



Town of Bethlehem

Farms and Forests Conservation Program

Conservation Project Landowner Application

Thank you for your interest in exploring a voluntary partnership with the Town of Bethlehem’s Farms and Forests Conservation Program – **we look forward to working with you!** Applications for conservation projects are accepted on an ongoing basis throughout the year and should contain a minimum of 5 acres of undeveloped land.

Step 1: Please first review the Town’s brochures that describe our two main conservation programs: 1) the **Conservation Easement Exemption program**; and, 2) the **Farms and Forests Fund**. These brochures, and other useful information explaining the Town’s conservation priorities, including the Town’s Open Space Plan, can be found on the Town’s website: www.townofbethlehem.org/783/Open-Space-Planning.

Step 2: Submit application - Complete the information below to help us understand your vision for the land that is being proposed for conservation. This information will help the Town’s Director of Planning, Open Space Coordinator, and the Conservation Easement Review Board (CERB) evaluate your proposed project and determine eligibility for Town programs. The CERB is the advisory body for this program, which meets as needed to evaluate and make recommendations to staff, the landowner, and ultimately the Town Board. *Completion of this application in no way commits you to a conservation project, but serves to initiate the dialogue between you and the Town.*

Step 3: Application meeting and statement of intent- Once you have submitted this application, you will be contacted by Bethlehem’s Open Space Coordinator, Lauren Axford (laxford@townofbethlehem.org, 518-439-4955 x 1106), who will schedule a meeting with you to discuss your conservation interests and vision for your land, as well as begin to complete the evaluation criteria for the proposed project (see website). We know each potential project and parcel of land is unique, and we look forward to collaborating with you at this informal meeting. Should you choose to proceed with a conservation project, the next step will be to have all landowners sign the **statement of intent** below. Then, your application will be reviewed by the CERB, who will provide their recommendation to the Town Board. You are invited to attend any CERB meetings, which are open to the public.

Please note: *The Town cannot provide legal or tax advice. It is recommended that you consult with an attorney that can help advise you on the legal and tax benefits or implications of any proposed conservation project.*

Property and Project Description:

Date: 04/05/2022 Landowner/Applicant name(s) (list all actual owners): Milltowne Plaza, Inc.

Contact name(s): Kenneth L. Ayers, Esq

Contact phone: (home) _____ (cell) _____

Email: kla@theayerslayfirm.com

Contact mailing address: [The Ayers Law Firm, PLLC, 50 West Grand Street, Palatine Bridge, NY 13428](#)

Address of property/parcel(s): [see below](#)

Parcel(s) Tax ID# (if known): [see below](#)

Parcel 1 – Parcel Id #: 109.00-1-33.1

Approximately 11.50 acres, located on Wemple Road, Town of Bethlehem, Albany County, NY.

Parcel 2 – Parcel Id #: 109.00-1-31

Approximately 11.50 acres, located on Route 9W, Town of Bethlehem, Albany County, NY.

Parcel 3 – Parcel Id #: 109.00-3-4.1

Approximately 37.69 acres, located at 716/722 Route 9W, Town of Bethlehem, Albany County, NY.

Parcel 4 – Parcel Id # 109.00-3-10

Approximately 32.90 acres, located on Route 9W, Town of Bethlehem, Albany County, NY.

Parcel 5 – Parcel Id # 109.00-3-9

Approximately 59.40 acres, located on Wemple Road, Town of Bethlehem, Albany County, NY.

Parcel 6 – Parcel Id # 109.10-1-129.1

Approximately 1.3 acres, located on Amsterdam Ave, Town of Bethlehem, Albany County, NY.

Parcel 7 – Parcel Id # 121.00-3-8.1

Approximately 122 acres, located at 253 Clapper Road, Town of Bethlehem, Albany County, NY.

Parcel 8 – Parcel Id # 122.00-1-1.11

Approximately 8.27 acres, located on Weisheit Road, Town of Bethlehem, Albany County, NY.

Parcel 9 – Parcel Id # 122.00-1-2.11

Approximately 22.30 acres, located on Weisheit Road, Town of Bethlehem, Albany County, NY

Acreage of entire, or each, parcel(s): [approx. 307](#) Proposed acres to be conserved: [Acres associated with Farms and Forest funds.](#)

Proposed Type of Conservation Option Desired for the Property:

- a. Term Conservation Easement Exemption (“lease” of development rights to the Town)
 - Desired conservation easement term length:
 - 15-29 years for a 50% tax exemption
 - 30-49 years for a 75% tax exemption
 - 50-75 years for a 85% tax exemption
 - perpetuity/forever for a 90% tax exemption
- b. Sale of the entire property, or Sale of portion of the property: _____ acres
- c. Sale of a permanent conservation/agricultural easement (land remains in private ownership)
- d. Other conservation proposal: _____

Please include, if available:

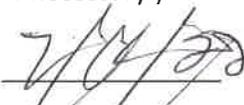
Received in Appraisal Copy of the property deed / See attached map Copy of property survey map or other map of property

Property and project narrative – Please describe your land and resources (active or former agriculture, forest, wildlife observed, wetlands or streams, scenic or historic attributes, development pressure, etc.) and why you would like to explore a conservation project to protect this land. See page 3 for a summary of Bethlehem conservation values and associated resources to help with this narrative. (Attach additional page, if needed.):

**See attached property and project narrative (pages 5-6)*

TO BE COMPLETED FOLLOWING APPLICATION MEETING

Statement of intent: I George Haseotes, as President of Milltowne Plaza, Inc., hereby propose to explore a conservation project with the Town of Bethlehem Farms and Forests Conservation Program for the above described lands. I certify that all statements made on this application are true and to the best of my belief. I agree to allow Town of Bethlehem staff and members of the Conservation Easement Review Board to visit my property for purposes of evaluating the land for its conservation benefits to the Town. (Please have all landowners, if there are more than one, sign below or on additional sheet, if necessary.)

Landowner signature:  Date: 

Landowner signature: _____ Date: _____

<p>Mail or bring this application to: Town of Bethlehem Department of Economic Development and Planning Attention: Farms and Forests Conservation Program 445 Delaware Avenue Delmar, New York 12054</p>	<p>Questions, need help?: Lauren Axford Open Space Coordinator 518-439-4955 x 1106 laxford@townofbethlehem.org www.townofbethlehem.org</p>
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Thank you! We look forward to working with you.

Bethlehem Farms and Forests Conservation Program

Purpose and Values

The purpose of the Town's **Farms and Forests Conservation Program** is to conserve the publicly supported conservation values for a wide range of resources in the community, as indicated in the Town's 2017 Open Space Plan, that include, but are not limited to:

Town of Bethlehem's Conservation Values:

1. **Community character:** including active working farms; agricultural soils and farmland; locally significant historic, and cultural resources; buildings on the National Historic Register or that are contained within an Historic District; scenic views, vistas, and landscapes; and unique geological or physical features or forms.
2. **Recreation and greenways:** including lands suitable for parkland and trails, and/or public access to waterways; lands adjacent to streams, such as the Normans Kill, Vloman Kill, Onesquethaw Creek, Binnen Kill, and the Hudson Riverfront or their tributaries; lands adjacent to preserves or public/private recreational facilities; lands adjacent to roads used by cyclists or that provide a scenic view; lands near existing trails such as the Albany County Helderberg-Hudson Rail Trail; and also contiguous lands that serve as viable wildlife greenways and travel pathways.
3. **Forests, fields, and wildlife ecosystems:** including forests and woodlands, particularly larger forests of five acres or more; working woodlands and forests; forested lands or grasslands adjacent to streams (riparian lands); forested wetlands or vernal pools; grasslands, pastures, and shrublands; and lands that support habitat for rare or threatened plant and animals species important to regional and local biodiversity, particularly areas surrounding the Normans Kill, Vloman Kill, and Onesquethaw creeks, and the Upper Hudson River Significant Biodiversity Area (SBA) along the Hudson River shoreline that encompasses the eastern border of the town and several streams, and the Hudson Valley Limestone and Shale SBA in the southwest corner of town.
4. **Natural Water Systems – streams, wetlands, and the Hudson River:** including lands important for the protection of water quality or flood attenuation; wetlands (especially those not already protected under state or federal wetland law), ponds, streams, groundwater recharge areas, vernal pools, and the Hudson River; the tributaries of the Hudson River that flow through town including the Normans Kill, Vloman Kill, and Onesquethaw Creek (which supports cold water trout and is a part of the Hudson Valley Limestone and Shale SBA), as the health of these streams and their watersheds contribute to the health of the Hudson River Estuary Ecosystem, a nationally and globally significant freshwater tidal river ecosystem.

See Bethlehem's [Open Space Plan](#) and more information at:

www.townofbethlehem.org/783/Open-Space-Planning

Property and Project Narrative

This conservation project will protect each of the four Conservation Values categories from the Town's Open Space Plan (2017) as well as advancing objectives outlined in the recently adopted Updated Comprehensive Plan (2022).

Community Character: These parcels have been a working [agricultural] landscape for over 250 years. Best known by locals as the successful Heath's Shady Lawn Dairy Farm, which encompassed 450 acres and 225 head of "Shawlawn" Holsteins. Heath's included glass bottle home delivery service of pasteurized and raw milk, a farm store onsite where the public could see the milking parlor, as well as a garden plot rental option (community gardens) that served up to 260 gardeners. The large 122-acre parcel on Clapper Road housed the farm's poultry operation. 5 of the 9 subject parcels are located at the gateway to the Town of Bethlehem at the intersection of Wemple Road and Route 9W- an area that has already lost much of its pastoral character. This project will help to preserve the Town's rich agricultural history and legacy of the Bethlehem's farming community.

Recreation and Greenways: The subject parcels include areas suitable for passive recreation, such as walking trails, and have the potential for future public access. Several parcels are either adjacent to, or contain tributaries (such as the Dower Kill and Vloman Kill) and there are 2 parcels which are adjacent to public/private recreational facilities. The majority of the parcels are located on roads within the Town of Bethlehem Bicycle and Pedestrian Priority Network and several of the parcels were highlighted in the Town's 2017 Scenic Photo Survey. Furthermore, this project will conserve contiguous lands that serve as viable wildlife greenways and travel pathways.

Forests, Fields, and Wildlife Ecosystems: The subject parcels contain not only agricultural land, but also forests and woodlands, some of which are larger than five acres. These areas provide critical habitat for both flora and fauna. Parcels adjacent or containing streams feature vegetated buffers to filter pollutants and reduce downstream flooding to the Normans Kill, Dowers Kill, and Vloman Kill. The subject parcels also contain several federal emergent wetlands and additional areas of potential wetlands which provide important ecological services while maintaining the integrity of the Town's wildlife ecosystems.

Natural Water Systems - Streams, Wetlands and the Hudson River: This conservation project involves lands important for the protection of water quality and flood attenuation - wetlands (especially those not already protected under state or federal wetland law), ponds, streams, groundwater recharge areas, vernal pools, and various tributaries. Keeping these lands protected from residential, commercial, or industrial development will ensure the ongoing permeability of the land, allowing for filtration of pollutants, limiting runoff and erosion.

Exploration of partnerships and outside funding sources and grants to leverage the Town's Farms and Forests Fund: Town staff have been exploring partnerships and outside funding sources to leverage the Town's Farms and Forests Fund. Funding opportunities explored include: New York State Department of Ag & Markets' Farmland Preservation Implementation Grants, New York State Department of Environmental Conservation's Water Quality Improvement Program, NYS Department of Environmental Conservation's Community Forest Conservation Grant Program, and various opportunities provided by the American Farmland Trust.

The Town has engaged the Mohawk Hudson Land Conservancy, the New York Chapter of the American Farmland Trust, and the National Young Farmers Coalition for advisement and technical assistance related to this project.

Consideration of project readiness, project costs, and support/consistency with local plans: Project Costs include an option payment of \$30,000 and fees for Phase I ESA which total \$8,200. The Town's Farms and Forest Fund currently has a balance of \$2.23 million available. On June 23, 2022 the Town Board passed a resolution authorizing the Town Comptroller to expend from the Farms & Forests Fund the funds necessary to purchase 9 parcels of land from Milltowne Plaza, Inc. using up to \$2,200,000, including the \$30,000 option to purchase, in said fund, subject to permissive referendum. This land transaction is in alignment with objectives outlined in both the Town of Bethlehem Agricultural and Farmland Protection Act (2009) and the recently adopted Updated Comprehensive Plan (2022).