

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

Open Space Preservation Program

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

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

Town Zoning Law and Subdivision Regulations

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

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

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

Local Organizations

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

Private Landowners

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

The issue surrounding open space preservation consists of two viewpoints:

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

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

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

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

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

Establishing Funding Sources to Purchase Land

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

Use of the Parkland Set-aside Fund

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

Voluntary Donations by Residents

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

Outreach, Education and Public Involvement

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

Assistance to Landowners

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



Potential Action Items:

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

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

Conclusion

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

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