

MOH-HE-CON-NUCK NATURE PRESERVE MASTER PLAN



Prepared for:
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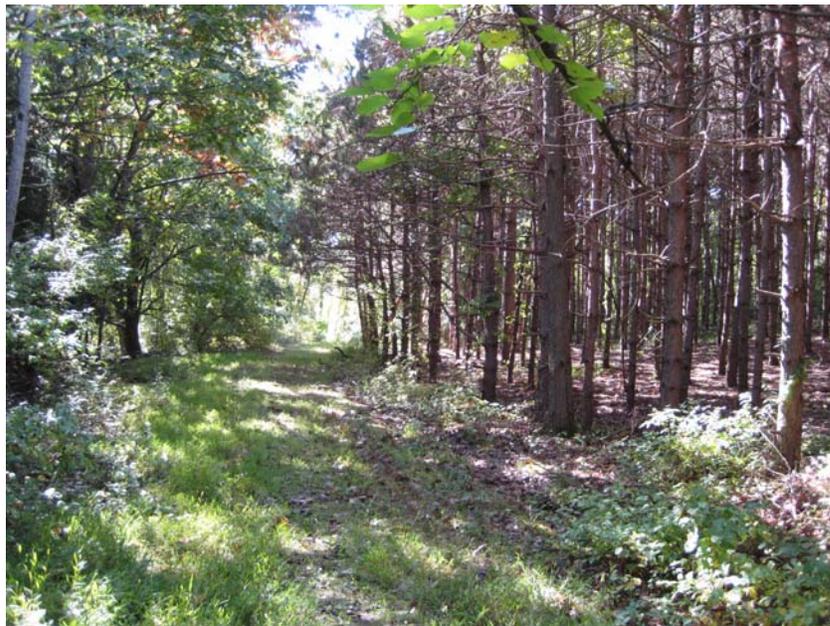
April 10, 2009

I. Introduction

Parks, open space, and recreation facilities within the town of Bethlehem are key factors to enhancing the community's quality of life. The town currently provides unique opportunities for both active and passive types of public recreation. Public parks and open space in the town include Elm Avenue Park, Henry Hudson Park, North Bethlehem Park, South Bethlehem Park, Selkirk Park, Bethlehem Memorial Firefighters Park, and Maple Ridge Park. These parks differ from each other in many ways from use to size; however, none would provide the distinctive character and natural quality that can be found in the Moh-He-Con-Nuck Nature Preserve.

The Moh-He-Con-Nuck Nature Preserve (Preserve) is a 53+/- acre parcel bordered by River Road (NYS Route 144) on the west, the Job Corps property to the south, residential properties and Simmons Road to the north, and the Hudson River to the east. The town owned land is currently two parcels – a large 50+ acre piece along River Road and a 3+ acre parcel along the river. There is a strip of land bisecting these parcels that is apparently still owned by the Job Corps and over which the town does not have access. Hence, at this time, the town does not have access to the river frontage by land means.

The intent of the Master Plan is to provide development opportunities in an environmentally sensitive manner and to make the Preserve accessible to users while still retaining the existing ecological balance. The Preserve will be used as a passive recreation space where visitors can be part of their surroundings in enjoying the existing flora and fauna.



II. Project Background

The land that comprises the Preserve was originally private land consisting of two estates bought by a seminary to create a school. The parcel was then conveyed to the U.S. Department of Interior and intended to remain a buffer between residential properties and the Job Corps property.

The Hudson River Valley Greenway Act was signed into law on December 31, 1991 and provided for the creation of the Hudson River Valley Greenway stretching from New York City to Saratoga County. It also provided for the creation of the Hudson River Valley Greenways Community Council to coordinate planning efforts in the valley and a Greenway Heritage Conservancy to encourage and provide for preservation and enhancement of ‘... the natural scenic beauty and heritage of the...Valley... and to increase public access to the waters of the Hudson River.’ In brief, the legislation made it the policy of New York State to protect the resource values of the Hudson River Valley through an integrated system of planning, public education, and open space preservation. The town is currently a member of the Hudson River Valley Greenway Communities Council.

Subsequent to adoption of this legislation, the town was given the opportunity to acquire this parcel from the Department of the Interior through the National Park Service (NPS). The town submitted a “Program of Utilization Plan” dated 8-92 (Appendix A) which outlined the towns’ intent for the development of a passive park along the river that would meet the objectives of the Greenway Council. This plan was accepted by NPS and the parcel was conveyed to the town in 1995 and the deed filed in 1996 (Appendix B). The deed stipulates that the land be used exclusively for public park or public recreation purposes as set forth in the Program of Utilization and states that the program may “be amended from time to time at the request of either the Grantor or Grantee with written concurrence from the other party...”

In 1996 the Hudson River Valley National Heritage Area was enacted at the federal level by the NPS. The mission is to “recognize, preserve, protect and interpret the nationally significant cultural and natural resources of the Hudson River Valley for the benefit of the nation” This parcel is within the Hudson River Valley National Heritage Area.

III. Previous Studies and Investigations

The Program of Utilization, which was submitted to the National Park Service, consisted of a site evaluation including topography, vegetation and water features to determine opportunities and constraints for development. It was concluded that due to the topography the site lent itself toward the development of a passive park consisting of a network of trails, picnic areas at Frothingham Lake and along the river, and a parking area along River Road. The park was to be developed in phases with Phase 1 consisting of design plans, a curb cut permit and stake out for the trail system. It was anticipated that construction would start in 1994 and all phases would be completed by 2000. Unfortunately this development scenario did not pan out due to financial constraints.

The town completed its first Comprehensive Plan in 2005 which called for significant “environmental systems”, such as the Hudson River waterfront, to be protected but also to enhance public access to them. It also called for the development of a Local Waterfront Revitalization Plan to further these goals and objectives.

In July 2008, the Town of Bethlehem created a Local Waterfront Revitalization Program (LWRP) and Harbor Management Plan (HMP) to provide specific guiding resources for preserving open space and providing recreation along the Hudson River. This parcel is within what is called the “Central Riverfront District” and is contemplated to be part of a waterfront trail that would connect with Henry Hudson Park approximately 1.5 miles to the south. The LWRP states that this parcel should be “redeveloped as a community civic gathering and educational outreach space” and that a master plan should be developed for this land with an emphasis on multi-use trails connecting all areas of the riverfront. It further noted that, to the extent practicable, areas visible from the water be maintained and preserved in their present form to maintain the existing viewshed.

It is the intent of this updated Master Plan to consider the information outlined in the previous studies and have this document function as the new Program of Utilization thereby amending the original Program of Utilization on file with the National Parks Service from 1992. The goals and objectives remain consistent with the original 1992 plan.

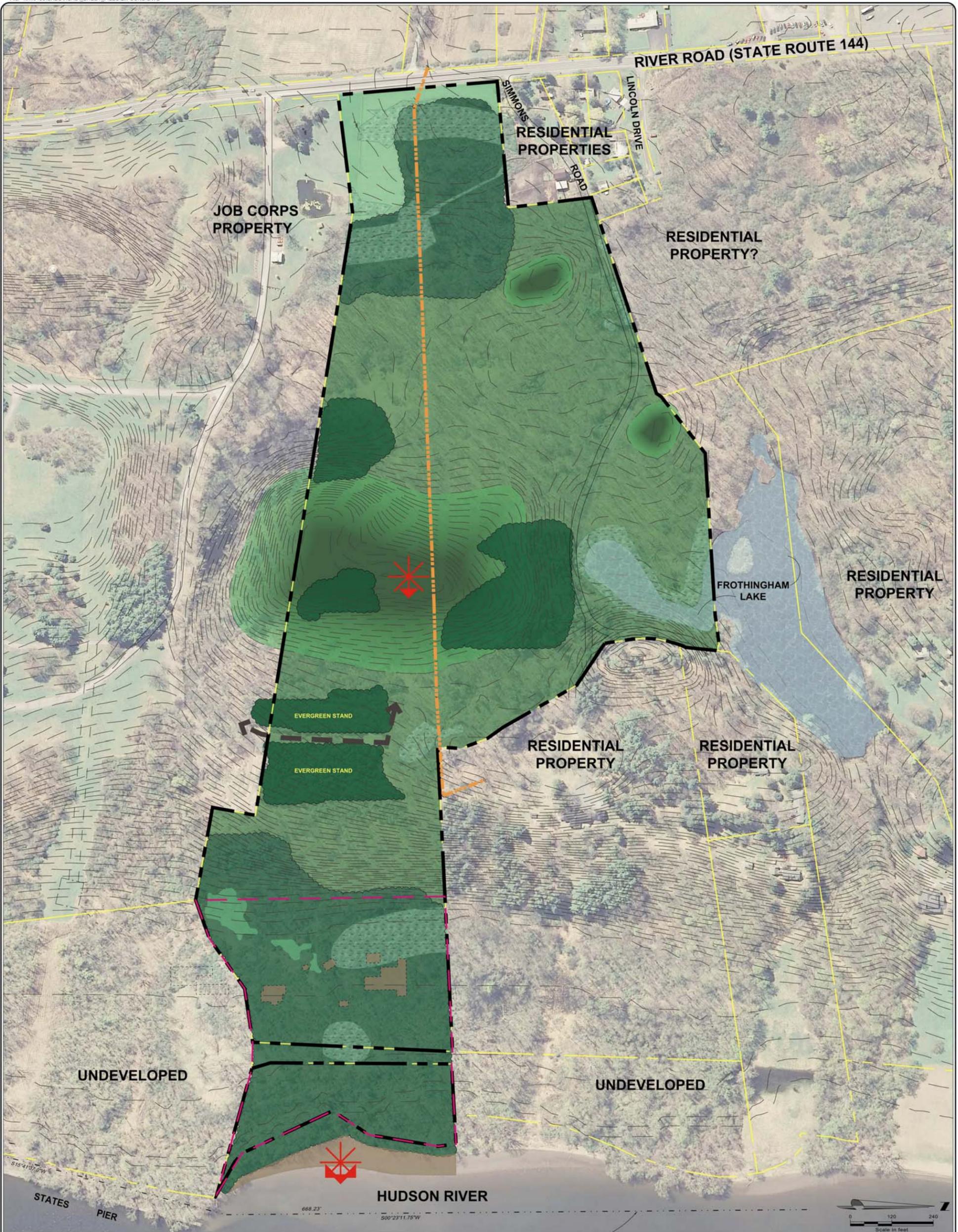
IV. Master Planning Process

Existing Conditions

CHA conducted two field visits on September 24, 2008 and October 7, 2008 to evaluate the existing conditions and approximate the location of federal wetlands on the site (Figure 1). The wetland visit was conducted by CHA ecologists and the field visit was attended by town staff, an adjacent neighbor and staff from CHA.

There are several remnants of human activity on the site including dirt trails, a planted conifer stand, the Korne Family Memorial benches and bird feeder along the east side of Frothingham Lake, utility poles that provide phone and electric service to the two residences northeast of the Preserve and utility structures on the eastern portion of site near the river. Simmons Road, which is a highway-by-user, bisects the northern edge of the parcel and extends approximately 0.4 miles from River Road. It is a compacted gravel surface approximately 12 feet wide and provides access through one residential parcel at the River Road/Simmons Road intersection ending at the driveways of two residences to the east.





LEGEND		FIELD NOTES		RESOURCES		
<ul style="list-style-type: none"> Property Line Powerline Approximate Wetland Areas 	<ul style="list-style-type: none"> Dense Trees & Evergreen Stands Tree areas with open understory. Meadow Areas 	<ul style="list-style-type: none"> Sandy Beach Seasonally Flooded w/ undulating areas of berms & low areas Existing Trails 	<ul style="list-style-type: none"> Possible Foundation Remains (1992 survey) Hill Areas (Significant Topography) 	<p>Site is within the Riverfront Core of Central Riverfront District in LWRP.</p> <p>LWRP states Shortnose Sturgeon, Alewife Floater, Bald Eagles are within area.</p> <p>Evidence of deer (trails, beds) & ticks.</p> <p>Evidence of Wet areas (potential for mosquitos).</p>	<p>Vegetation was mix of deciduous & evergreen. Planted pines have sections of lichens & moss on ground.</p> <p>Old Forest Large Oak on site.</p> <p>Frothingham Lake is only spring-fed lake in Town of Bethlehem.</p> <p>Horne Family Memorial benches & bird feeder along east side of Frothingham Lake.</p> <p>Power line carries phone & electric service to residences.</p> <p>Power line is minimally maintained. Low shrub growth underneath lines.</p> <p>Utility Structures visible on east portion of site at River (gas?).</p> <p>Potential Henry Hudson Park boat connection. Approximately 1.5 miles between parks.</p>	<p>Town of Bethlehem Local Waterfront Revitalization Program (LWRP) & Harbor Management Plan (HMP), July 2008</p> <p>Town of Bethlehem's Planning Department 1992 park plan</p> <p>NYSGIS clearinghouse (USGS Topography, parcel lines, aerial photos)</p> <p>Field visits on September 24, 2008 and October 7, 2008.</p> <p>Property Line Survey by Hershberg & Hershberg Consulting Engineers and Land Surveyors dated September 17, 1992.</p>



EXISTING CONDITIONS

SIMMONS ROAD PARK MASTER PLAN

OCTOBER 2008

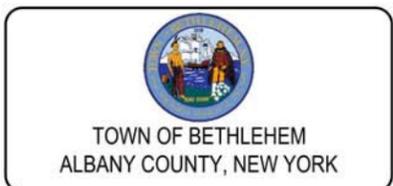
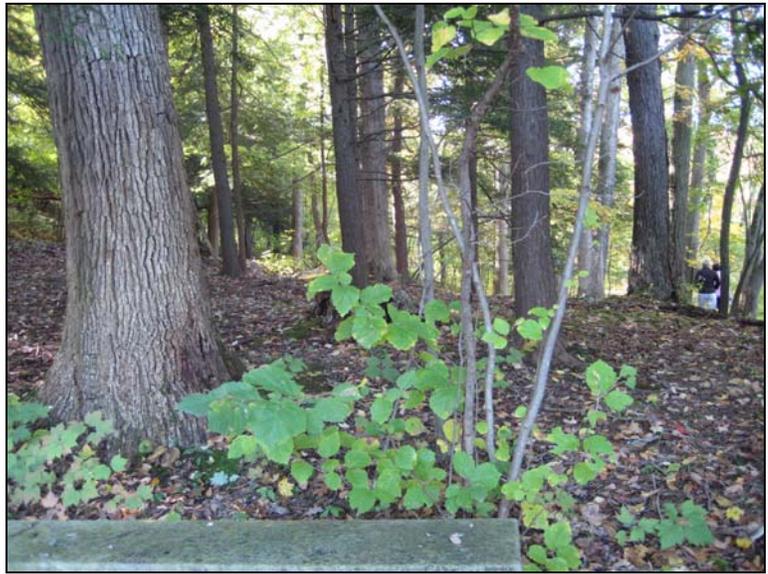


Figure 1



The Preserve consists of a mix of deciduous and evergreen woodlands, meadow areas, and shrubby undergrowth. There are sections of dense tree stands, trees with an open understory, and old growth trees along Simmons Road. The area along the Hudson River is a soft sand beach. There is evidence of seasonal flooding occurring in the undulating areas of berms and low areas immediately to the west. The shoreline is scattered with river debris (i.e., logs, sticks, floatable trash, etc.).



The site topography slopes down from River Road to the Hudson River. The gently sloping areas near River Road give way to much steeper slopes about two-thirds of the way into the site heading east. In this section the terrain drops approximately 130 feet down to the river. There is one very distinct knoll in the southern middle portion of the site with several other smaller knolls scattered through the property.

Frothingham Lake is the only spring-fed lake in the town and is located to the north of Simmons Road. Based on local input, the lake contains turtles, some eels, and a large amount of weed growth, but no fish. Abutting residents have seen a wide diversity of wildlife such as bear, deer,

coyote, fox, raccoon, skunk, opossum, muskrat, weasel, rabbit, gray squirrel, red squirrel, flying squirrel, rats, mice, voles, moles, bats, garter snakes, snapping turtle, red-eared turtle, assorted frogs and peepers, eagles, hawks, owls, herons, ducks, geese, and turkeys.



The second site visit determined that there were several pockets of wetlands throughout the site of varying size. They are generally located along the River Road frontage, around the perimeter of Frothingham Lake and at the bottom of the steep slope near the river. Prior to construction, a wetland delineation in conformance with the Corps of Engineers guidelines should be completed.

The Preserve does not contain any structures which are listed, nominated, or eligible for listing in the State or National Register of Historic Places. The site does however, lie within an area that has been identified as “archaeologically sensitive” by the New York State Office of Parks, Recreation and Historic Preservation (Appendix C). It is recommended that a Phase 1A Archeological Sensitivity Assessment be completed prior to commencing construction on the site (see Section V. –Cost Estimates).

Concept Plans

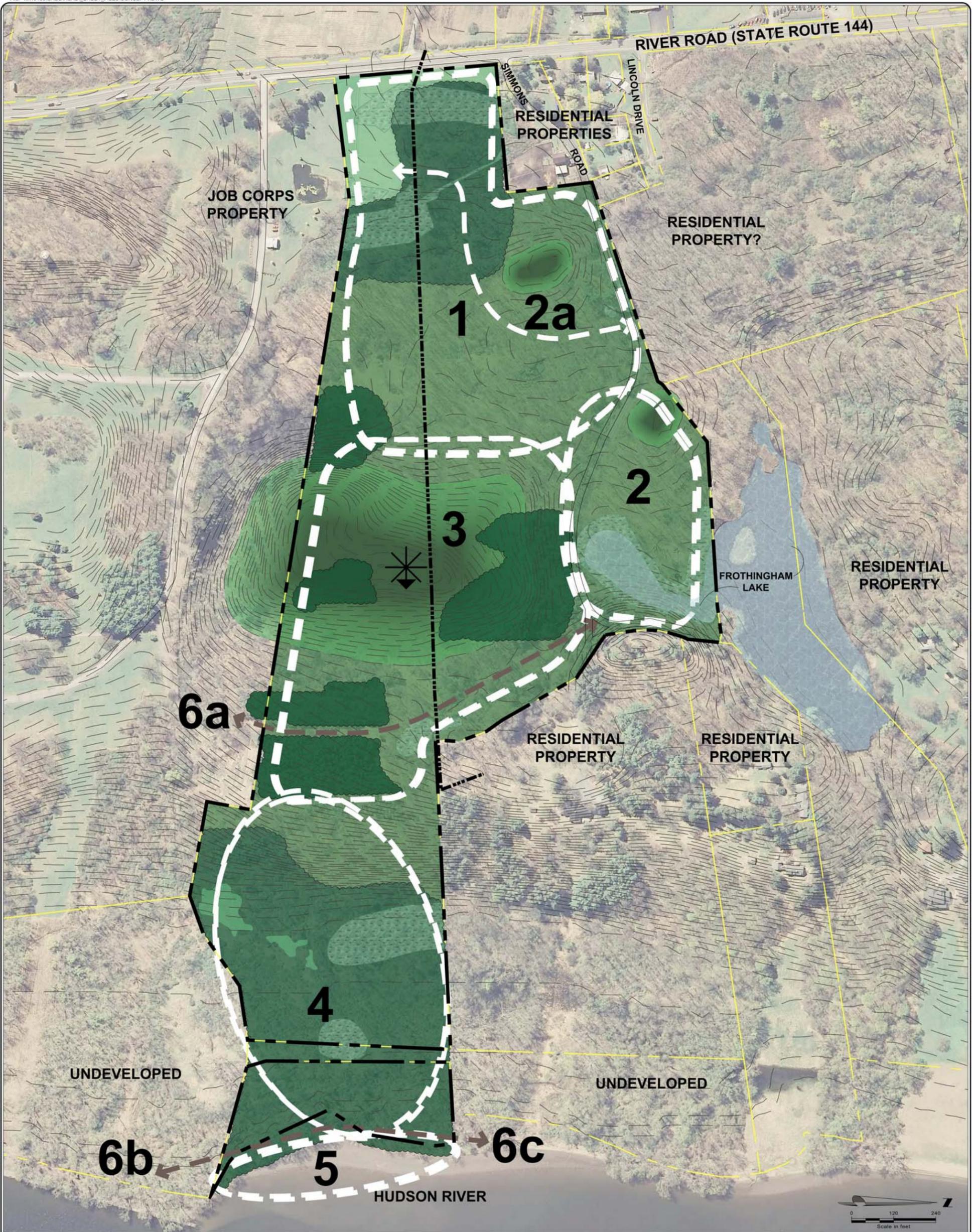
Site topography is both an opportunity and a constraint in the development of the Preserve. The high knolls and significant grade changes offer views throughout the site however this also creates a more challenging trail system. The lake offers an opportunity for year round use in the form of non-motorized boating in the summer and ice skating in the winter. The site lends itself to diverse year round activities such as cross-country skiing, snowshoeing, walking and hiking, all while maintaining the existing habitats.

Site amenities that would be incorporated in the Preserve design are universally accessible trails, off-road parking, seating/benches, habitat viewing platforms, and interpretive signage and mapping identifying the vegetation, wildlife and history of the Preserve. The trails would be constructed of stone dust, wood chips or comparable material and would not be paved to minimize environmental impacts. There are constraints to providing access to the river due to the topography, seasonal flooding, and the easement needed to access the river frontage.

The “Scenic Hudson Guidelines for the Design and Development of Riverfront Parks” (Appendix D) was also referenced in the design of the concepts. The master plan incorporates a number of these recommendations such as the use of indigenous materials, implementing a “carry in/carry out” trash policy, creating an ADA compliant path system, retaining existing vegetation and installing signage that will inform the public about their surroundings.

Based on the site visits and information obtained from the NYS GIS Clearinghouse, a base map was prepared using existing aerial photography superimposed with topography and general wetland locations. This map was used to prepare several conceptual schematics for in-house review by town staff.

After meeting with staff, two sketches were refined and developed into concept sketches for the first public information meeting. The two plans proposed improvement progressing easterly into the site from River Road toward the river and contemplated a phased development approach. The first concept (Figure 2) proposed a gravel parking lot off of River Road, a trail loop to Frothingham Lake with a picnic area and wetland delineation to allow two wetland crossings as Phase 1; Phase 2/2a proposed cleaning up the perimeter of the lake to allow access for canoes or kayaks, a picnic area in the vicinity of the existing benches and bird house, a road extending from the parking area in Phase 1 to Simmons Road and a small parking area on Simmons Road to allow more direct access to the lake. Phase 3 proposed extending the trails further east and using the knoll (highpoint) as a viewpoint. Phase 4 continued the trail network to the river, assuming an access easement could be obtained, and a road or wide trail would be constructed to the river to allow emergency and security vehicles access to the shore. Phase 5 provided for



PHASE 1
 Open utility structures at River to be covered.
 Parking Area (Gravel)
 -Curb cut (NYS DOT involvement)
 -Potential Wetland crossing
 -Picnic Area
 Trail System
 -Connect parking area with Lake
 -Different size loops for mix of levels (ADA)
 -Year around use (skiing, snowshoeing, walking/hiking, mountain biking)
 -Interpretive Signage/ Mapping

PHASE 2
 Frothingham Lake
 -Clean-up Perimeter for access (Fishing, Boating)
 -Incorporate Home Memorial Benches & Bird House
 -Picnic Area

PHASE 2a
 Roadway connecting parking area w/ Lake
 -Minimize use of Simmons Road
 -Parking area at Lake (Gravel)

PHASE 3
 Trail System
 -Utilize topography
 -Year around use

PHASE 4
 Trail System
 -Transition Area from upland to low area to River
 -Potential raised boardwalk trail
 -Earthwork
 -Road/Wide trail for access to River (maintenance, emergency)
 -Easement/ Access Agreement across bisecting property

PHASE 5
 River Access
 -Connection w/ Henry Hudson Park
 -Boat access (kayak, canoe)
 -Picnic area
PHASE 6a
 Potential trail connection w/ Job Corps property

PHASE 6b
 Potential trail connection w/ Henry Hudson Park
 -Bicycle/pedestrian

PHASE 6c
 Continue potential trail connection north along Hudson River
 -Bicycle/pedestrian

shoreline improvements such as non-motorized boat access, a picnic area and signage to Henry Hudson Park to the south. Phases 6a, 6b and 6c proposed trail connectors to the north and south along the waters edge and a north/south connector using an existing trail located in the middle of the site.

The second concept (Figure 3) proposed using Simmons Road as the primary access for Phase 1 to reduce project costs, construction of a small gravel parking area off of Simmons Road to allow non-motorized watercraft access to Frothingham Lake, cleaning the perimeter of the lake to allow access, a picnic area near the existing benches and a trail loop extending from Simmons Road south to the southern property line. Phase 2 proposed the construction of the gravel parking area off of River Road, wetland delineation for a boardwalk to develop a trail connecting the parking area to the trail developed in Phase 1 and a picnic area. Phases 3, 4, 5 and 6 were the same as Concept 1, extending the park in an eastward direction toward the river as funding became available in the future.

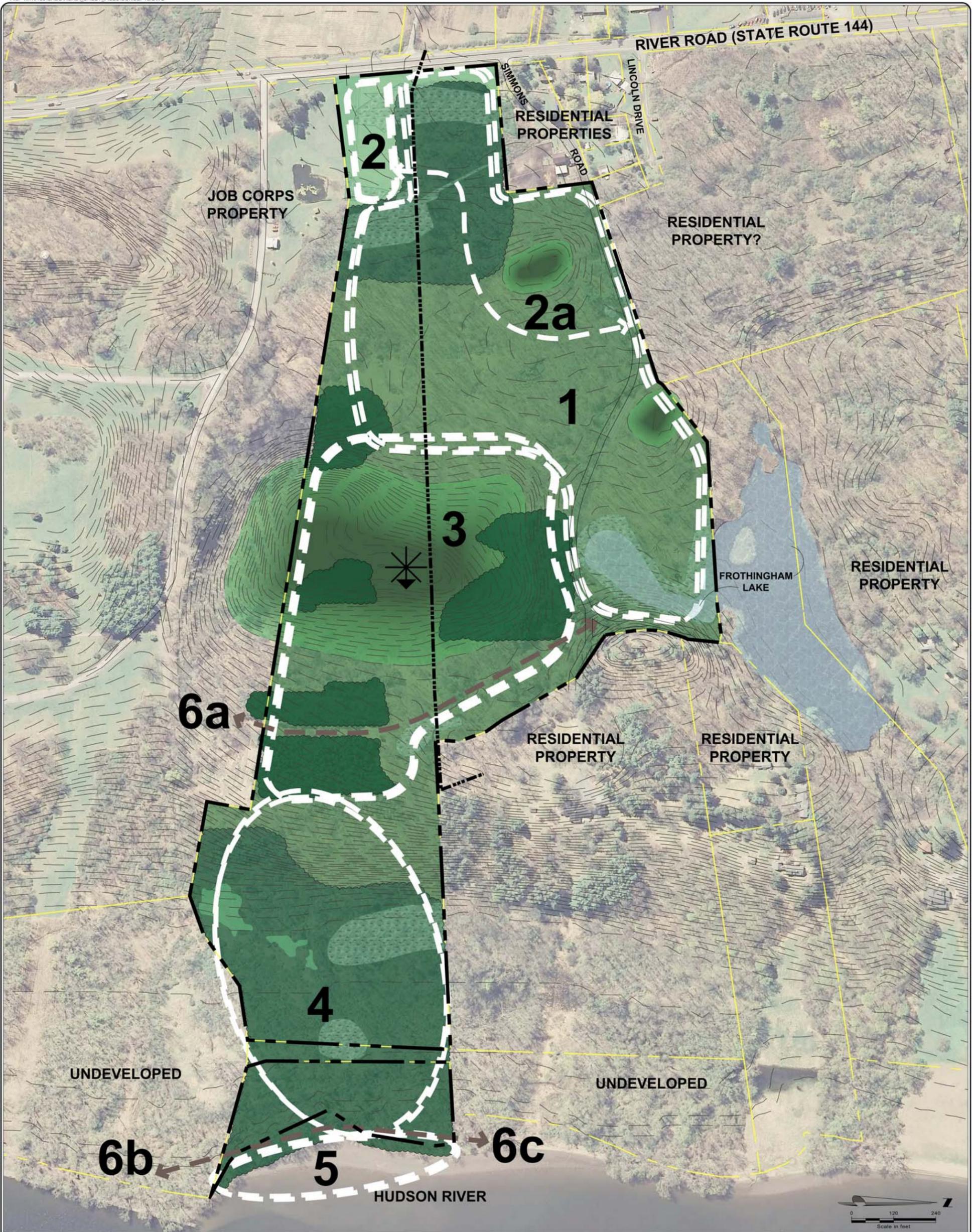
Public Participation

The town has taken a very proactive approach to incorporating the Preserve into its existing park system and involving the public. The town held Public Workshop Meetings on December 9, 2008 and February 10, 2009 and a presentation was given at the Town Board meeting on March 11, 2009.

At the first workshop, a presentation was given regarding the project history and background and the two conceptual scenarios being considered. The conceptual plans generated many comments from those in attendance and are summarized in the meeting minutes (Appendix E). Generally, Concept 1 was the preferred development scenario since it did not involve the use of Simmons Road to provide access to the Preserve. A summary of the comments is as follows:

- concerns about security/emergency access to the rivers edge if the trail were developed;
- concerns about the implication of calling it a “park” vs. “nature preserve” and the passive nature of the use;
- concerns about using Simmons Road as an access although it is a substandard road;
- concerns about non-motorized boat access to the lake, safety and trespassing;
- concerns about maintaining the natural character of the site.

The general consensus of the group was that the site should be used as a nature preserve where visitors can appreciate their surroundings. Parking should be provided off of River Road and no road should connect to Simmons Road. It was noted that since the lake is spring fed it does not entirely freeze during the winter which is a safety issue. It was also noted that wetland vegetation has encroached in the lake and along the shoreline and there is a significant turtle population in



PHASE 1
 Open utility structures at River to be covered.
 Frothingham Lake
 -Utilize Simmons Rd. (improvements needed)
 -Parking area (Gravel) or pull-off area to accommodate parking
 -Clean-up Perimeter for access (Fishing, Boating)
 -Incorporate Horne Memorial Benches & Bird House
 -Picnic Area
 Trail System
 -Different size loops for mix of levels (ADA)
 -Year around use (skiing, snowshoeing, walking/hiking, mountain biking)
 -Interpretive Signage/ Mapping

PHASE 2
 Parking Area (Gravel)
 -Curb cut (NYSOT involvement)
 -Potential Wetland crossing
 -Picnic Area
PHASE 2a
 Roadway connecting parking areas
 -Minimize use of Simmons Road

PHASE 3
 Trail System
 -Utilize topography
 -Year around use
PHASE 4
 Trail System
 -Transition Area from upland to low area to River
 -Potential raised boardwalk trail
 -Earthwork
 -Road/Wide trail for access to River (maintenance, emergency)
 -Easement/ Access Agreement across bisecting property

PHASE 5
 River Access
 -Connection w/ Henry Hudson Park
 -Boat access (kayak, canoe)
 -Picnic area
PHASE 6a
 Potential trail connection w/ Job Corps property

PHASE 6b
 Potential trail connection w/ Henry Hudson Park
 -Bicycle/pedestrian
PHASE 6c
 Continue potential trail connection north along Hudson River
 -Bicycle/pedestrian



PHASED CONCEPT 2
SIMMONS ROAD PARK MASTER PLAN
 OCTOBER 2008

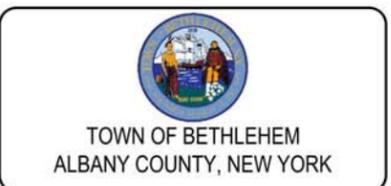


Figure 3

the lake. The group felt that no access to the water should be encouraged at the lake and that access to the river be a visual access, not direct access, given the topographic and accessibility concerns.

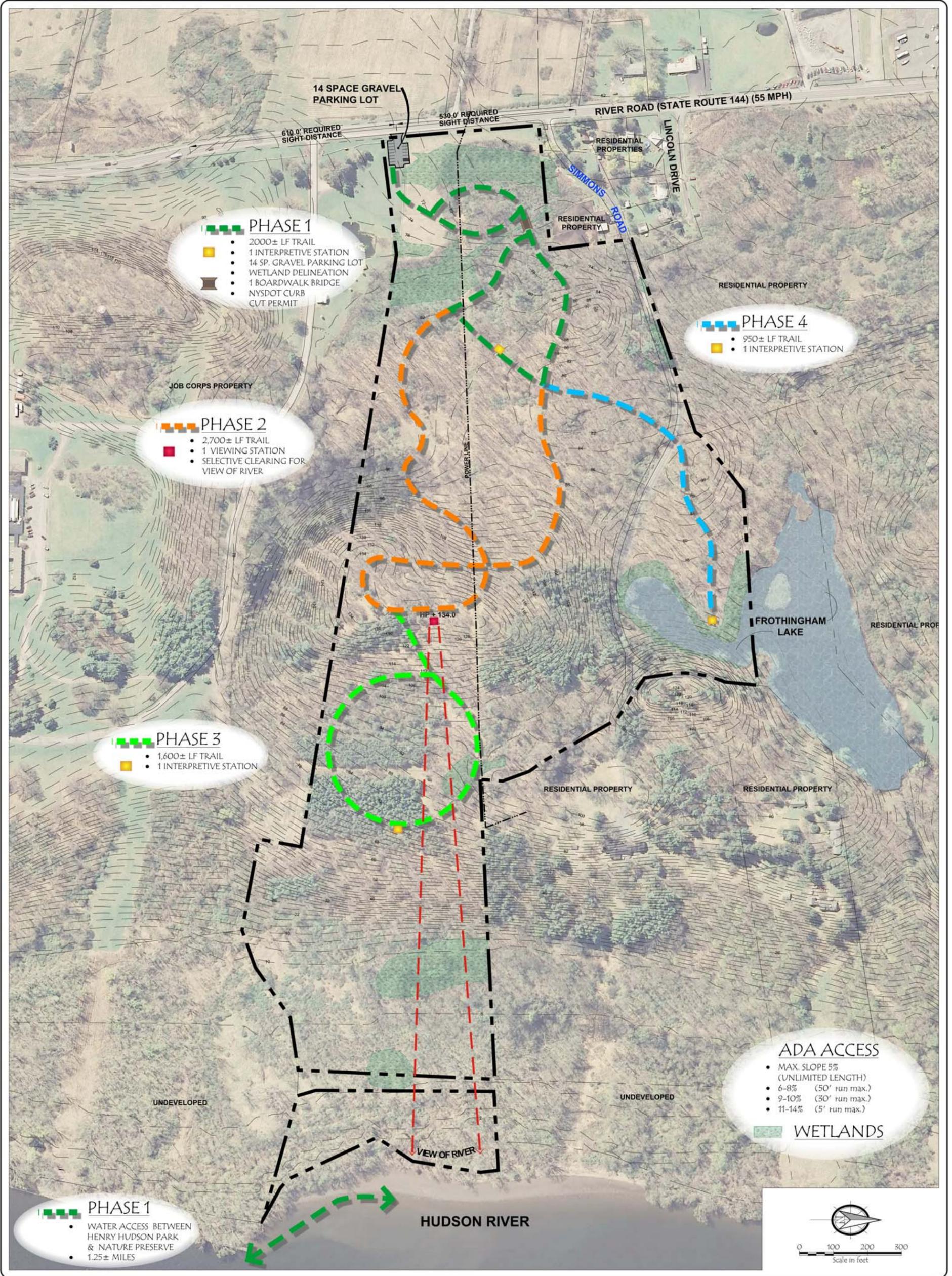


Based upon the input received, a revised concept plan was developed that incorporated many of the comments received including calling the site a “nature preserve”. At the second workshop the plan proposed received general acceptance from all of the attendees. This plan has now become the final master plan.

The town also solicited input from the NPS and Scenic Hudson, Inc. (Appendix F), as interested parties in the Preserve development. Scenic Hudson has expressed an interest in aiding the town financially and ensuring consistency with their guidelines for riverfront parks. NPS remains involved to insure the Preserve is developed in accordance with the deed stipulations.

Final Master Plan

The final master plan (Figure 4), now known as the Moh-He-Con-Nuck Nature Preserve, provides a four phase development scenario. Each phase provides a strategic location for development based upon public accessibility and use, starting from River Road and heading east to the Hudson River and then north to Frothingham Lake. All of the trails would work with the “lay of the land” to follow natural contours of the property while still being ADA compliant and minimizing site impacts to the greatest extent possible. The mixed deciduous and evergreen



THE MOH-HE-CON-NUCK NATURE PRESERVE

PROPOSED PHASED LAYOUT

MARCH 2009



Figure 4

vegetative growth provides adequate screening for the trail system from adjacent parcels and from each trail loop.

Phase 1 would provide vehicular and pedestrian access to the site. A gravel parking area would be located along River Road with only the ADA parking space and adjacent access area paved with asphalt. A curb cut permit would be required and obtained from the New York State Department of Transportation (NYSDOT) since River Road is a state highway. A 2,000± linear foot, two-loop trail with an interpretive station would meander through woodlands, meadow, and over a boardwalk bridge which will preserve the wetlands. It is anticipated that all trails would be 8 feet wide and that the clearing for the paths would be 15 feet wide. As part of this Phase, the sandy beach access at the Preserve would be available via the Hudson River to and from the Henry Hudson Park. Signage at both riverfronts would be used to identify the waterway trail access.

It is envisioned that the interpretive area would be an open clearing with some picnic tables and signage identifying the flora and fauna to be found in that location, significant views or known history about the site. A total of three interpretive stations are proposed throughout the Preserve.

Phase 2 would involve the construction of 2,700± linear foot of trail through woodlands and meadow. A viewing station would be installed at the top of the large knoll identified on the Master Plan. Selective clearing from the viewing station to the river would provide views to the Hudson River since the grade change is so significant between these two locations. This would provide the user with a visual access of the river. The viewing station would be an elevated platform, possibly built into the knoll that would provide the user with the opportunity to observe tree living species (birds, squirrels, etc.). Signage would also be provided to identify species in the vicinity.

Phase 3 would consist of 1,600± linear foot of trail through the planted conifer stand and woodlands with one interpretive station at the eastern end. This is the furthest east the trail system would be installed due to the significant steep slopes that extend toward the river and concerns about traversing the slopes with emergency and security vehicles.

Phase 4 would be the connection of Frothingham Lake to the trail system with an additional 950± linear foot of trail. The woodland trail would cross Simmons Road and terminate at an interpretive station at the lake. At the road crossing, both the trail and road will be properly identified with markers and signage as required by law. It should be noted that Simmons Road is a gravel road approximately 12 feet wide and very rural in character, not a typical vehicular thoroughfare. It was determined through the public meetings that no access to the water would

be permitted due to safety concerns therefore this area will have picnic tables, signage related to the area and provide a space for relaxing.

Universal (ADA) access would be incorporated throughout the trail system as is design appropriate. The maximum slope for an unlimited length along an ADA accessible trail is 5%. The maximum slopes for a pre-determined length are as follows: for a maximum of 50 foot horizontal run the slope range allowed is 6% to 8%, for a maximum of 30 foot horizontal run the slope range allowed is 9% to 10%, and for a maximum of 5 foot horizontal run the slope range is 11% to 14%. After each horizontal run a level resting area, 5 feet long, must be provided before starting another run.

The Preserve is envisioned as a carry-in/carry-out facility and it is not anticipated that rest rooms or sources of drinking water will be provided at the site.

The town envisions the completion of Phase 1 during the 2009 construction season with the remaining phases to be completed within several years.

V. Cost Estimates

A cost estimate, in 2009 dollars, is provided below. The estimate includes the following assumptions: no major storm drainage is required, no utility work is required, no rock removal is required, no dewatering is required and no escalation is included.

PHASE 1 – Moh-He-Con-Nuck Nature Preserve Master Plan

No.	Item		
1	Site Preparation	\$	13,500
2	Gravel Parking Lot	\$	22,000
3	Stone Dust Path	\$	20,000
4	Wetland Boardwalk	\$	9,600
5	Interpretive Station	\$	3,000
6	Signage Allowance	\$	5,000
7	Topsoil & Seed	\$	5,000
8	Miscellaneous Costs	\$	3,200
	PHASE 1 SUBTOTAL	\$	81,300
10%	General Conditions	\$	8,130
	Overhead and Profit (included in above)	\$	0
20%	Contingencies at Program Stage	\$	17,886
	PHASE 1 SUBTOTAL	\$	107,316
	Professional Services		
1	Wetland Delineation	\$	10,400
2	Survey	\$	12,800
3	Archeological	\$	4,600
4	Construction Design Documents	\$	30,000
	PHASE 1 TOTAL	\$	165,116

PHASE 2 – Moh-He-Con-Nuck Nature Preserve Master Plan

No.	Item		
1	Site Preparation	\$	16,500
2	Stone Dust Path	\$	26,600
3	Viewing Station	\$	7,000
4	Signage Allowance	\$	3,000
5	Topsoil & Seed	\$	6,600
6	Miscellaneous Costs	\$	4,300
	PHASE 2 SUBTOTAL	\$	64,000
10%	General Conditions	\$	6,400
	Overhead and Profit (included in above)	\$	0
20%	Contingencies at Program Stage	\$	14,080
	PHASE 2 SUBTOTAL	\$	84,480
	Professional Services		
1	Wetland Delineation	\$	9,000
2	Survey	\$	8,050
3	Archeological	\$	1,200
4	Construction Design Documents	\$	25,000
	PHASE 2 TOTAL	\$	127,730

PHASE 3 – Moh-He-Con-Nuck Nature Preserve Master Plan

No.	Item		
1	Site Preparation	\$	12,000
2	Stone Dust Path	\$	16,000
3	Interpretive Station	\$	3,000
4	Signage Allowance	\$	3,000
5	Topsoil & Seed	\$	3,900
6	Miscellaneous Costs	\$	3,200
	PHASE 3 SUBTOTAL	\$	41,100
10%	General Conditions	\$	4,110
	Overhead and Profit (included in above)	\$	0
20%	Contingencies at Program Stage	\$	9,042
	PHASE 3 SUBTOTAL	\$	54,252
	Professional Services		
1	Wetland Delineation	\$	9,000
2	Survey	\$	8,050
3	Archeological	\$	1,200
4	Construction Design Documents	\$	20,000
	PHASE 3 TOTAL	\$	92,502

PHASE 4 – Moh-He-Con-Nuck Nature Preserve Master Plan

No.	Item		
1	Site Preparation	\$	9,000
2	Stone Dust Path	\$	9,400
3	Interpretive Station	\$	3,000
4	Signage Allowance	\$	3,000
5	Topsoil & Seed	\$	2,400
6	Miscellaneous Costs	\$	2,100
	PHASE 4 SUBTOTAL	\$	28,900
10%	General Conditions	\$	2,890
	Overhead and Profit (included in above)	\$	0
20%	Contingencies at Program Stage	\$	6,358
	PHASE 4 SUBTOTAL	\$	38,148
	Professional Services		
1	Wetland Delineation	\$	9,000
2	Survey	\$	8,050
3	Archeological	\$	1,200
4	Construction Design Documents	\$	20,000
	PHASE 4 TOTAL	\$	76,398

VI. Action Items

Prior to work at the site there are several action items which should be completed.

- Survey. There is no current topographic mapping of the site. This must be completed to insure the trails are designed as ADA compliant.
- Wetland delineation. The wetland areas need to be identified pursuant to the ACOE criteria so that the trail alignment can be established and the amount of disturbance to the wetland is kept to a minimum.
- NYSDOT curb cut permit for access to River Road.
- Phase 1A archeological sensitivity review since the site is listed as being within an archeologically sensitive area on the SHPO website.
- Construction documents for each phase.
- Title search to determine land use rights for the strip of land bisecting the site.

Appendices

- Appendix A: Program of Utilization Plan, dated 8-92, prepared by Town of Bethlehem Planning Department
- Appendix B: Deed of Conveyance
- Appendix C: Map from SHPO website, Archeo-sensitive Areas
- Appendix D: “Scenic Hudson Guidelines for the Design and Development of Riverfront Parks”
- Appendix E: Workshop/Meeting Minutes
- Appendix F: Correspondence

Appendix A

SECTION I - DESCRIPTION OF PROPERTY

A. Survey Description

It is our understanding that the General Services Administration is currently preparing an updated survey and description of the property, and that this information will be made available to the Town upon its completion. We would request that the National Park Service allow submission of these materials at a latter date in order to avoid duplication of effort. In the event the survey and description are not made available, the Town will undertake a survey upon receiving notice that it will be the recipient of the property.

B. Plot Map

A sketch plot map of the property can be found in Figure 1 on page B-4. The map shows the approximate location of property boundaries, site improvements, roadways, easements, etc., as can best be determined from available information sources. These sources include:

1. Undated, unsigned, survey titled: "Map of Lands of Our Lady of the Angels Seminary, Glenmont, Albany County, New York", prepared by Domenic J. Missimilian, P.E. and L.S.
2. Map titled: "The Congregation of the Mission of St. Vincent DePaul in Germantown", prepared by Industrial Appraisers Inc., dated June 1977.
3. U.S.G.S., 7.5 Minute Series (Topographic), Delmar Quadrangle, New York
4. "Tax Map, Town of Bethlehem, Albany County, New York", prepared by Smith and Mahoney, dated 3/92.
5. Air Photographs of the property.
6. Map enclosure and property descriptions contained in "Report of Excess Real Property", prepared by G.S.A., dated 1/1/91.

It should be noted that these sources contain a number of discrepancies with regard to dimensions and ownership, particularly on the eastern portion of the property in the vicinity of the Hudson River. In addition, we were unable to locate in the field certain G.S.A. placed boundary stakes along the southern property line. Consequently, the enclosed map is subject to correction. A more precise map will be prepared upon receipt of G.S.A. survey information.

C. Property Description

The property consists of an irregularly shaped parcel of 70+/- acres located along the Town's eastern boundary in Glenmont, New York. The property is generally bounded by NYS Route 144 on the west, Simmons Road and Frothingham Lake on the north, the Hudson River on the east,

and the Job Corps site on the south. The property currently encompasses the northern portion of this latter parcel, and measures some 3,000+ feet in depth from Route 144 to the river. Width varies between approximately 500 and 1,500 feet.

The character of the site has been greatly influenced by past human activity of mining, fruit and tree farming. In its present state, the site contains a wide variety of covertypes and habitat in various stages of succession. Covertypes include: mature and 2nd growth deciduous woods, overgrown orchard, coniferous plantations, shrub and brush, meadow, mowed lawn, swamp, marsh, and pond. Major topographic features include two knolls which bisect the property in a north-south direction, and moderately steep sloping land on the eastern side of the property. These slopes lead to bottom land along the river. With the exception of Simmons Road and an overhead power line, which runs east-west through the center of the site, the parcel is essentially void of man made structures and improvements.

Moving west to east across the property, that area lying in the vicinity of Route 144 is relatively flat. Vegetative cover includes: mowed lawn area; shrub; a small swamp containing cattails, purple loosestrife, other emergents, and open water, (with ash, cottonwood, and birch at the perimeter); and second growth deciduous woods of maple, young elm, oak, and cottonwood.

Some 400 to 500 feet inward on the property, the site is bisected by a small knoll which rises some 10 feet in elevation. A small portion of the knoll appears to have been mined for sand at one time. Vegetation on the knoll includes: wooded area of mature maples and oak; meadow; and, shrub with species such as sumac and grey dogwood present. A mature stand of maples is located along Simmons Road in this area.

Proceeding west the site flattens again. A marshy area of purple loosestrife is located toward the south. An abandoned orchard overgrown with young oak, and a stand of young maple, are located north of the power line.

The second knoll, which is centered at approximately the midpoint of the property rises some 45 feet, with slopes that range from 15 to 30 percent. The sideslope is dominated by oak, elm, and hickory woods on the southern portion of the property, and mature stands of spruce and mixed white pine and oak toward the north.

From the top of the knoll, the property falls 120 to 130 feet in elevation to bottomland along the Hudson River. Slopes in this area range between 15 and 30 percent with the steeper slopes on the northern portion of the property and the more gradual slopes on the south. Vegetation includes mature maple, elm, oak woods on the northern half, and plantations of young Austrian pine and spruce on the southern half.

Bottomland along the river includes a large area to the south which was mined for sand and gravel. This area currently supports shrub, brush, young locust and poplar. Cottonwood is the dominate canopy tree on the northern portion of bottom land. Undergrowth in this area is quite dense.

Along the river, the woods give way to a beach and cove. The beach area is quite expansive at low tide, and minimal at high tide. Dock ruins can be found near the southeast corner of the property.

At the extreme northern edge of the property, across from Simmons Road, the parcel incorporates a portion of Frothingham Lake. The lake is located in an undeveloped wooded setting.

A generalized map of site topography and existing improvements can be found in Figure 2 on page B-5. Vegetative cover is presented in Figure 3 on Page B-6.

D. Site Photographs

Photographs of the site are located at the end of this Section and explained in Table 1 on page B-7. The photographs are keyed to Figure 4 on Page B-8.

E. National Register Sites

The parcel does not contain any structures which are listed, nominated, or eligible for listing in the State or National Register of Historic Places. The site does, however, lie within an area that has been identified as "archaeologically sensitive" by the New York State Historic Preservation Office.

TOPOGRAPHIC MAP

PROPOSED PARK
NORTHERN PORTION OF
JOB CORPS PROPERTY
TOWN OF BETHLEHEM
NEW YORK

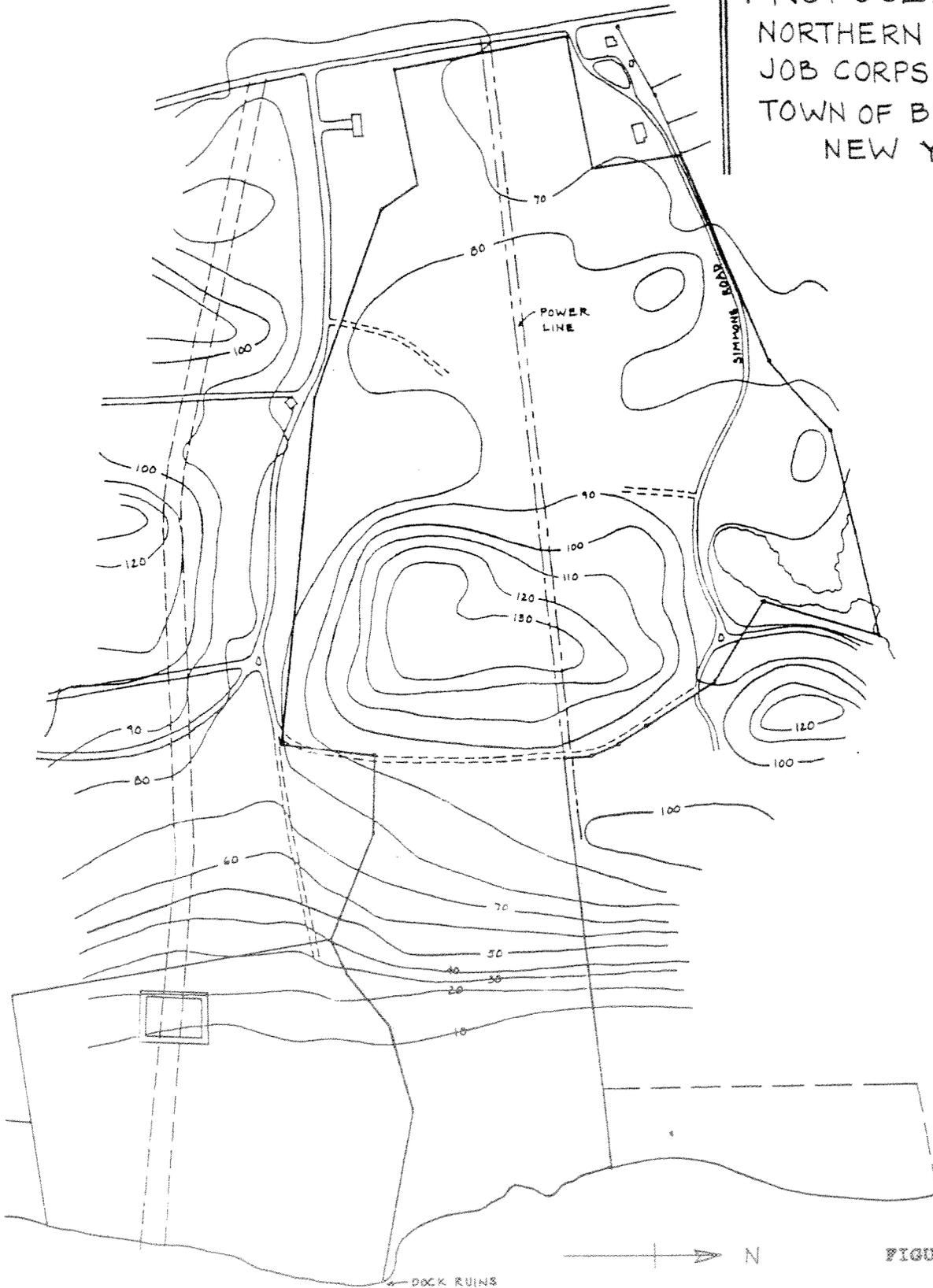
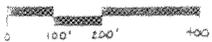


FIGURE 2



PREPARED BY: PLANNING DEPARTMENT DATE: 8-92

Other Conditions and Facts

In August 1988, the Governor of the State of New York signed legislation establishing a Hudson River Valley Greenway Council. The purpose of the Council was to prepare a study with recommendations for establishing a Greenway along the river which would link "...parks and protected areas, rivers and bodies of water, urban cultural parks and historic sites, and scenic settings by means of trails, waterways, and scenic highways to increase recreational opportunities and strengthen the protection of open space and natural and cultural resources." The Hudson River and adjacent lands were to form the spine of this network with significant land holdings of federal, state, and local government providing the foundation for future expansion. According to the legislative findings these parcels "...offer the people of the state a land estate that provides a physical and visual access to the natural world and recreational opportunities to meet the expanding needs spawned by urbanization of the valley." In enacting the legislation the State expressed its collective opinion that "...the Hudson River Valley is a natural scenic and cultural landscape possessing unsurpassed beauty, history and recreational opportunity."

After two years of study, public meetings and hearings up and down the river, and overwhelming support for the Greenway concept, the Hudson River Valley Greenway Act was signed into law on December 31, 1991. The law provided for the creation of a Hudson River Valley Greenway stretching from New York City to Saratoga County, New York. It also provided for a Hudson River Valley Greenways Community Council to coordinate planning efforts in the valley and, a Greenway Heritage Conservancy to encourage and provide for preservation and enhancement of "...the natural scenic beauty and heritage of the...Valley...and to increase public access to the waters of the Hudson River." In brief, the legislation made it the policy of New York State to protect the resource values of the Hudson River Valley through an integrated system of planning, public education, and open space preservation. Major component of this effort will include development of regional plans for the valley, creation of a Hudson River Compact, state funding for conservation, open space preservation, and recreation efforts, and creation of a trail network linking the New York Metropolitan Area with Saratoga County.

With its river frontage and wooded uplands rising from the Hudson, the quiet wooded setting of Frothingham Lake, rolling topography and wetlands, and the diversity of ecological communities on the site, the Job Corps property currently presents a highly valued contribution to the open space network along the River. The disposal of this property by the Federal Government, and its loss to development interests, would be inconsistent with and in direct opposition to the spirit and intent of the Greenway concept. Not only would development of the parcel for housing or other similar use diminish public access to, and the scenic integrity of, a Statewide resource - the River, it would also diminish the qualities of a significant local resource - the Town's only natural lake. Preservation of this parcel as public land is from a local perspective imperative. For residents of the State the site offers a valuable future link in the Greenway Trail. For residents of the community it offers the opportunity for a high quality passive recreation experience with lake and river amenities. To dispose of the property for other than public use would be to weaken the foundation of the Greenway before any of its elements can be built.

SECTION III - SUITABILITY

Site Characteristics and Development

The parcel is well suited to its intended use as low intensity passive recreation. As previously discussed, the site contains a variety of vegetative cover types, ecological communities in various stages of succession, topographical relief, wetland associations, and water elements. In addition, high quality scenic settings can be found along both Frothingham Lake and the Hudson River. The characteristics of the site ideally lend themselves to development of a trail system focused on nature study and appreciation.

The trail system would be designed to link, and provide opportunities for viewing the marsh, swamp, lake and river elements of the property. Limited picnic facilities might be provided along both the lake and river for passive enjoyment of trail users. Trail layout would entail passage through the various woodland communities on site including stands of mature and young maple and associations of oak-maple, oak-maple-elm- cottonwood, maple-oak-hickory, whitepine-oak, and cottonwood-locust. Also incorporated in trail design would be passage through meadows, pine and spruce plantation, and riverbottom land. Additional picnic tables might be included in the meadow northeast of the purple loosestrife marsh, and at a highpoint on the property, in a field atop the major knoll.

The trail would be laid out to follow natural contours of the property, winding through areas of minimum undergrowth. Significant clearing to establish a trail will be necessary on bottomland along the river, where underbrush is quite thick.

Long term trail design is proposed to incorporate a loop around the property, with a descent to the river down the steeper slopes along the northern property line, and an ascent up the gentler slopes to the south. This trail system can eventually be tied into, and provide diversion from, the more ambitious undertaking of the Hudson River Valley Greenway Trail.

Parking facilities are to be provided on flat land near Route 144. To the extent possible, parking will be tucked into the wooded area east of the swamp so as to have minimum visual impact on the grand entrance to the Job Corps facility.

Outstanding Easements, Restrictions, Etc.

From review of Standard Form 118b and attachments, there do not appear to be any easements or other restrictions which would interfere with development and use of the property as proposed. As can best be determined from Standard Form 118b, the following rights of use appear to affect the property:

1. Various rights of access and easements appear to exist over Simmons Road, for ingress and egress, both for the benefit of the Job Corps property and for adjacent land owners. This roadway passes over both the current lands of Babcock (located adjacent

to Route 144) and the Job Corps site. It should be noted that Simmons Road is listed as a Town Road and appears to be a highway by user. The Town currently plows the road.

2. Tennessee Gas Corporation appears to retain a right of use along Gibson Road near the property's southern boundary. This right-of-way extends from the Job Corps entrance down an overgrown path to the river. It cannot be determined at this time whether the right-of-way extends over the applied for property. Until a southern boundary is defined by G.S.A. and the right-of-way is located upon a survey, it is assumed to be south of the applied for property.
3. Various properties including lands now or formerly of Kornes and Frothingham retain water rights to Frothingham Lake.

In addition to the above, the following factors should be noted:

1. Standard Form 118b identifies wells in the vicinity of the swamp located along Route 144. The Department of Labor will in all likelihood require an easement to these wells.
2. Standard Form 118b identifies "...a survey discrepancy reportedly regarding the northern boundary and access rights for adjacent landowners." The nature of this discrepancy is not discussed in the report and is unknown at this time.
3. Right to use the docks along the River is apparently reserved to the Job Corps property. Until the survey is complete, it is uncertain whether this dock lies on Job Corps land.
4. A power line/telephone line currently runs east-west through the Job Corps property. No reference to an easement for this line can be found in Form 118b and its attachments.

Clarification of the exact nature and location of all easements await preparation of an accurate survey by G.S.A. From review of Form 118b, however, it does not appear that there exist any restrictions which will interfere with development of the property for passive recreation use.

Physical Improvements/Suitability for Use

There are no physical improvements on the property which will be used or demolished by the applicant Town of Bethlehem.

Public Transportation and Road System

There is currently no public transportation serving the Job Corps site. Access to the property will be primarily by private automobile. The site

lies adjacent to NYS Route 144, a major north-south roadway through the Town.

Route 144 is accessible from a NYS Thruway Interchange located approximately two miles south of the property, and by various east-west routes which connect to population centers west and northwest of the property in Delmar-Elsmere-Slingerlands. A map of the major road network in Town can be found in Section 2, Figure 5.

Outstanding Scenic and Historic Resources

The site does not contain any known historic resources listed or eligible for listing in the National Register of Historic Places. The site does, however, contain a number of scenic settings. Most prominent are the Hudson River shoreline, Frothingham Lake, and the swampy area near Route 144.

As previously discussed, the State of New York has recognized the scenic importance of the site to residents of the State in its establishment of Hudson River Valley Greenway legislation. The goal of this legislation is to preserve the scenic quality and resources of the Hudson River Valley, particularly those landscapes lying along the River. The quality of the site has long term potential for tie in to the Hudson River Valley Greenway Trail.

Property Ingress and Egress

Ingress and egress to the property will be from State Route 144. No easements or agreements are necessary to obtain access. The property has sufficient road frontage (approximately 470 feet) along the State Highway.

To obtain access, a curb cut permit will be needed from the New York State Department of Transportation. Ample sight distance exists along this portion of Route 144. Consequently, it is expected that the curb cut will be granted.

Highest and Best Use of Property

The Job Corps parcel currently lies in an area of Town zoned "A" Residence. Under the Town's existing development regulations the parcel can be developed for single family housing with minimum lot areas of 12,000 square feet. Ignoring environmental constraints of the site, it is estimated that the parcel could accommodate 215 units of single family housing. When environmental constraints are considered, however, development potential is much less.

Although the site has access to a 12 inch water main running along NYS Route 144, the parcel lies outside of the Town's sewer district. The closest public sanitary sewer is the main trunk line which crosses Route 144 approximately one mile south of the parcel. Since site soils are not suited to on-site disposal because of wetness and/or shallow depth to

bedrock, development of the parcel at any significant density would require extension of the sewer line.

In addition to sanitary waste disposal constraints, site characteristics such as steep slopes, depth to bedrock, soil wetness, hydric soil conditions, floodplain area (along the river below the 30' contour), wetland area, and topography pose additional obstacles to development. Approximately, 60+% of the site might be considered undevelopable for these reasons.

Given the site's relationship to the Hudson River, it is expected that any proposals for development would also entail significant opposition from river based environmental groups such as Scenic Hudson and Hudson River Sloop Clearwater. A long involved environmental review process under the State's Environmental Quality Review Act would likely result in substantial downsizing of the project and its confinement to the western half of the parcel.

With the various constraints to development and anticipated opposition, the Town Planning Department would estimate that ultimate approvals would entail authorization for construction of no more than 15 to 20 homes on estate type lots.

SECTION V - PROGRAM OF UTILIZATION

A. Program of Utilization

The Town of Bethlehem proposes to develop the 70 +/- acre surplus parcel as a municipal park for low intensity passive recreation, permitting day use only. Components of the development plan are outlined below.

1. Nature Trail - A trail system will be developed extending from the parking area through the property to Frothingham Lake and the Hudson River. The trail will be hardened and designed to follow natural contours as it winds its way through the various vegetative communities on site. The overall concept is to provide a loop around the property, connecting the more scenic elements of the site such as the swamp, marsh, lake, and riverfront. Directional, informational, and interpretive signs will be placed along the trail system. A portion of the trail system, near the swamp and parking area, will be made accessible for the disabled.
2. Picnic Facilities - A limited number of picnic tables will be placed at selected locations along the trail system to provide focal points for rest, relaxation, or contemplation. These tables will be located in the vicinity of the lake, riverfront, and at selected clearings on the property. Picnic grills, pavilions, and other similar amenities will not be included so that the low intensity passive nature of the area can be maintained.
3. River Access - The surplus property has approximately 700 feet of frontage along the Hudson River. This area of the property is exceptionally scenic. The trail system will be developed to maximize the enjoyment of these views while maintaining the natural setting. Two small clearings will be provided along the river for 2 to 4 total picnic tables. The River will not be used for active recreation such as swimming or boating. With the increase in development pressures and private ownership along the river, the proposal ensures long term public access to this resource.
4. Lake Access - The southern end of Frothingham Lake is included in the surplus parcel. As with the riverfront, this area of the site offers an exceptional aesthetic experience. The trail system will be extended to this area and 2 to 4 picnic tables provided along the lake. Some clearing of underbrush to improve the view of the lake from the picnic sites will be necessary. Because of the shallowness of the water, and vegetation at the lake's margin, the pond will not be used for swimming or boating.
5. Roadway and Parking - An entrance road and parking lot will be constructed in the vicinity of Route 144. The entrance and lot will be constructed of compacted gravel or other suitable material in order to maintain a rustic appearance. The parking

lot will be designed to accommodate approximately 15 cars and will be landscaped along its southern perimeter. Landscaping along this perimeter is especially important to maintain the grandness of the entrance to the Job Corps. The parking lot will be made handicapped accessible. Access to the site will come directly from Route 144. A service road may be constructed to connect with the Job Corps, if necessary, to provide access for vehicles during development, and for maintenance.

6. Restroom Facilities - The provision of restroom facilities and water is a long term option which may or may not be undertaken. At present, public water is available along Route 144, however, sanitary sewer is not. Portable restrooms could be used as an alternative.

Presently, there are no buildings or structures of any kind on the property. Removal of debris will consist primarily of brush, dead trees, and materials removed in the development of trails and parking.

The property will be primarily developed by the Town of Bethlehem with assistance from the Glenmont Job Corps. Additional assistance may be provided by local civic groups and/or environmental organizations.

B. Schedule of Development

A proposed schedule of development and cost estimate can be found on the following page in Table 13. Estimated development cost is \$35,800.

C. Site Development Plan

A concept plan for site development is attached as Figure 11. It is expected that this concept will be refined in terms of exact trail location upon further study of the site's environmental characteristics and terrain, and upon receipt of an accurate survey.

D. Historic Values Plan

The parcel is not listed on, nominated to, or eligible for nomination to the National Register of Historic Places. Consequently, a Historic Values Plan is not included.

Table 13 - Proposed Schedule for Development

Phase I (1993)

Design Plans	
Gain access for entrance road	\$ 500
Stake out trail system	
	Approximate Cost \$ 500

Phase II (1994-1995)

Construct a portion of trail system (western portion)*	\$5,000
Construct entrance road (250' x 18')	\$3,300
Construct parking lot (150' x 45')	\$6,000
Orientation signage/picnic tables	<u>\$2,000</u>
	Approximate Cost \$16,300

* A portion of this trail will require a special surface to make it accessible

Phase III (1996)

Construct trail to the pond area	\$5,000
Picnic tables/signs	<u>\$2,000</u>
	Approximate Cost \$7,000

Phase IV (1997-1999)

Construct trail to and from the Hudson River	\$10,000
Picnic tables/signs	<u>\$ 2,000</u>
	Approximate Cost \$12,000
	Total Approximate Cost \$35,800

OPTION

Phase V (2000)

Run utilities	
Construct restrooms	\$50,000

CONCEPT PLAN

PROPOSED PARK
NORTHERN PORTION OF
JOB CORPS PROPERTY
TOWN OF BETHLEHEM
NEW YORK

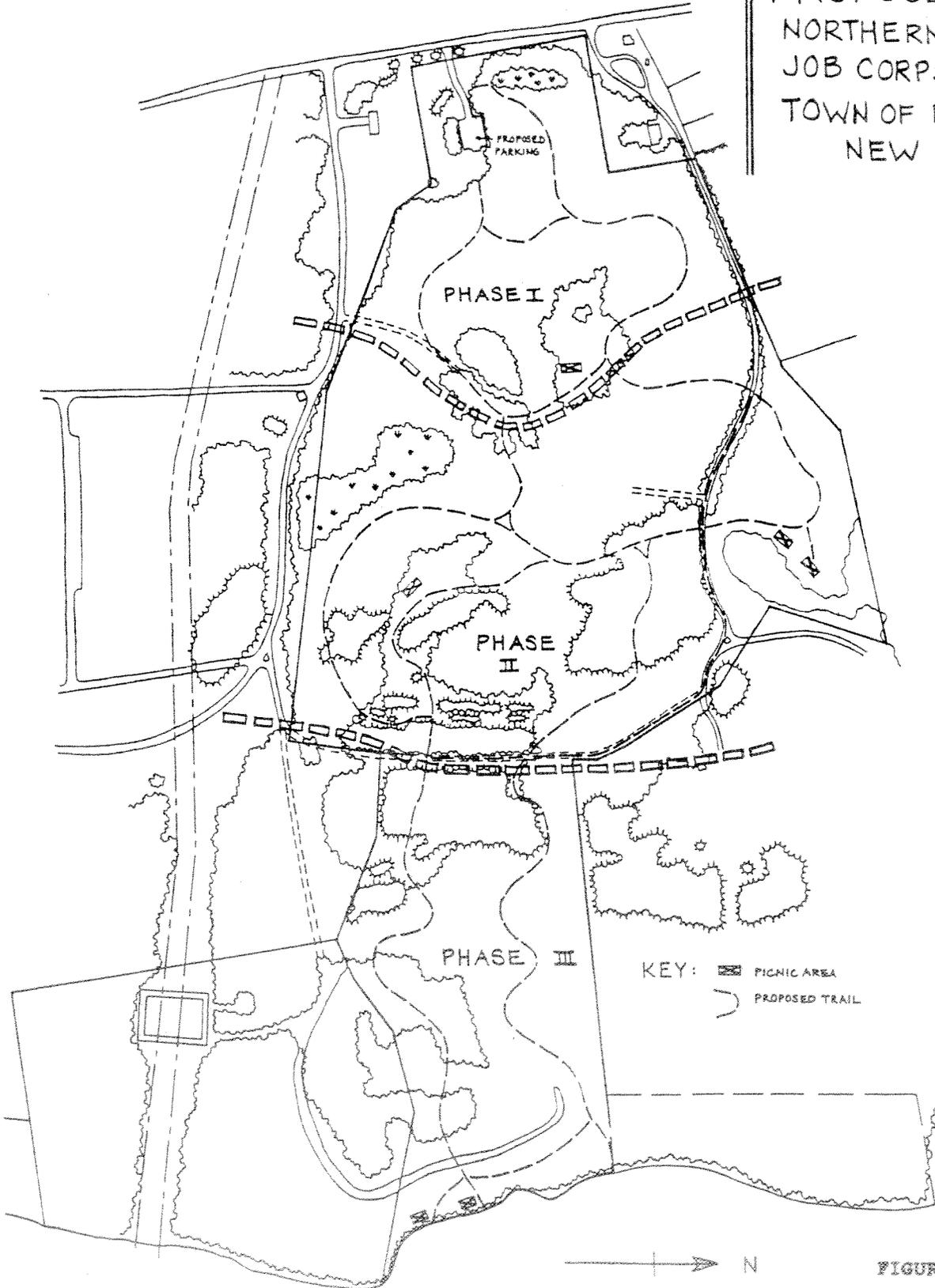


FIGURE 11

0 100' 200' 400'

PREPARED BY: PLANNING DEPARTMENT DATE: 8-92

Appendix B

RECEIVED
REAL ESTATE
FEB 26 1976
COUNTY CLERK
ALBANY COUNTY

CO4002

LIBER 2551 PAGE 263

QUITCLAIM DEED

FEB 26 9 44 AM '76
COUNTY CLERK
ALBANY COUNTY

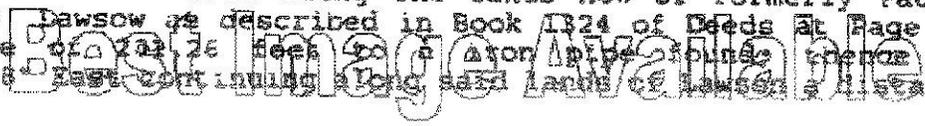
The UNITED STATES OF AMERICA, hereinafter referred to as Grantor, acting by and through the Regional Director, National Park Service, North Atlantic Region with offices at 15 State Street, Boston, Massachusetts, pursuant to authority delegated by the Secretary of the Interior, and as authorized by the Federal Property and Administrative Services Act of 1949 (63 Stat 377), as amended, and particularly as amended by Public Law 91-485 (84 Stat 1084), and regulations and orders promulgated thereunder, for and in consideration of the use and maintenance of the property herein conveyed exclusively for public park or public recreation purposes in perpetuity by the Town of Bethlehem, hereinafter referred to as Grantee, does hereby remise, release and quitclaim to Grantee, its successors and assigns, subject to the reservations, exceptions, restrictions, conditions and covenants hereinafter set forth, all right, title and interest of the Grantor in and to the following described parcel:

All that certain parcel of land, situate and being in the Town of Bethlehem, County of Albany and State of New York, being more particularly bounded and described as follows:

Beginning at a point on the easterly bounds of N.Y. Route 144, said point being the southwesterly corner of the lands now or formerly of Susanne K. Babcock as described in Book 2235 of Deeds at Page 235; thence along said lands of Babcock the following two (2) courses and distances:

- 1) North 86°23'28" East a distance of 360.18 feet to a point;
- 2) North 05°17'32" West a distance of 229.46 feet to a point;

thence North 72°25'18" East a distance of 630.21 feet to a point, thence North 50°10'18" East along the lands now or formerly Paul C & Anita S. Dawson as described in Book 1324 of Deeds at Page 199 a distance of 741.26 feet to a stone pipe found thereon North 84°55'18" East continuing along said lands of Dawson a distance of



551.67 feet to a point on the southeasterly shore line of Frothingham Lake; thence southwesterly along said shore line and bisected by a tie course of South 23°12'31" West, 298.69 feet to a point on the said shore line; thence along the southerly bounds of the lands now or formerly of Robert F. & Esther L. Kornas as described in Book 1431 of Deeds at Page 117 the following six (6) course and distances:

- 1) South 54°47'01" East a distance of 259.57 feet to a point;
- 2) South 28°30'51" East a distance of 214.03 feet to a point;
- 3) South 32°48'36" East a distance of 85.34 feet to a point;
- 4) South 19°47'33" East a distance of 80.76 feet to a point;
- 5) South 05°25'38" West a distance of 68.07 feet to a point;
- 6) North 88°50'56" East a distance of 903.32 feet to a point on the former westerly shore line of the Hudson River;

thence along said shore line the following four (4) courses and distances:

- 1) South 02°41'15" West a distance of 129.90 feet to a point;
- 2) South 01°07'43" West a distance of 267.97 feet to a point;
- 3) South 05°17'24" West a distance of 155.72 feet to a point;
- 4) South 03°05'44" West a distance of 36.26 feet to a point on the northerly bounds of the lands now or formerly of Tennessee Gas Transmission Company as described in Book 1259 of Deeds at Page 387;

thence westerly along said bounds the following three (3) courses and distances:

- 1) South 82°07'18" West a distance of 158.62 feet to a point;
- 2) South 56°59'34" West a distance of 185.00 feet to a point;
- 3) South 79°23'41" West a distance of 101.12 feet to the northwesterly corner of the lands now or formerly of Tennessee Gas Transmission Company;

thence through the lands of the Grantor (United States of America) as described in Book 2148 of Deeds at page 962 the following four (4) courses and distances:

- 1) North 79°56'23" West a distance of 287.15 feet to a point;
- 2) North 10°34'49" East a distance of 130.53 feet to a point;
- 3) North 79°56'23" West a distance of 1773.94 feet to a point;
- 4) South 81°58'16" West a distance of 332.77 feet to a point on the easterly bounds of N.Y. Route 144;

thence North 04°24'27" West along the easterly bounds of N.Y. Route 144 a distance of 476.33 feet to the point of beginning. Containing 51.08 acres of land more or less.

Also including a certain parcel of land, being a portion of what was known as Bear Island and more particularly bounded and

described as follows:

Beginning at a point on the former westerly bounds of Bear Island, said point located North 88°50'56" East, 51.81 feet from the northeasterly corner of the above described parcel; thence from said point of beginning North 88°50'56" East a distance of 235.88 feet to a point on the former easterly bounds of Bear Island; thence southerly along said bounds the following eleven (11) courses and distances:

- 1) South 03°24'12" East a distance of 56.68 feet to a point;
- 2) South 10°10'19" West a distance of 124.23 feet to a point;
- 3) South 07°24'56" West a distance of 60.72 feet to a point;
- 4) South 35°10'38" West a distance of 75.23 feet to a point;
- 5) South 38°21'59" West a distance of 62.36 feet to a point;
- 6) South 25°55'20" East a distance of 77.26 feet to a point;
- 7) South 25°07'58" East a distance of 80.58 feet to a point;
- 8) South 26°03'35" East a distance of 135.06 feet to a point;
- 9) South 36°57'28" East a distance of 37.41 feet to a point;
- 10) South 67°28'55" East a distance of 33.80 feet to a point;
- 11) South 38°38'13" East a distance of 52.56 feet to a point;

thence North 52°09'19" West along the northerly bounds of the lands now or formerly of Tennessee Gas Transmission Company as described in Book 1259 of Deed at Page 387 a distance of 33.85 feet to a point; thence North 73°44'23" West and continuing along the above described bounds a distance of 329.00 feet to a point; thence northerly along the former westerly bounds of Bear Island the following five (5) courses and distances:

- 1) North 13°23'36" West a distance of 77.30 feet to a point;
- 2) North 00°02'00" East a distance of 106.89 feet to a point;
- 3) North 02°12'06" East a distance of 166.88 feet to a point;
- 4) North 01°39'19" East a distance of 157.00 feet to a point;
- 5) North 04°54'40" East a distance of 74.73 feet to the point of beginning. Containing 3.05 acres of land more or less.

The property herein conveyed contains in the aggregate, approximately 54.13 acres of land, more or less, and was formerly under the administrative jurisdiction of the United States Department of Labor, an agency of the United States Government.

TOGETHER WITH the appurtenances and improvements thereon, and all the estate and rights of the Grantor in and to said premises.

SUBJECT TO any and all outstanding reservations, easements and rights-of-way, recorded and unrecorded, for public roads, railroads, pipelines, drainage ditches, sewer mains and lines, and public utilities affecting the property herein conveyed.

AND SUBJECT TO any survey discrepancies, or access rights of adjacent landowners, whether such rights are of record, or

otherwise.

Excepting and reserving to the Grantor an easement for any and all access purposes whatsoever to wells located on or to the north of the property herein conveyed, and/or in the vicinity of the swamp located along Route 144.

And further excepting and reserving the rights to use docks along the river.

TO HAVE AND TO HOLD the above premises, subject to the easements, reservations, exceptions, restrictions, conditions, and covenants herein enumerated and set forth, unto the Grantee, its successors and assigns, forever.

There are excepted from this conveyance and reserved to the Grantor all oil, gas, and other minerals in, under, and upon the lands herein conveyed, together with the right to enter upon the land for the purpose of mining and removing the same.

Pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended, and applicable rules regulations and orders promulgated thereunder, the General Services Administration determined the property to be surplus to the needs of the United States of America and assigned the property to the Department of the Interior for conveyance to Grantee. It is understood and agreed by and between the Grantor and Grantee, and Grantee by acceptance of this deed does acknowledge that it fully understands the terms and conditions set forth herein and does further covenant and agree for itself, and its successors and assigns, forever, as follows:

1. The property shall be used and maintained exclusively for the public purposes for which it was conveyed in perpetuity as set

forth in the program of utilization and plan contained in Grantee's application submitted by Grantee on September 25, 1992, which program and plan may be amended from time to time at the request of either the Grantor or Grantee, with the written concurrence of the other party, and such amendments shall be added to and become a part of the original application.

2. The Grantee shall, within six months of the date of this deed, erect and maintain a permanent sign or marker near the point of principal access to the conveyed area indicating that the property is a park or recreational area and has been acquired from the Federal Government for use by the general public.

3. The property shall not be sold, leased, assigned, or otherwise disposed of except to another eligible governmental agency that the Secretary of the Interior agrees in writing can assure the continued use and maintenance of the property for public park or public recreational purposes subject to the same terms and conditions in the original instrument of conveyance. However, nothing in this provision shall preclude the Grantee from providing related recreational facilities and services compatible with the approved application, through concession agreements entered into with third parties, provided prior concurrence to such agreements is obtained in writing from the Secretary of the Interior.

4. From the date of this conveyance, the Grantee, its successors and assigns, shall submit biennial reports to the Secretary of the Interior setting forth the use made of the property during the preceding two-year period, and other pertinent

data establishing its continuous use for the purposes set forth above, for ten consecutive reports and as further determined by the Secretary of the Interior.

5. The Grantee further covenants and agrees to comply with the 1977 Amendments to the Federal Water Pollution Control Act (Clean Water Act of 1977), and Executive Order 11990 (May 24, 1977) for Protection of Wetlands and Executive Order 11988 (May 24, 1977) for Floodplain Management, where and to the extent said Amendments and Orders are applicable to the property herein conveyed, and Grantee shall be subject to any use restrictions issued under said Amendments and Orders.

6. The Grantee further covenants and agrees for itself, its successors and assigns, to comply with the requirements of Public Law 90-480 (82 Stat. 718), the Architectural Barriers Act of 1965, as amended by Public Law 91-205 of 1970 (84 Stat. 49) and regulations and orders promulgated thereunder, to assure that development of facilities on the property makes such facilities accessible to the physically handicapped; and further assure in accordance with Public Law 93-112, the Rehabilitation Act of 1973 (87 Stat. 394) that no otherwise qualified handicapped individual shall, solely by reason of his or her handicap, be excluded from the participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

7. As part of the consideration for this deed, the Grantee covenants and agrees for itself, its successors and assigns, that:

(1) the program for or in connection with which this deed is made will be conducted in compliance with, and the Grantee, its successors and assigns, will comply with all requirements imposed by or pursuant to the regulations of the Department of the Interior as in effect on the date of this deed (43 C.F.R. part 17) issued under the provisions of Title VI of the Civil Rights Act of 1964;

(2) this covenant shall be subject in all respects to the provisions of said regulations; (3) the Grantee, its successors and assigns, will promptly take and continue to take such action as may be necessary to effectuate this covenant; (4) the United States shall have the right to seek judicial enforcement of this covenant; and (5) the Grantee its successors and assigns, will: (a) obtain from each other person (any legal entity) who, through contractual or other arrangements with the Grantee, its successors or assigns is authorized to provide services or benefits under said program, a written agreement pursuant to which such other persons shall, with respect to the services or benefits which he is authorized to provide, undertake for himself the same obligations as those imposed upon the Grantee, its successors and assigns, by this covenant, and (b) furnish a copy of such agreement to the Secretary of the Interior or his successors; and that this covenant shall run with the land hereby conveyed, and shall, in any event, without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity for the benefit of and in favor of the Grantor and enforceable by the Grantor against the Grantee, its successors and

assigns.

8. In the event there is a breach of any of the conditions and covenants herein contained by the Grantee, its successors and assigns, whether caused by the legal or other inability of the Grantee, its successors and assigns, to perform said conditions and covenants, or otherwise, all right, title and interest in and to the said premises shall revert to and become the property of the Grantor at its option which, in addition to all other remedies for such breach, shall have the right of entry upon said premises, and the Grantee, its successors and assigns, shall forfeit all right, title and interest in said premises and in any and all of the tenements, hereditaments and appurtenances thereunto belonging; provided, however, that the failure of the Secretary of the Interior to require in any one or more instances complete performance of any of the conditions or covenants shall not be construed as a waiver or relinquishment of such future performance, but the obligation of the Grantee, its successors and assigns, with respect to such future performance shall continue in full force and effect:

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name and on its behalf this 27th day of September 1995.

UNITED STATES OF AMERICA

By [Signature]
Field Director
National Park Service
Northeast Field Area
15 State Street
Boston, Massachusetts

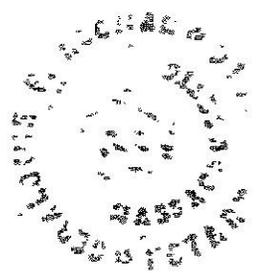
Commonwealth of Massachusetts)
County of Suffolk) ss

On this 27th day of SEPTEMBER, 1995, before me, the subscriber, personally appeared ROBERT W. MCINTOSH, JR., to me known and known to me to be the ACTING Field Director, National Park Service, Northeast Field Area, of the United States Department of the Interior, a governmental agency of the United States of America, with offices at 15 State Street, Boston, Massachusetts, and known to me to be the same person described herein and who executed the foregoing instrument as such ACTING Field Director aforesaid, as the act and deed of the United States of America, for and on the behalf of the Secretary of the Interior, duly designated, empowered, and authorized so to do by said Secretary, and he acknowledged that he executed the foregoing instrument for and on the behalf of the United States of America, for the purposes and uses therein described.

[Signature: Geraldine F. Noonan]
NOTARY PUBLIC

My Commission Expires:

MAY 16, 1997



LIBER 2551 PAGE 272

The foregoing conveyance is hereby accepted and the undersigned agrees, by this acceptance, to assume and be bound by all the obligations, conditions, covenants and agreements therein contained.

STATE OF NEW YORK
TOWN OF BETHLEHEM

By Sheila Fuller

Title Supervisor

State of New York)
County of Albany) ss

On this the 26th day of October in the year, 1995, before me, personally came Sheila Fuller to me known, and known to me to be the individual described in and who executed the foregoing instrument, and she thereupon acknowledged to me that she executed the same.

Kathleen Newkirk

Notary Public
Title

My Commission Expires
July 31, 1996

[Faint notary stamp text]
7/31/96

[Handwritten notes]
Kathleen Newkirk
Box 31

[Faint circular notary seal]

Appendix C

simmons park



October 9, 2008

Disclaimer: This map was prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The information was compiled using the most current data available. It is deemed accurate, but is not guaranteed.

Appendix D

Scenic Hudson, Inc.
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601-3157
Tel: 845 473 4440
Fax: 845 473 2648
email: info@scenichudson.org
www.scenichudson.org



Scenic Hudson Guidelines for the Design and Development of Riverfront Parks

The guidelines below are intended to provide general guidance regarding best practices for designing and developing waterfront parks. Scenic Hudson encourages municipalities to consider these guidelines as they create new riverfront parks or as they renovate and redesign existing parks along the Hudson River. There have been wonderful developments in recent years regarding waterfront park design which incorporate more naturalized approaches to shoreline design, greater use of native plantings, more environmentally-friendly construction materials, more subtle, energy-efficient lighting techniques, and a greater variety of ways in which people can interact with and enjoy the river and its natural beauty. There are many websites and other resources which can provide additional guidance and expertise; and, for local inspiration, visits to parks such as the Scenic Hudson Park in Irvington, Beacon Point Park in Beacon, Foundry Dock Park in Cold Spring, and Four-Mile Point Preserve in Coxsackie can be helpful. As you embark on your own park planning process, please feel free to send us additional suggestions that you think would be helpful to include in these guidelines.

General Approach - Riverfront park design shall respect the site's ecological, historic and scenic resources, enable the community to engage with the waterfront in a variety of ways, address site sustainability, and enliven a space that may have languished. Riverfront parks should provide a mix of spaces for learning opportunities, passive enjoyment, active recreation and civic functions, all of which can be enhanced by being sited alongside beautiful stretches of the river.

Design process – select a reputable design consultant through a competitive request for proposal process (RFP), if possible. Landscape architects are especially suitable for this type of work. They prepare site analysis of existing conditions, schematic and final design, construction documents, cost estimates, permit documents, bid packages and construction supervision. The selected design consultant should have experience in waterfront park design and working knowledge of sustainable design principles. Suggested website for finding landscape architects: www.asla.org and http://online.asla.org/scriptcontent/index_find_firm.cfm

The design process should include community participation. Engaging your community in the design process should take place in the early schematic design period to get their input. Some ways to engage the community include: design charrette, questionnaires, meetings open to the public, and a design review committee made up of representatives of the various groups in your community, e.g. historical society, recreation board, local outdoor groups, school officials. Post updates on municipality's website, local newspaper and in a public meeting space.

Appropriate scale – The scale of the park and its designed elements shall be compatible with the surrounding environs while meeting the needs of the public.

Encourage river access – Riverfront parks should accommodate as much access to the river as possible: boat launches/ramps for trailered boats, hand launches for car-topped kayaks, fishing piers, docks, and/or swimming access.

Park amenities – Locate new structures to take maximum advantage of passive energy technology to provide for human comfort. These include benches, pavilions, picnic areas, overlooks, floating docks and boardwalks. Encourage bike access and include bike racks. Implement a “carry-in, carry-out” trash policy similar to national and state parks.

Shoreline stabilization – Assess condition of shoreline and the rate of erosion caused by wave energy and ice scouring. Consider natural shoreline solutions where feasible over hard-edged bulkheads; where possible integrate “get-down” areas for public to access the river for fishing, etc. Suggested website from NYS Department of Environmental Conservation’s Hudson River Estuary Program for more information <http://www.dec.ny.gov/lands/42053.html>

Materials – During design, construction, operations and maintenance of the park, consider ways to reduce material consumption, reuse and recycle materials and minimize waste and materials that do not require frequent maintenance and replacement. Use local or regional materials that are indigenous to the area whenever possible to reduce energy consumption during transport, give the park a more authentic look and support the local economy. Consider materials with post-consumer or industrial recycled content. Reduce heat island effect by using light-colored materials or increasing shade. Avoid pressure treated lumber. Use Forest Stewardship Council certified wood when applicable, which assures that it comes from a certified well-managed forest. Suggested website: www.fscus.org.

Access and parking – Look for ways to encourage train, trolley, boat, bike and pedestrian access to the park. The location of parking areas should be considered carefully: they should be set back from the waterfront as much as possible so as not to interfere with river views and shoreline aesthetics. They should also be designed to accommodate handicapped accessibility. Consider gravel or grass pavers where appropriate and avoid pervious surfaces.

Path systems – Paths along the river can vary from formal river promenades to informal trails. Assess possibility of connecting park path system to existing public walkways or trails. New paths should meet American Disabilities Act (ADA) requirements wherever possible, providing a complete experience for park users of all abilities. Consider separating recreational user groups for safety purposes, e.g., cyclists and rollerbladers from general walking path. Include shade trees, adequate lighting and benches for safety and comfort. Paving materials should be carefully selected to match proposed uses of the path. Consider year-round activities, e.g. cross-country skiing. Use porous materials and avoid materials such as concrete which is highly energy consumptive and petroleum-based products such as asphalt. There are many alternative paving materials that should be considered such as porous pavers, stabilized stone dust.

Native Plantings – Retain as much existing native vegetation as possible on site. Maintain large habitat areas and avoid habitat fragmentation and canopy loss where applicable. Eliminate use of invasive plants and introduce plant species native to the Hudson Valley region. New plantings should occur in natural associations (plant communities). Specify plants that can be found from local sources to ensure that plants are adaptable to local conditions. Suggested website for native plant sources: www.nativeplantcenter.org/plantsnew.htm

Lighting – Limit night lighting to the minimum necessary for safety and to “preserve and protect the nighttime environment” as stated by The International Dark Sky Association. Low voltage lighting with photovoltaic collectors should be considered as an energy-efficient alternative. Light fixtures should remain close to the ground, avoiding glare from eye level fixtures. Suggested website: www.darksky.org

Fencing – Fence, rail and gate design should be compatible with the surrounding character of the waterfront. Fencing should not limit actual or visual access to the waterfront, except where necessary for safety or security. Fencing material visible from publicly accessible areas should compliment surrounding architectural materials; chain link fencing is inappropriate in these areas. If screening is necessary, it should include vegetation that provides a complete year-round opaque screen.

Signs – A sign system should be designed to attract and inform the public without detracting from the natural park features. The number, size, height, layout and material of signs shall be carefully chosen to achieve this goal. Include park rules and regulations, funding credit and interpretation of the parkland’s ecological and cultural history. Include local history and what can be seen from the park.

Questions or suggestions can be directed to:

Rita D. Shaheen, ASLA
Director of Parks
Scenic Hudson, Inc.
One Civic Center Plaza, Suite 200
Poughkeepsie, NY 12601
Phone: 845-473-4440 ext. 230
rshaheen@scenichudson.org

Appendix E

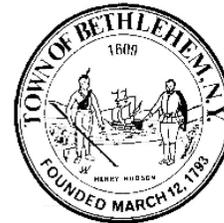
John H. Cunningham
Town Supervisor

Josh Cansler
Commissioner

Erik T. Deyoe, P.E.
Deputy Commissioner /
Town Engineer

TOWN OF BETHLEHEM

Albany County - New York
DEPARTMENT OF PUBLIC WORKS
445 DELAWARE AVENUE
DELMAR, NEW YORK 12054
Engineering Division (518) 439-4955 x1137
Fax: (518) 439-5808
Email: edeyoe@townofbethlehem.org



Simmons Road Park Master Plan – Public Workshop Meeting

Meeting Summary

Issued: 11 December 2008

9 December 2008, 7 p.m. to 8:30 p.m.
Elm Ave Park Meeting Room

Distribution:

J. Cunningham, Supervisor*
S. Messina, Town Board*
M. King, P.E., Engineering*
D. Kitchen, DEDP*
N. Lanahan, Parks*
J. Lipnicky, Planning
M. Morelli, DEDP
K. Simmons, CHA*

* denotes attendance at the meeting.

Discussion Topics & Comments

1. Historical information about the parkland
 - a. Land was originally private land consisting of 2 estates bought by a seminary to create a school. Parcel was conveyed to US Dept. of Interior and intended to remain a buffer between residential properties and Job Corps. Congressman Stratton promised that the parcel would remain “forever wild.”
 - b. Parcel may have been conveyed as a parkland commitment for a subdivision to the south of the Job Corps site.

2. General information about the park and site
 - a. Area near the Hudson River is swampy and under water for part of the year. May prohibit physical access to the water.
 - b. Frothingham Lake is spring-fed and the northeast corner of the lake does not freeze in the winter. Concern about public safety if lake is used by skaters, etc.
 - c. Frothingham Lake contains many turtles and some eels, but no fish. The lake does contain a large amount weed growth.

- d. Water access to Frothingham Lake may not make sense due to the weed growth, small size and lack of fish.
 - e. Old growth trees existing along Simmons Road along with spice bush. There was a concern about maintaining existing habitat as the park develops.
 - f. There is an existing memorial bench near Frothingham Lake for Dr. Korn (?). It was stated that ashes were spread at the site of the bench and we should be sensitive to the memorial in the park development.
 - g. The cove at the river accumulates a lot of debris (i.e., logs, sticks, floatable trash, etc.).
 - h. The site has a lot of ticks.
 - i. Lots of wildlife in the park. Residents in the area especially like the diversity and abundance of wildlife.
 - j. Sewer is not available on the site.
3. Potential Legal & Property issues for future resolution
- a. Ownership rights along the Hudson River. Who owns the shoreline area along the river and how might that impact future connections to the north and south.
 - b. Does the Town actually own part of Frothingham Lake? Do we have access rights to the rest of the lake?
 - c. Who is liable if someone gets hurt in the lake trespassing on private property portions of the lake?
 - d. How are we going to delineate public parkland from the adjoining private lands to limit trespassing?
 - e. Simmons Road is a Highway by user for 0.38 miles. What rights and limitations does the Town have with respect to capital improvements or widening of the road?
4. Security & Safety Concerns
- a. Job Corps residents are a “dangerous element.” There have been several break-ins and attempted break-ins at nearby residences in the past. There was a concern that the park development will create easier access to residential properties. There appeared to be a sense that security is not as controlled as it had been in the past.
 - b. How will nearby residents be notified if there was a break-out of people from the Job Corps?
 - c. Parking on the west side of the park near 144 would be better than along Simmons Road since it would be closer to the guard shack for Job Corps. This might reduce illicit activities or their potential on Simmons Road.
 - d. People are hunting illegally on the park site now.
 - e. Concerns were expressed about the fast highway speed on 144 and that this section 144 is one of the few passing zones in the area. Consideration should be given to the highway speeds if driveway access is created along 144.
 - f. How will the park and Simmons Road be patrolled for security once the site has better accessibility?

5. Ideas and concepts for consideration

- a. Wide blacktop trails would not be well received. No objections to stone dust were heard.
- b. The concept of an internal road from the parking area to Simmons Road was not well received. Consider a trail instead.
- c. The site has an amazing and diverse ecosystem. Consider providing visual “access” to the river in lieu of physical access given the challenging topography.
- d. Consider a pavilion with an overlook for bird and wildlife watching over the lower areas of the site. Site could be near the area between 3 and 4 on the map or at the high point.
- e. Viewshed may be obstructed by the trees between the high point and river. Limited clearing may be needed similar to adjacent properties.
- f. Consider a wooden bridge or boardwalk area through the wetlands on the west side of the side in lieu of developing direct access at the lake.
- g. Consider providing the attendees with an opportunity to detail their wild life and habitat observations and using that information to influence the actual design of the trail network. Consider using this information in interpretive signage?
- h. Consider limiting improvements and access to the lake area since access is already provided by Simmons Road.
- i. Consider disconnecting the trail system from residential and lake areas and discouraging north-south trails through the site limit impacts from Job Corps.
- j. People would like to be able to walk their dogs on leashes at the park.
- k. Kimberly Park mission statement: left in a “natural state...to encourage non-motorized human exploration...” {Nan has the actual complete mission statement}. This seemed to fit the overall sentiment of the audience.

6. Areas of consensus

- a. General sentiment was that the site should be used as a nature preserve and that our impact on the site should be limited to reduce impacts on the ecosystem and wildlife.
- b. Concept 1 phasing plan (developing a parking area near 144 and trail system first) was clearly favored over early phase lake area development.
- c. Significant parking area near area 2 by the lake was discouraged.
- d. Trail system should be focused more toward the middle and south side of the site with limited north-south connecting trails to minimize impacts from Job Corps.
- e. Consider a pavilion and picnic area near the high point for wildlife observation

7. Open items for future consideration or review

- a. Will any dredging or weed control be done in the Lake
- b. Is there a mandate to provide physical access to the River
- c. What are the requirements of ADA accessibility?
- d. The condition of the road Simmons Road is marginal. If the road will be used for access, what improvements can be made to the condition and sub-standard width?
- e. Consider changing the name from Simmons Road Park.
- f. What approvals are needed from the US Department of Interior to develop the park? How do these approvals impact the development schedule?

- g. Can anything be done along power line easement to reduce its visual impact?

Please notify the undersigned of any changes or comments within seven (7) calendar days of issuance.

Respectfully submitted,

Erik T. Deyoe, P.E.
Deputy Commissioner of Public Works & Town Engineer

Encl.: (1) Attendance sheet
(2) Kimberly Park Mission Statement

TOWN BOARD
March 11, 2009

A regular meeting of the Town Board of the Town of Bethlehem was held on the above date at the Town Hall, 445 Delaware Avenue, Delmar, NY. The meeting was called to order by the Supervisor at 6:00 p.m.

PRESENT: John H. Cunningham, Supervisor
Samuel Messina, Councilman
Kyle Kotary, Councilman
Joann V. Dawson, Councilman
Mark Hennessey, Councilman
Kathleen A. Newkirk, Town Clerk
James T. Potter, Esq., Town Attorney

- - -

Supervisor Cunningham welcomed everyone to a regular meeting of the Bethlehem Town Board. He asked Nan Lanahan to lead the pledge of allegiance and invited everyone to join them.

- - -

The Supervisor asked if there were any comments on agenda items. Mrs. Marie Capone said at the beginning of the agenda if you look, there is a request from the Supervisor to rename the Simmons Road property to the Mo He Con Nuck Nature Preserve. She asked what that was. Supervisor Cunningham noted he would get into that when he gets to that item.

Mrs. Capone said this is an election year and we have all painfully seen that government without transparency results in government without accountability. She asked what is that that you want with the Quadricentennial Committee. The Supervisor said he will talk about it when he gets to the item. Mrs. Capone said he is spending the money and they do not want to hear about it 6 months later, commenting don't forget it is an election year.

Mrs. Capone next addressed the issue of the Block Grant opportunities. Supervisor Cunningham said that was just setting a public hearing. Like the Governor, Mrs. Capone asked, if the Supervisor was going to give back some of his salary. Mr. Cunningham said no.

- - -

Mr. Robert Jasinski said he hopes he will be sure to address these items because he loves the 1 or 2 liners. He said he is looking especially on the price for the Titus Enterprises because he understands Parker Mathusa was in on this originally. He said he was looking forward to it and unfortunately he passed away. He said he did not think he ever saw that there was going to be a consultant. Supervisor Cunningham said he would be explaining it.

- - -

Supervisor Cunningham asked if there were any other comments on agenda items. There were none.

- - -

The Supervisor noted the first item was a presentation on the Simmons Road property Master Plan, indicating Cathy Simmons from Clough Harbour was here tonight to explain what the plans are for this project. He said as an overview, about 15 or 16 years ago the Federal Government deeded the land over to the Town of Bethlehem under the agreement that this would be opened up for public access. He said to date that has not happened and noted the Department of the Interior has contacted the Town and advised that work is needed to be done on this project. He said some grant money was obtained from Scenic Hudson and also there is work being done to get some grant money from Assemblyman Tim Gordon to do this project. He said the first stage is the plan and the introduction of the plan is here.

Administrator Lanahan of the Parks and Recreation Department noted he said most of what she was going to say. She said to date there have been 2 public meetings which Scenic Hudson had recommended that they do. She said they gave some guidelines along the way as to things they look for especially in river front

type property. Since the plan has been developed, Mrs. Lanahan said, they have gone back to the National Park Service and Scenic Hudson for their comments and review. She said they have all been favorable and they have come to a lot of resolve over any issues that may have arisen which were very few. She said the intent is to provide the plan tonight and then moving forward they hope to get started with some implementation this year, as far as, DOT permits needed to access the property from Route 144; doing some wetland delineation; making some signs; doing some trail clearing; and just getting started. She turned it over to Ms. Simmons.

Ms. Simmons thanked Mrs. Lanahan. She said she is a Senior Landscape Architect with Clough Harbour and Associates. She said this project began last fall when they walked the property with the staff from the Town and a couple of the neighbors to get a site analysis plan together. Supervisor Cunningham asked Ms. Simmons to identify the borders of the land for the attendees. Ms. Simmons said the site is bordered by River Road along the western edge; residential properties along the northern side; the Hudson River along the eastern side; and the Job Corps property along the southern side. She said the parcel is approximately 53 acres in size and was conveyed to the Town from the Department of the Interior.

Ms. Simmons noted when they did the site visit back in the fall, one of the things they wanted to do was to get a rough idea of where there were wetlands on the site. She said there are several pockets of wetlands out along River Road, in other areas and around Frothingham Lake which is located in the area but bisected by the Town property line. She said the other thing they wanted to look at, at that point in time, was the types of vegetation cover that were available on the site; what kind of manmade intrusions were there; and it turns out there is a power line and utility poles that pretty much bisect the site right down the middle; the topography is very significant in some areas, noting there is a very large knoll right about the center of the site; and there is a very steep slope that goes down to the river before you can get to the river access. She said there is about 130 feet in grade change between the high point of the site and the river's edge.

Ms. Simmons said they completed the site walk and the areas that they thought were significant were Frothingham Lake, possible parking area on River Road, the high point of the property and then the access and the views from the river. She said the next slide showed the existing conditions on the site including a bench dedicated to the Korn family and then a bird house that has been erected there to the Korn family. She said there are shots taken out by River Road in the relatively open area with a sign that says it was conveyed from the Department of the Interior to the Town and you can see it is kind of an open area. She said in the vicinity of the high spot on the site, there is a stand of evergreen trees that has been planted over the years that are now 60 or 70 feet tall. She said there is some open areas and then you can see that it has started to fill in with some underbrush and some deciduous vegetation as well. She said down by the river gives a nice view although it is quite a hike to get down there. She said the other thing that she should mention is that while the parcel itself is 53 acres in size, it is bisected by a strip of land believed to still be held by the Job Corps property. Ms. Simmons said they are in the process of trying to figure out if the Town has access rights over this piece of land to actually get to the river.

Ms. Simmons said based on their site analysis plan, they offered up 5 or 6 different concepts for review by the Town staff and after meeting with them, they narrowed it down to 2 concepts to present at the public meeting that was held on December 9th. She said the first concept proposed as Phase I, the development of a parking lot out on River Road and the development of a loop trail system just kind of circling on itself. She said the Phase 2 involved the cleaning of the perimeter of Frothingham Lake. She noted it is very filled with weeds right now and at that at this point in time, the intent was to have non-motorized boat usage on the lake, canoes and kayaks. She said 2A was to provide an access road from the parking lot over to Simmons Road so that if someone was going to come and launch a kayak they would not have to carry it through the woods but be able to park in a small parking area and have access to the lake.

Ms. Simmons said Phase 3 was to incorporate the high point of the site and further extend the trail network and then Phase 4 continued the trail down to the river with water access in Phase 5 and then possibly at some point down the line extensions to the north and south of the site and there is already a trail that is pretty well defined that could may be a connection to the south at some point in time.

Ms. Simmons said concept number 2 incorporated using Simmons Road for access to the park to reduce the overall project costs at the kick-off stage. She said they thought if they used Simmons Road and had a small parking area, and then provide the loop system as Phase I, it would cut down on the cost with the idea that Phase 2 would then put the parking lot on River Road and we would just have a trail connecting the 2 parking lots together. Again, she said the loop system for both trails and then 3, 4 and 5 are the same as what they showed in Concept I. She said they are kind of far out into the future. She said obviously they would try and progress their development from River Road to the east towards the river as time and money allowed.

Ms. Simmons said the input they received at the December 9th meeting which was very well attended saw all of the adjoining neighbors within 200 feet being invited, as well as, Scenic Hudson and some other agencies that have an interest in the property. She said generally speaking, the people at the meeting felt that Concept I was preferable over Concept 2 because of the access to the lake which has turtles and things of that nature and it is shallow. She said they preferred the parking come off River Road and not Simmons Road to reduce the amount of traffic coming down that narrow driveway. She said the general sentiment of the people was that it should be a nature preserve and have minimal intrusion on the existing environment. She noted they also wanted it to be an educational area where people could come and have identifying signage of the plants and wildlife in the area and bring people into the environment.

Ms. Simmons noted ADA access was raised as a concern and for security reasons the sentiment about having direct access to the river was not strongly supported either. She said because of the steep slopes there was a concern about having to get an ambulance in there or something of that nature and it would be almost impossible to get a vehicle in there. She said there was not a lot of support for having the trail system go down to the river and the gist of it was that they wanted to have non-motorist human activity.

Ms. Simmons said subsequent to the meeting held on December 9, they went back to the drawing board and revised the plans and held a second meeting on February 10 and there was a good turnout at that meeting as well. She said generally speaking everybody was very supportive of the revised plan. She said Administrator Lanahan then took the plan and submitted it to Scenic Hudson and DOI and they both responded back. She said the plan that was presented in February and has now become the final master plan.

Ms. Simmons said the final plan is a phased approach. She said Phase I will incorporate a gravel parking lot off of River Road and it is identified with the green trail system. She said they have consolidated the wetland crossings to have just 1 crossing point indicating its location. She said they have to get a curb cut permit from DOT to have the access on River Road and as part of Phase I they will install a viewing station which she envisions as a clearing in the woods with some picnic tables and that is where the signage would go talking about the history of the parcel or the wildlife in the area or something.

Ms. Simmons said Phase 2 continues easterly in the orange loop again with a trail about 2700 feet long and for this one they are proposing a viewing station which will either be like a raised platform or something built into the high spot knoll where people would have views further into the trees and also views down to the river. They are calling now for a visual access to the river, according to Ms. Simmons, and to achieve that they would do some selective clearing in the area and people would be able to see the river from the middle of the site.

Ms. Simmons said Phase 3 is again a loop and basically the trail is called to

stop right at the top of the real steep terrain on the site. She said they are no longer going to have physical access down to the river. She said there would be an interpretive station with picnic tables. She said to back-up a second, another part of Phase I would be to provide signage down on the river frontage for people that wanted to canoe or kayak up from Henry Hudson Park which is about 1 ½ miles to the south so they would tie a water trail together.

Ms. Simmons said the last phase would be a single trail of about 1,000 feet to the site of Frothingham Lake. She noted the benches and the birdhouse are located on the side and access to the other side would keep a separation from the park users and the residential development. She said there would be another interpretive station in that location.

Ms. Simmons said this is where this stands right now. She asked if there were any comments. Councilman Kotary asked Ms. Simmons to talk about the timing of the proposed phases in Concept 2. Ms. Simmons said it is her understanding that Phase I is going to be done during this construction season. She said she thinks Phase 2 will be held off until next year. Administrator Lanahan said yes, a lot of it will depend on the financial resources and what is available for development. She said the plan is to get going on Phase I this year, noting she has talked to the Job Corps and they are willing to work with the Town on providing some crews and having a cooperative effort on doing some trail clearing and developing the parking lot. She said in that way they can get the preliminary areas open and accessible to the public.

Councilman Kotary asked about the little piece of Job Corps property and if we are looking to get access rights through it, will it be purchased or do we know any of the answers. Mrs. Lanahan said they have met with the Job Corps and they are totally unaware of what the property issues are there. She said part of the process moving forward will be to do a title search and determine who owns it and what the exact parcel is. She said the Director did indicate that if, in fact, it is Job Corps property to let him know and he would look into anything needing to be done to gain access through an easement or property exchange.

Councilman Kotary asked how much water frontage there is. Ms. Simmons said about 400 feet.

Supervisor Cunningham asked if there were any other questions. Councilman Dawson said mention was made that this was sent to Scenic Hudson, asking what their reaction or feedback was. Administrator Lanahan noted they were very pleased with it, indicating their interest is property along the river and providing people different means of access to the river whether it is visual or through boats or trails.

Mrs. Dawson asked if the connecting property between Henry Hudson Park and this land was owned by Job Corps. Administrator Lanahan noted Job Corps does own all the way down to the river and there are other private homes between Job Corps and Barent Winnie Road with various land owners back there. She said immediately adjacent from the road to the river is Job Corps. Mrs. Dawson thanked Mrs. Lanahan.

Councilman Messina said just one question and comment. He asked if some of this work of development of trails and things like that could be done in-house. Mrs. Lanahan said absolutely they hope to do a lot of it and even with some cooperation with Job Corps folks. She said maybe Eagle Scout projects or anyone they can get to help.

Councilman Messina said the one part of the movement here was because of the Federal Government expectations on access and how the land would be used, asking if this meets their tests of whether or not doing this work, incurring some costs that the Federal Government is happy with it. Mrs. Lanahan said we want them to be happy and indicated they have bought into the plan as well. She noted they had a long telephone conference call with them a week or so ago after having sent the plans.

Supervisor Cunningham said there was an issue relative to the water access because we are not planning water access but the understanding from the conversation was that we are going to put a sign up at Henry Hudson Park indicating to people they can get up to use this shoreline by boat. He said that satisfied the concerns. Administrator Lanahan said they will try to put some property markers or something down there at each end of the river property so if people do come up there, there will be indication as to where they would actually be on Town of Bethlehem park property so there are no problems with neighbors. She noted it is beautiful there with a sandy beach.

Councilman Hennessey asked beside hiking and trails, what other kind of recreation opportunities are foreseen. Administrator Lanahan said probably not many. She said they are looking at a pretty passive area and that was the intent 15 years ago. She said the trails are pretty strategic in their design, as far as, ADA accessibility and they hope they can draw senior citizens out and any other nature lovers. She said there are various ecosystems throughout the property which are vast noting there is all kinds of vegetation and wildlife there.

Councilman Hennessey asked if there is a possibility for nature type studies for kids or things like that. Mrs. Lanahan said we certainly can encourage school groups if they want to come, snowshoeing and other activities. She said picnic tables and benches will be along the trails so people can walk and sit. She said with the loop system they can go as far as they want. She said they could do a short loop or make a longer loop.

Councilman Kotary said anytime that there is an opportunity to preserve 50 to 54 acres is great and fortunately we are able to do it with a grant from Assemblyman Gordon and he thanked him for that. He asked in terms of additional Federal or State or perhaps Scenic Hudson and other types of funding, are the phases in the master plan designed to coincide with certain types of potential grant funding that is out there. He said does it make sense the way this is categorized the phases in terms of trying to get funding at each one of the stages. Administrator Lanahan said she did not know if that was taken into account, it was more or less breaking it up into reasonable length of trail that could be accomplished in a reasonable amount of time. Ms. Simmons said one of the things they will be providing after this is a report with an estimate of costs for each phase so the Board will have a ballpark number to work from when it is time to pursue funding opportunities. She said they are in the process of working that up right now.

Supervisor Cunningham said he anticipates there will be some funding to get this started but certainly not enough to get the whole project completed. He said they have already extended an invitation to Eagle scouts as a project and the Highway Department has taken a look at this to see if there is any way they can support it, as well as, Administrator Lanahan's staff is available. Mrs. Lanahan said she has walked out there twice and it is really a great piece of property.

Councilman Hennessey said he wanted to thank Administrator Lanahan because he thinks this is a remarkable achievement and terrific to be bringing this open space into use for people to enjoy throughout the Town. He said he knows a lot of work went into this and they all appreciate it. Mrs. Lanahan thanked Mr. Hennessey and thanked the Engineering Department for all their help too. Supervisor Cunningham thanked everyone.

- - -

Supervisor Cunningham said in conjunction with that, the next issue is the naming of this nature preserve. He said back in October before Parker Mathusa passed away, he discussed this with him and one of the names was the Cedar Ridge area but he insisted that this not be used. He wanted some historical perspective but also accurate. He said he had an opportunity to meet with the tribal historical officer for the Mohican Indians. He noted the Mohicans occupied a lot of area along the Hudson River and where they first met Henry Hudson when he sailed up the river. With this in mind, according to Supervisor Cunningham, they came up with the name MohHeConNuck Nature Preserve. He said the phrase means

'people of waters that are never still'. He said it still exists today and they go by Stockridge Munci Indian Tribe residing in Wisconsin. He said they were originally moved from this area to Stockbridge, Massachusetts and then moved further out to Wisconsin. He proposed this name.

The motion was made by Mr. Kotary, seconded by Mrs. Dawson to name the Simmons Road property The MohHeConNuck Nature Preserve. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Thomas Cotrofeld, Chairman of the Quadricentennial Committee, to authorize the Supervisor to execute a consulting agreement with Titus Enterprises LLC for Event Planning for the Bethlehem Voyage 400 Quadricentennial celebration. Supervisor Cunningham said the committee, again a Parker Mathusa initiative, has been working for 4 years to come up with a plan to celebrate the anniversary of the 400th navigation by Henry Hudson of the Hudson River. He said there will be events throughout New York State and we are going to be holding some here in Bethlehem. He said the committee held a fundraiser in September and raised some funds to initiate this project, noting the initial funds will be used to pay for this consultant. He said the fees are \$600 to initiate which come from those funds. He said there is an additional \$600 payment which also comes from the funds and then in addition the consultant is going to be working with corporate sponsors to raise additional money, noting her payment comes from the money she raises. He noted the Town does not have any out-of-pocket expenses for this project. He said the consultant gets 5 percent of the money that she raises and it is capped at \$2500.

The motion was made by Mr. Kotary and seconded by Mr. Hennessey to approve the Supervisor executing a consulting agreement with Titus Enterprises, LLC for event planning for the Bethlehem Voyage 400 Quadricentennial celebration. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from the Town Supervisor to schedule two (2) public hearings relative to the Community Development Block Grant opportunities for April 8, 2009 and April 22, 2009 at 6:00 p.m. Supervisor Cunningham explained in order to be able to apply for some grant opportunities particularly for some Department of Public Works projects that will be initiated, there is a need to hold 2 public hearings.

The motion was made by Mr. Messina and seconded by Mrs. Dawson to approve setting two (2) public hearings relative to the Community Development Block Grant opportunities for April 8 and April 22, 2009 at 6:00 p.m. as requested by Town Supervisor, John H. Cunningham. The motion was passed by the following vote:

Ayes: Mr. Cunningham, Mr. Messina, Mr. Kotary, Mrs. Dawson, Mr. Hennessey.

Noes: None.

Absent: None.

The next item was a request from Director of Economic and Planning to accept an application from Russell Road Partners for a Planned Development District for the 11.53 acre parcel located at 572 Russell Road for further review and consideration; to refer the application to the Town Planning Board for review and recommendation; and to recognize the project as a Type I action in accordance with

Appendix F



United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
15 State Street
Boston, Massachusetts 02109-3572

February 20, 2009

Ms. Nan Lanahan, Administrator
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

Reference: Glenmont Job Corps Center, portion
54.13 Acres conveyed 9/27/95
Glenmont, NY
GSA Control Number: L-NY-802

Dear Ms. Lanahan:

Thank you for your letter dated February 11, 2009, in which you describe the proposed Master Plan for the referenced property. I am pleased that after 14 years the Town is finally ready to make recreational improvements to the site.

We do however have some concerns regarding the proposed plan. While your plan would provide a view of the Hudson River, accessibility to the river would certainly be more desirable. The proposed phased layout of the trails does not include even primitive trail development to the river. River access is part of the Program of Utilization on file which identifies proposed improvements to the site. While your letter mentions the existence of wetlands that need to be protected, aerial images of the property and the Simmons Road Park Master Plan, indicate that wetlands do not pose a significant problem along the southern border of the property.

In this economic climate, I appreciate a phased approach to development. However your letter states: "As shown, we proposed four (4) phases **to be completed as Town funds become available.**" Given how long it has taken the Town to arrive at Phase I we are very concerned that the later phases will be delayed or abandoned. Continued delay will not be acceptable and may result in reversion of the property.

In my November 13, 2008 letter I requested an update on the suspected encroachment issue with the Glenmont Job Corps Center to be discussed in the May 2009 report. Please provide the requested information.

If you have any questions, please do not hesitate to contact me at (617) 223-5010, or via e-mail at George_Robinson@nps.gov. In my absence, Elyse LaForest can be reached at (617) 223-5190 or Elyse_LaForest@nps.gov.

Sincerely,

A handwritten signature in cursive script that reads "George Robinson". The signature is written in black ink and extends across the width of the page.

George Robinson
Projects Coordinator
Federal Lands to Parks Program

cc: Mr. John H. Cunningham, Supervisor
Town of Bethlehem
445 Delaware Ave.
Delmar, NY 12054

king-2-26-09

From: MKing@townofbethlehem.org
Sent: Thursday, February 26, 2009 3:43 PM
To: Simmonds, Kathy
Cc: EDeyoe@townofbethlehem.org; NLanahan@townofbethlehem.org
Subject: Town of Bethlehem - Mahican Nature Preserve

Attachments: SH Waterfront Park Guidelines 08.doc

Kathy,

Herein please find the comments we received from Scenic Hudson, along with a copy of the Scenic Hudson Guidelines for Design & Development of Riverfront Parks.

We'd like to make a point to mention these guidelines in our final Master Plan report, and include a copy of the guidelines as an Appendix.

I think we can easily address Rita's comments in the following ways:

Comment 1: Alter the Simon's Road Nature Preserve (which moving forward will be the Mahican Nature Preserve) proposed Phased Layout figure should read "14 sp. Gravel Parking Lot" under Phase 1 and should be described as such in our report. Also on this map we'd like Phase 1 altered so there is only one Boardwalk bridge proposed (to cover the skinny part of the wetland to the north). Could we have two small loops in Phase one connected by 1 Boardwalk Bridge? While we're adjusting the map, let's also change the Viewing Stations in Phases 1 and 4 to be an interpretive learning stations or whatever it was that we had previously discussed at our last public meeting.

Comment 2: Should we alter the location of the connection between Phase 3 & Phase 2 to be closer to Simon's Road to avoid steep slopes? Let's discuss this issue further sometime this week.

Comment 3: We're assuming the over growth of this undeveloped parcel should provide adequate screening for the trail system proposed. Please mention this somewhere in the Master Plan report.

Comment 4: In the report we should identify Simon's Road as "Highway by User," and the location where the trail crosses this road will be properly identified with markers & signage as required by local, state & federal laws.

Please contact us with any questions or comments that you may have. Next I'll forward you the comments from NPS.

Thank you Kathy.

Monika A. King, P. E.
Engineering Division
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054
(518) 439-4955 x-1136

----- Forwarded by Monika King/TOBNOTE on 02/26/2009 02:54 PM -----

Nan
Lanahan/TOBNOTE

02/26/2009 08:29
AM

Erik Deyoe/TOBNOTE@TOBNOTE, Monika
King/TOBNOTE@TOBNOTE

To
cc

Page 1

king-2-26-09

Subject
Fw: Town of Bethlehem - Simmons
Road Nature Preserve

Nan Lanahan, Administrator
Town of Bethlehem Parks and Recreation Dept.
261 Elm Ave.
Delmar, NY 12054
Office 518-439-4955 Extension 1601
Fax 518-439-2144
Cell 518-257-6162
www.townofbethlehem.org
nlanahan@townofbethlehem.org
Fun Happens Here !!

----- Forwarded by Nan Lanahan/TOBNOTE on 02/26/2009 08:27 AM -----

"Susan Babcock"
<babcock.susan@
gmail.com>

02/25/2009 06:30
PM

<Nlanahan@townofbethlehem.org>

To
cc

Subject
FW: Town of Bethlehem - Simmons Road
Nature Preserve

Dear Nan,

Here are some comments by our Parks Director Rita Shaheen regarding the Simmons Road Park plans which you sent me. I have also re-attached a copy of our Waterfront Park Guidelines for your review. I'd be happy to discuss them further with you or arrange a conference call or meeting with Rita, if you would find that useful.

We're delighted to see your work on the park moving ahead. I'll give you a call tomorrow to catch up further. I'd like to hear about any updates you may have on the Williams property also.

I look forward to talking with you.

Best regards,

Susan

Susan Babcock
Consultant, Scenic Hudson Waterfront Parks Program

king-2-26-09

Phone: 914-591-4480
Email: babcock.susan@gmail.com

From: Rita Shaheen [mailto:rshaheen@scenic Hudson.org]
Sent: Tuesday, February 24, 2009 11:44 AM
To: 'Susan Babcock'
Cc: 'Steve Rosenberg'
Subject: Town of Bethlehem - Simmons Road Nature Preserve

Susan,

The park master plan is a good, carefully planned approach with appropriate phased improvements. Stone dust is a good option for accessibility in a naturalized setting. I had a little difficulty reading the attached plan. It's hard to read the contour lines and see where the wetlands are located.

Phase 1: refers to a "paved parking lot" - is this asphalt or some other material? We prefer porous material such as item #4 gravel.

Phase 3: because it's hard to read the contours, the green connecting trail from Phase 2 orange trail looks like it's crossing some steep slopes down to the circular green trail.

What is the potential impact of the residential property immediately to the east of the property? Is there a need for screening along the proposed Phase 3 trail to block views to the residential properties?

It looks like Simmons Road leads to the residential properties. Is it a town road, what happens when the blue trail crosses the road? Is there going to be trail markers and some indication that the trail continues to the north of the road?

As the town refines the master plan with specific details as needed for each phase, they should refer to the park guidelines we provided. For example, what is the width of the trails, what material will the boardwalk bridges and viewing stations be made from? I can't tell from the map if the site is heavily wooded. If it is, then they may want to carve out key holes to frame views of the river. Maintenance on these key holes is important.

It's great that the town will follow ADA standards. Benches should be provided at regular intervals to allow resting opportunities. For providing accessibility in naturalized settings, here is a website from the National Center on Accessibility: <http://www.ncaonline.org/index.php?q=node/659>

Rita

Rita D. Shaheen, ASLA
Director of Parks
Scenic Hudson, Inc.
Tel: 845 473 4440 Ext 230
Fax: 845 473 2648
rshaheen@scenic Hudson.org
Your Valley. Your Voice. Your Future.

SAVING THE LAND THAT MATTERS MOST
Our ambitious campaign to conserve 65,000 acres of the most important land along the river is a collaborative effort. Find out how you can help at:
www.scenic Hudson.org/landcampaign

king-2-26-09

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Version: 8.0.237 / Virus Database: 270.11.2/1964 - Release Date: 02/24/09
06:43:00(See attached file: SH Waterfront Park Guidelines 08.doc)