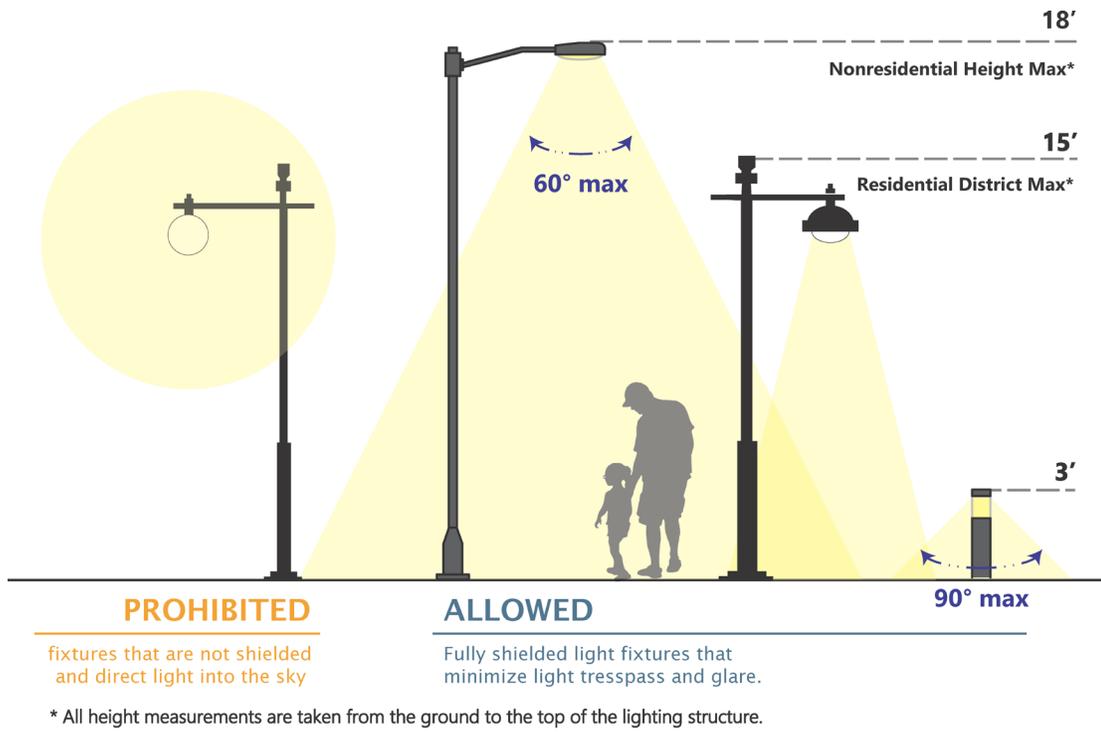


ILLUSTRATIONS BY BOB CRELIN©. RENDERED FOR THE TOWN OF SOUTHAMPTON, NY. COURTESY OF INTERNATIONAL DARK-SKY ASSOCIATION.

- C. Residential District Requirements.** Exterior lighting in residential districts shall also be subject to the following:
1. Freestanding light fixtures shall be appropriate to the design of the structures and shall not exceed 15 feet in height above grade (see Figure 35.2).
 2. Wall-mounted light fixtures shall not be mounted higher than 12 feet above the ground level immediately below the location of the light source.
 3. The use of floodlights on nonresidential use properties in residential districts shall be prohibited.

- D. Nonresidential District Requirements.** Exterior lighting in nonresidential districts shall also be subject to the following:
1. Freestanding light fixtures shall be appropriate to the design of the structures and shall not have a mounting height greater than 18 feet in height above grade (see Figure 35.2).
 2. Wall-mounted light fixtures shall not be mounted higher than 15 feet above the ground level immediately below the location of the light fixture.
 3. For exterior lighting installations and fixtures within 50 feet of a residential district, freestanding lighting fixtures shall be no higher than 15 feet above grade.

FIGURE 35.2 Light Fixture Height & Cone of Illumination



- E. Requirements by Use and Style of Lighting.**
1. Spotlights or other types of artificial lighting used to illuminate entrances, building facades, or signs shall be top mounted fixtures which project downward only onto the surface itself.
 2. Awnings and canopies used for building accents over doors, windows, walkways, and the like shall not be internally illuminated (i.e., not lit from underneath or behind).
 3. Under-canopy lighting for such uses as gasoline service stations shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy or shielded by the fixture or the edge of the canopy so that light is restrained to 85 degrees or less from vertical.
 4. Pedestrian-scale lighting (between 10 feet and 12 feet in height) shall be provided along major pedestrian pathways.
 5. The illumination of signs shall also conform to the requirements of Article 34 of this chapter.
 6. Pole-mounted light fixtures may exceed the height limitations of this Article where NYSDOT, Albany County Department of Public Works, or other such transportation authority regulations require.
 7. Luminaires used for playing fields and outdoor recreational uses shall be exempt from height restrictions, provided that all other provisions of this section are met and such lighting is only illuminated while the field is in use.

8. All outdoor light fixtures on a single-use site, shopping center, integrated center, business park or industrial park, including those on freestanding light poles and those attached to buildings, security lights, and architectural lights, shall be of consistent or compatible style, pole height, mounting height, color, intensity, design and materials with other outdoor light fixtures within the lot, out lot, single-use site, integrated center, business park or industrial park.

§ 128-35.5 INTENSITY OF ILLUMINATION

- A. For all non-residential uses all lighting fixtures shall be shielded and directed so as not to cast an illumination of more than 0.2 foot-candles beyond the property line. For residential uses all lighting fixtures shall be shielded and directed so as not to cast an illumination of more than 0.1 foot-candles beyond the property line.
- B. Bulb types should be selected to reduce blue light emissions, which may be hazardous to human health and wildlife. The use of white or amber colored lighting is preferred. The use of LED bulbs or similar energy efficient light source is preferred.
- C. Where practical, exterior lighting installations should include timers, dimmers, motion sensors, or photocell controllers that turn the lights off during daylight hours or hours when lighting is not needed, to reduce overall energy consumption, eliminate unneeded or excessive lighting, and reduce light pollution.
- D. Fixtures shall be no brighter than necessary to illuminate the site and/or area intended. To the extent practicable, lighting fixtures shall be designed and programmed to adjust to ambient lighting conditions (e.g. decreasing the intensity of illumination at nighttime).
- E. A banking institution shall be permitted to have light level in excess of the requirements of this Article only to the extent necessary to comply with the requirements of Article II-AA of the New York State Banking Law, commonly referred to as the "ATM Safety Act."

§ 128-35.6 PROHIBITED LIGHTING

The following types of lighting shall be prohibited, unless otherwise specified:

- A. High pressure sodium, metal halide, and mercury vapor lights sources, as well as light sources rated over 3000 degrees Kelvin.
- B. Blinking, flashing, strobe, or search lights.
- C. Exposed strip lighting used to illuminate building facades or signs.
- D. Any light that may be confused with or construed as a traffic control device.

ARTICLE 36

PARKLAND RESERVATION & FEE

§128-36.1 APPLICABILITY

- A. In reviewing residential site plans and residential subdivisions, or proposals for planned development districts, the Planning Board, in the case of site plans and subdivisions, or the Town Board in the case of planned development districts, shall ensure that the park and recreation demands generated by new residential development are addressed in accordance with the provisions of this article.
- B. To the extent that this section is inconsistent with Town Law §274-a, Subdivision 6, or §277, Subdivision 4, or any other provision of Article 16 of the Town Law, the provisions of this Chapter are expressly intended to and do hereby supersede any such inconsistent provisions.

§128-36.2 LAND RESERVATION REQUIREMENT

- A. **Residential Developments Requiring Site Plan or Subdivision Approval.** Where the Planning Board determines that suitable land for a public park, playground or other recreational purpose exists within the parcel boundaries of a proposed residential development, the Planning Board may require as a condition of site plan or subdivision approval that a portion of the development parcel be reserved for such purpose.
- B. **Residential Developments Requiring Planned Development Approval.** Where the Town Board determines that suitable land for a public park, playground or other recreational purpose exists within the parcel boundaries of a proposed planned residential development, the Town Board may require as a condition of building project approval that a portion of the development parcel be reserved for such purpose.
- C. **Criteria.** In determining whether or not to require the reservation of land for public park, playground or other recreational purpose, the Planning Board, in the case of residential site plans and subdivisions, and the Town Board, in the case of planned development districts, shall be guided by the criteria and procedures outlined in this Article.
- D. **Amount of Land Reservation.** The minimum amount of land area to be reserved for public park, playground or other recreational purpose shall be determined by the number and type of new residential units located within the proposed residential development, according to the following schedule:

UNIT TYPE	MINIMUM RESERVED LAND
Single-Family, Detached	1,800 sf / du ⁴
Single-Family, Attached ¹	1,500 sf / du ⁴
Two- To Four-Family Dwelling Unit ²	1,600 sf / du ⁴
Multi-Family Dwelling Unit ³	1,300 sf / du ⁴

- NOTES:**
- (1) Refers to single-family attached units such as townhouses where each dwelling unit sits on its own individual lot.
 - (2) Refers to units located in structures with two to four dwelling units, including condominium units, but excluding single-family attached units such as townhouses.
 - (3) Refers to units located in structures with five or more dwelling units, including condominium units, but excluding single-family attached units such as townhouses.
 - (4) The notation “sf / du” shall mean square feet per dwelling unit.

§128-36.3 CRITERIA FOR LAND RESERVATION

In determining whether or not to require the reservation of land for public park, playground or recreational purposes, the Planning Board, in its review of residential site plans or subdivisions, or the Town Board, in its review of planned development districts, shall consider the following factors:

- A. Whether suitable land exists within the parcel boundaries of the proposed development, in terms of its size, shape, and dimensions, to reasonably accommodate a public park, playground or other recreation use.
- B. Whether the characteristics of the land in terms of topography, soils, vegetative cover, hydrology and/or other natural features readily lend themselves to development of the site for active recreation use.
- C. Whether there are state or federal regulatory restrictions that would limit the usefulness of the site for active recreation development.
- D. Whether the site, in terms of its physical characteristics, would provide an attractive and safe area for recreational use.
- E. Whether the site is located such that reasonable and safe pedestrian, bicycle and vehicular access can be provided between the site and surrounding residential areas.
- F. Whether the character of the proposed residential development and that of the surrounding area are compatible with a public park and/or recreational use.
- G. Whether the anticipated population of the proposed residential development, together with the population density of surrounding neighborhoods, is sufficient to justify development and long-term maintenance of a public park, playground or other recreation facility at the location.
- H. Whether the site is located near or duplicates recreation facilities already provided in the area, particularly those providing the same type of recreation opportunities, including facilities located on public school grounds.
- I. Whether development and long-term maintenance of the site would place an undue burden on the Town Parks and Recreation Department, given other commitments and priorities of that Department.
- J. Whether the site contains any unique and significant physical, aesthetic or ecological features that would make it particularly suited for environmental education, trail development, a nature preserve, or other passive recreation use.
- K. Whether reservation of the land is consistent with recommendations contained in the Comprehensive Plan for the Town of Bethlehem and/or the Master Plan for Parks and Recreation in the Town of Bethlehem, if any, in effect at the time the development application is made.
- L. Whether reservation of the land is consistent with the general goals and objectives of the Town Parks and Recreation Department and the Town Board with respect to parks and recreation facility development.

§128-36.4 PROCEDURES

A. Referral Required.

1. Site plan and subdivision applications. Prior to making any final determination that land within a proposed residential development will be reserved for public park, playground or other recreational purpose, the Planning Board, in the case of site plans or subdivisions, shall first refer the proposal to both the Town Board and the Administrator of Parks and Recreation for their input on the matter. If no response is rendered within 30 days of the date of referral, the Planning Board may make a final determination. A referral is not necessary where the Planning Board makes a determination that it will not require the reservation of land within the residential development.
2. Planned residential development applications. Prior to making any final determination that land within a proposed residential development will be reserved for public park, playground or other recreational purpose, the Town Board, in the case of planned development districts, shall first refer the proposal to the Administrator of Parks and Recreation for their input on the matter. If no response is rendered within 30 days of the date of referral, the Town Board may make a final determination. A referral is not necessary where the Town Board makes a determination that it will not require the reservation of land within the residential development.

- B. Findings Required.** Prior to making any final determination that land will be reserved for public park, playground or other recreational purpose, the Planning Board, in the case of residential site plans and subdivisions, or the Town Board, in the case of planned development districts, shall make a finding, in accordance with §274-a, Subdivision 6, or §277, Subdivision 4, of the New York State Town Law that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other

recreational purposes within the Town. The finding shall include an analysis of the criteria of §128-36.3 above.

- C. Timing of Land Reservation.** The reservation of public park, playground or recreation land shall occur prior to the issuance of the first building permit for any dwelling unit located within the approved residential development.
- D. Satisfaction of Land Reservation Requirement.** The land reservation requirement of this section shall be satisfied by:
 1. The presentation to the Town of a metes and bounds description of the site that is proposed to be reserved for public park, playground or recreation purposes;
 2. The placing of a notation upon the approved plan indicating that the land is so reserved and cannot be further subdivided or built upon except for such purposes; and
 3. The placing of deed restrictions upon the site. Said deed restrictions shall be in a manner and form acceptable to the Town Attorney and shall indicate that the land is reserved for public park, playground or recreational purposes and cannot be further subdivided or built upon except for such purposes. Said deed restrictions shall be filed in the office of the County Clerk, and upon their filing the land so reserved shall become part of the Official Map of the Town of Bethlehem.

§128-36.5 FEE IN LIEU OF PUBLIC PARK, PLAYGROUND, OR RECREATIONAL LAND

- A. Fee In Lieu of Land Reservation.** Where the Planning Board, in the case of residential site plans and subdivisions, or the Town Board, in the case of planned development districts, does not require the reservation of land for a public park, playground or other recreational purpose, the approving Board or agency shall instead require that a fee in lieu of said land be paid to the Town as a condition of project approval.
- B. Amount of Fee.** The fee to be paid the Town above shall be determined by the number and type of new residential units located within the proposed residential development, according to the following schedule:

UNIT TYPE	FEE AMOUNT (PER DWELLING UNIT)
Single-Family, Detached	\$2,200
Single-Family, Attached ¹	\$1,600
Two- To Four-Family Dwelling Unit ²	\$1,650
Multi-Family Dwelling Unit ³	\$1,350

NOTES: (1) Refers to single-family attached units such as townhouses where each dwelling unit sits on its own individual lot.
 (2) Refers to units located in structures with two to four dwelling units, including condominium units, but excluding single-family attached units such as townhouses.
 (3) Refers to units located in structures with five or more dwelling units, including condominium units, but excluding single-family attached units such as townhouses.

- C. Findings Required.** Prior to requiring the payment of a fee in lieu of the reservation of land, the Planning Board, in the case of site plans or subdivisions, or the Town Board, in the case of planned development districts, shall make a finding, in accordance with §274-a, Subdivision 6, or §277, Subdivision 4, of the New York State Town Law, and §128-36.4 B, above that the proposed residential development presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan or within such building project.
- D. Timing of Fee Payment.** Payment of the fee shall be made to the Town at the time of application for a building permit for each approved dwelling unit. Fees may be paid on a unit-by-unit basis consistent with the number of units covered in each building permit application.
- E. Fees to Constitute Separate Trust Fund.** All fees collected pursuant to this section shall be placed in a separate trust fund(s) to be established and used by the Town exclusively for the acquisition of public park, playground or recreation land and/or the improvement of public park and recreation facilities.

§128-36.6

CREDITS

- A. Credit for Previous Land Reservations and Fee Payments.** Notwithstanding the provisions found elsewhere in this article, credit shall be given for previous land reservations and/or fee payments that were made pursuant to this Chapter or Chapter 103, Subdivision, of the Town Code at the time of a prior residential development approval.
- B. Credit for Land Previously Reserved.** Any land reservation required pursuant to this article shall be reduced by an amount equal to the area of land reservation required for the approved dwelling unit(s) or lot(s) at the time of previous subdivision, site plan or planned residential development approval.
- C. Credit for Fees Previously Paid.** Any parkland fee required pursuant to this article shall be reduced by an amount equal to the parkland fee required for the approved dwelling unit(s) or lot(s) at the time of previous subdivision, site plan or planned residential development approval.
- D. Credit for On-Site Facilities.** In instances where private parkland facilities are provided on site for the benefit of residents of the development, the parkland fee required pursuant to this article may be reduced by an amount equal to 50% of the required fee or 50% of the cost of such on-site facilities, whichever is less. Acceptable facilities shall include clubhouses, swimming pools, tennis courts, playgrounds, athletic fields, and other similar facilities for active recreation use. The acceptability of on-site facilities and any subsequent reduction in fee shall be determined by the Town Board in the case of planned residential and mixed economic developments or by the Planning Board in the case of residential site plans or subdivisions. The cost of any on-site facilities for which credit is sought shall be fully documented and may include the cost of materials and labor only.

ATTACHMENT A – SUGGESTED SPECIES LIST

CATEGORIES

Major Shade Trees – A large tree (over 60 ft at mature height) whose primary role is to provide shade in the surrounding environment due to its spreading canopy and crown, where it may give shelter from sunlight.

Minor Shade Trees – A medium-sized tree (less than 60 ft at mature height) which will provide shade in the surrounding environment due to its spreading canopy and crown, where it may give shelter from sunlight.

Conifers – Any of numerous, chiefly evergreen trees or shrubs of the class Coniferinae (or group Coniferales), including the pine, fir, spruce, and other cone-bearing trees and shrubs, and also the yews and their allies that bear drupelike seeds.

Ornamental Trees – Trees with outstanding flowers and fragrance, an interesting shape, colorful or unusual bark, excellent fall color, or a combination of these and other features.

Trees with Limitations – Trees that tend to be overused in the Town or has identified pest and disease issues and should be used sparingly.

AREAS OF USE

Parking Lots (PL)

Streets and walkways (SW)

Foundation Plantings (FP)

Screening (S)

Buffers (B)

Passive Areas and Green Space (GS)

RECOMMENDED SPECIES TABLE

COMMON NAME	BOTANICAL NAME	PL	SW	FP	S	B	GS	AVERAGE SPREAD	COMMENTS
Major Shade Trees (Deciduous, Greater Than 60' in Height)									
<i>American Linden</i>	<i>Tilia americana</i>	X				X	X	30 – 50 ft	
<i>Tulip Tree</i>	<i>Liriodendron tulipifera</i>						X	30 – 50 ft	Very large, fast growing
<i>Sugar Maple</i>	<i>Acer saccharum</i>					X	X	30 – 60 ft	Many suitable cultivars
<i>Black Maple</i>	<i>Acer nigrum</i>						X	40 – 50 ft	More drought tolerant than saccharum
<i>Katsura tree</i>	<i>Cercidiphyllum japonicum</i>	X	X				X	20 – 30 ft	Full sun, best in protected area; relatively pest free; beautiful tree, new leaves bright red when unfolding; good yellow peach fall color.
<i>Kentucky Coffee Tree</i>	<i>Gymnocladus dioicus</i>		X			X	X	40 – 50 ft	Cultivars of this species are almost exclusively fruitless males.
<i>River Birch</i>	<i>Betula nigra</i>					X	X	20 – 40 ft	

Table Continued on Following Page

COMMON NAME	BOTANICAL NAME	PL	SW	FP	S	B	GS	AVERAGE SPREAD	COMMENTS
Major Shade Trees (Deciduous, Greater Than 60' in Height)									
<i>Sweetgum</i>	Liquidambar styraciflua		X			X	X	40 – 75 ft	Full sun; relatively pest free
<i>American Sycamore</i>	Platanus occidentalis		X			X	X	50 – 70 ft	Wet tolerant
<i>White Oak</i>	Quercus alba					X	X	80 – 100 ft	Fantastic caterpillar host
<i>Scarlet Oak</i>	Quercus coccinea	X	X			X	X	40 – 50 ft	Full sun; tolerates a wide variety of soils; no diseases listed
<i>Chestnut Oak</i>	Quercus montana					X	X	50 – 70 ft	Resistant to drought, heat, poor soil
<i>Willow Oak</i>	Quercus phellos		X			X	X	20 – 40 ft	Full sun; tolerates wide range of soils; no significant diseases
<i>Red Oak</i>	Quercus rubra		X			X	X	60 – 70 ft	Full sun; tolerates wide range of soils, including salty; no significant diseases
<i>Silver Linden</i>	Tilia tomentosa	X	X			X	X	30 – 50 ft	Full sun; tolerates drought and heat better than T. cordata; less susceptible to Japanese beetles than other lindens
<i>American Elm</i>	Ulmus americana		X			X	X	30 – 50 ft	Many hybrids available not subject to Dutch elm disease, elm yellows still a problem
<i>Chinese Elm</i>	Ulmus parvifolia		X			X	X	40 – 50 ft	Full sun; resistant to Dutch Elm disease, elm yellows and other insect problems
<i>Japanese Zelkova</i>	Zelkovia serrata	X	X			X	X	50 – 75 ft	Can be used as a replacement for Ulmus americana American elm; no diseases listed; narrow crotch angles and poor branch attachment can cause splitting when older
Minor Shade Trees (Deciduous, Less Than 60' in Height)									
<i>Miyabe's Maple</i>	Acer miyabei	X	X	X				20 – 50 ft	
<i>European Hornbeam</i>	Carpinus betulus	X	X	X	X		X	30 – 40 ft	Salt and shade tolerant.
<i>Northern Catalpa</i>	Catalpa speciosa		X				X	20 – 40 ft	No diseases; underused tree
<i>Common Hackberry</i>	Celtis occidentalis	X	X			X	X	40 – 50 ft	
<i>Blackgum, Tupelo</i>	Nyssa sylvatica	X	X			X	X	25 – 40 ft	Many cultivars; great fall colors
<i>Yellowwood</i>	Cladrastis kentukea	X	X			X	X	40 – 55 ft	Full sun; relatively trouble free; prune only in summer as profuse bleeding will occur at other times of the year; specify single leader; can be weak-wooded with poor crotch angles that split out as the trees grow older
<i>Sargent cherry</i>	Prunus sargentii	X				X	X	20 – 30 ft	Full sun; pest free; tolerates salt
Minor Shade Trees (Deciduous, Less Than 60' in Height)									
<i>American hophornbeam</i>	Ostrya virginiana	X	X		X	X	X	15 – 30 ft	Full sun/ part shade; tolerates shade and high Ph; pest free
<i>Chinkapin Oak</i>	Quercus muehlenbergii	X				X	X	35 – 50 ft	Full sun, not tolerant of shade; tolerates salty soil
<i>Shumard Oak</i>	Quercus shumardi	X	X			X	X	40 – 60 ft	Full sun; no diseases listed
<i>Japanese Stewartia</i>	Stewartia pseudocamellia	X	X			X	X	8 – 25 ft	Full sun to part shade; very attractive flowers and bar, excellent fall color; no pests or diseases
<i>Frontier Elm</i>	Ulmus 'frontier'	X	X			X	X	20 – 30 ft	Full sun; good resistance to Dutch elm disease and elm yellows (phloem necrosis); moderately resistant to elm leaf beetles.

Table Continued on Following Page

COMMON NAME	BOTANICAL NAME	PL	SW	FP	S	B	GS	AVERAGE SPREAD	COMMENTS
Ornamental Trees									
<i>Cockspur Hawthorn 'Inermis'</i>	<i>Crataegus crusgalli 'inermis'</i>			X	X	X	X		Some thorns
<i>Freeman Maple</i>	<i>Acer x freemani</i>	X	X		X	X	X		
<i>Serviceberry</i>	<i>Amelanchier</i>	X		X			X	10 – 20 ft	Full sun to part shade; tolerates wide range of pH; many different cultivars with different habits
<i>Fox Valley</i>	<i>Betula nigra</i>			X	X	X	X	10 – 15 ft	Full sun
<i>Musclewood</i>	<i>Carpinus caroliniana</i>		X				X	15 – 25 ft	Part shade; 'Ball of Fire': compact, globe form; superior fall color
<i>Redbud</i>	<i>Cercis canadensis</i>			X		X	X	20 – 35 ft	Can reach 35' height, full sun / part shade
<i>White Fringe Tree</i>	<i>Chionanthus virginicus</i>	X	X	X		X	X	12- 20 ft	Full sun to part sun to part shade
<i>Cornelian Cherry</i>	<i>Cornus mas</i>			X			X	15- 20 ft	Full sun, part shade; there is a dwarf cultivar 'Nana'
<i>American Smoketree</i>	<i>Cotinus obovatus</i>	X	X	X		X	X	Variable	Full sun; any soil pH
<i>Washington Hawthorne</i>	<i>Crataegus phaenopyrum</i>							Variable	Full sun; tolerates salt, resistant to disease
<i>'Winter King' (Hawthorne)</i>	<i>Crataegus viridis</i>	X	X	X	X	X	X	25 – 35 ft	Full sun
<i>Amur Maackia</i>	<i>Maackia amurensis</i>	X	X	X		X	X	20 -35 ft	Full sun; very hardy; tolerates salt
<i>Apple, Crabapple</i>	<i>Malus</i>	X	X	X		X	X	Variable	Many dwarf cultivars
<i>Sourwood Tree</i>	<i>Oxydendrum arboretum</i>			X		X	X	10 -15 ft	Prefers acidic, peaty, moist, well-drained soils in full sun to partial shade; tolerant of shade and dry soils and moderately tolerant of salt; intolerant of pollution and urban areas
<i>Flowering Cherry</i>	<i>Prunus 'accolade'</i>	X	X	X			X	15 – 25 ft	Full sun; tolerates salt spray; disease resistant
<i>Snow Goose Flowering Cherry</i>	<i>Prunus serrulata 'snow goose'</i>	X	X	X			X	15 - 20 ft	Full sun; tolerates salt; resistant to most cherry diseases
<i>Mountain Camellia</i>	<i>Stewartia ovata</i>			X				10 -15 ft	Full sun to partial shade; no serious pests or diseases
<i>Japanese Lilac Tree</i>	<i>Syringa reticulata</i>	X	X	X				15- 25 ft	
Conifer Trees, Over 60' in Height									
<i>Concolor Fir</i>	<i>Abies concolor</i>				X	X		15 – 20 ft	Zones 3 - 7, Colorado Native, deer resistant, disease resistant
<i>Norway Spruce</i>	<i>Picea abies</i>				X	X		25 – 30 ft	Fast growing, large tree, strong wood, not suitable in small lots, used as windbreaker, disease resistant, zones 2 – 7
<i>Loblolly Pine</i>	<i>Pinus taeda</i>				X	X		25 – 35 ft	Zones 6 - 9
<i>Green Giant Arborvitae</i>	<i>Thuja plicata</i>				X	X		12 – 20 ft	Somewhat deer resistant hybrid arborvitae, zones 5 – 8A
Conifer Trees, 30'-60' in Height									
<i>White Spruce</i>	<i>Picea glauca</i>				X	X		10 – 20 ft	Native, deer resistant, disease resistant, zone 2 – 8 (some varieties can only grow in zones 2 – 6)
<i>Serbian Spruce</i>	<i>Picea omorika</i>				X	X		20 – 25 ft	No serious issues, deer resistant, tolerates hot and humid weather, zones 4 – 7
<i>Jack Pine</i>	<i>Pinus banksiana</i>				X	X		10 – 20 ft	Native, slow growing, interesting irregular shape, scrubby; tolerates deer, zones 2 – 6
<i>Canadian Hemlock</i>	<i>Tsuga canadensis</i>			X	X	X		25 – 35 ft	Shade, pests

Table Continued on Following Page

COMMON NAME	BOTANICAL NAME	PL	SW	FP	S	B	GS	AVERAGE SPREAD	COMMENTS
Conifer Trees, Less Than 30' in Height									
<i>American Holly</i>	<i>Ilex opaca</i>			X	X	X		18 – 40 ft	Deer resistant, tolerates air pollution
<i>Eastern Red Cedar</i>	<i>Juniperus virginiana</i>			X	X	X		8 – 20 ft	Deer resistant, Native slow growing, zones 2 - 9
<i>Skylands</i>	<i>Picea orientalis</i>							15 – 25 ft	Zones 4 - 7, no serious problems
<i>Japanese Red Pine</i>	<i>Pinus densiflora</i>				X	X		15 – 25 ft	Zones 3 - 7, no problems
<i>Aborvitae</i>	<i>Thuja occidentalis</i>			X	X	X		10 – 15 ft	Native, popular, huge variety of shapes, sizes, not deer resistant except Western Aborvitae which is deer resistant, zones 3 – 8.
Deciduous Conifers									
<i>European Larch</i>	<i>Larix decidua</i>					X	X	60-100 ft	Fast growing, nonnative, tolerates wet areas, zones 2A – 6B
Trees with Limitations									
<i>Pin Oak</i>	<i>Quercus palustris</i>			X		X	X	25 – 40 ft	Major shade tree, low hanging branches; full sun; requires acidic soil; tends to be overused
<i>Ginkgo</i>	<i>Ginkgo biloba</i>	X	X		X	X	X	Variable	Major shade tree, multiple cultivars; overused
<i>Shingle Oak</i>	<i>Quercus imbricaria</i>		X					50 – 60 ft	Major shade tree; mildly deer resistant; strong wood keeps this oak from suffering storm damage, and it can tolerate drought, acidic soil and full sun; insect pests include scale and two-lined chestnut borer. Oak wilt is a potential disease problem, galls caused by mites or insects are common, but not harmful; fruit and leaves mildly poisonous
<i>Basswood</i>	<i>Tilia americana</i>	X	X		X	X	X	30 – 60 ft	Major shade tree; full sun; very susceptible to Japanese beetles, mites, aphids, borers; leaf miners and scale may also be problematic
<i>Littleleaf Linden</i>	<i>Tilia cordata 'greenspire'</i>	X	X		X	X	X	30 – 40 ft	Major shade tree; full sun; highly susceptible to aphids and Japanese beetles especially the cultivar, 'Greenspire';
<i>Red Maple</i>	<i>Acer rubrum</i>	X	X	X	X	X	X	30 – 50 ft	Minor shade tree; overused in Town.
<i>Thornless Honey Locust</i>	<i>Gleditsia triacanthos var. Inermis</i>	X	X		X	X	X	30 – 70 ft	Minor shade tree; tolerates salt, drought, wet, wind, pollution and high Ph; overuse of many cultivars has created some pest and disease problems
<i>Eastern White Pine</i>	<i>Pinus strobus</i>			X	X	X	X	20 – 40 ft	Conifer, fast growing, susceptible to storm damage, susceptible to some insects, zones 4 – 9, loses lower branches when mature