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TOWN OF BETHLEHEM

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January 20, 2026

Hon. David VanLuven
Town Supervisor
Town of Bethlehem
445 Delaware Avenue
Delmar, New York 12054

Re: Planning Board Recommendation on Proposed Zoning Law and Subdivision Regulations Update

Dear Supervisor VanLuven and Town Board:

On behalf of the Planning Board, and our Town staff and consultant team (Colliers Engineering & Design), I am very pleased to deliver a Draft Zoning Law and Subdivision Regulations Update (Zoning Update) for your consideration of adoption. The Planning Board serving as the Advisory body during the development of the Update, most recently at its January 20, 2026 meeting, approved (5 for, 0 against) a positive recommendation to advance the Draft Zoning Update to the Town Board (in accordance with Section 128-93 (A) of the current Zoning Law).

The Board discussed each section of the Zoning Update over the course of 27 Planning Board meetings. Generally, the zoning update discussion was placed on monthly Planning Board meetings since 2023. Two public meetings were held to present the Update and gather feedback on the proposed regulations, including the zoning map. Throughout the process, public engagement included announcements on the Featured News section of the Town website and Bethlehem e-Newsletter, display boards at Town Hall and Bethlehem Library, press releases and local newspaper advertisements, post card mailers to over 17,250 mailboxes, and email distribution of flyers to public meeting attendees. Four separate stakeholder meetings were also held with developer/business community and large landowners.

The Board received over 200 comments throughout the process. Most recently the comments associated with the November 18, 2025 public meeting [can be found here](#) and the [summary document can be found here](#). The Board's recent revisions to the Zoning Map are reflected in the attached Staff memo, dated January 15, 2026.

Consistency with the Comprehensive Plan Update and Smart Growth Principles

The Town of Bethlehem's 2022 Comprehensive Plan Update, "Bethlehem Forward," established a strong vision and policies for future growth. The Zoning Update codifies these policies and recommendations that are outlined in the Comprehensive Plan to guide new development and redevelopment within the community.

This positive recommendation is based on the following shared Comprehensive Plan Update and Smart Growth principles that are addressed through the Zoning Update regulations (reference is made to specific recommendations of the Comprehensive Plan Update, such as **RE2a**).

Key to Comprehensive Plan Recommendations:

LBE = Livable Built Environment

HWN = Harmony with Nature

RE = Resilient Economy

HC = Healthy Community

RGR = Responsible Governance & Regionalism

1. Mixing Land Uses: Accommodating a variety of businesses, residences, community facilities, and other forms of development within a particular area. (RE 2a, RE 6a, LBE 4c)

The Town's hamlet, commercial, and rural districts were adapted to foster greater opportunities for mixing of uses. For example, in the Hamlet Districts (Article 21) and Multi-Use Districts (Article 22), many residential and commercial uses are permitted, with certain limitations such as additional use regulations (Article 25), design standards (Part 3 of the Zoning Code), and site plan review considerations (Article 42) to address community character.

Additional areas where the proposed zoning districts support the mixing of land uses include:

- **Hamlet Districts (Article 21):** Explicitly designed for mixed-use development
 - §128-21.2: Traditional Hamlet (TH) and Commercial Hamlet (CH) districts encourage "efficient mixed-use commercial and residential development."
 - §128-21.5: Permits "Mix of Uses in a Single Structure or Lot" and "Upper-Floor Dwelling Units."
 - §128-25.16: Live/Work Units permitted in hamlet districts.
 - The hamlet zoning districts were maintained along New Scotland Road, Delaware Avenue, Feura Bush Road, Route 9W, Bridge Street and Maple Avenue to support the opportunity of providing goods and services within comfortable walking distance of residential neighborhoods. The hamlet zoning district was expanded to Blessing Road/Krumkill Road area to better reflect the variety of existing uses, such as office, multi-family, house of worship, and fire station.
- **Multi-Use Districts (Article 22):**
 - §128-22.2(A): CMU District purpose includes "vertical and horizontal mixing of uses to maximize the use of land."
 - §128-22.5: Explicitly permits "Mix of Uses in a Single Structure or Lot."
 - The Rural Multi-Use zone District formerly the Rural District, but now includes more non-residential uses. The development of new multifamily residential uses is limited, and minimum residential lot size is set at 8,500sqft or the area needed to accommodate on-site septic and/or private well.
 - The Mixed Economic Development District (MED) District was removed with the exception of the Vista Boulevard area, and is now treated as a Special District. Lands with the prior MED zoning designation changed to either Rural Light Industrial or Rural Multi-Use districts to better comply with the surrounding land uses.

2. Create a Range of Housing Opportunities & Choices (LBE 4a, LBE 4c, LBE 4d, LBE 5a, LBE 5c)

The proposed amendments to the Town's residential districts (see Article 20) are one of the primary tools utilized by the Town to create more opportunities for development of a mix of housing types. The Comprehensive Plan recommends a mix of housing types, ownership and rental options, and price points. Providing a variety of housing options helps retain and attract businesses (both employees and customers). Residential areas of the Town are established in the Core Residential (CR), Low Density Residential (LDR), Mixed Density Residential (MDR), and Residential Large Lot

(RLL) districts. Across all residential districts, single-family, two-family, 3-4 unit multifamily and accessory dwelling units are all permitted, the latter dwelling types also subject to additional use regulations (e.g. special use permit) and site plan review to ensure compatibility with existing neighborhoods. A new Mixed Density Residential (MDR) District is also proposed that provides for the widest range of housing types in appropriate proportions and dwelling unit configurations (single-, two-, and multi-family dwellings; accessory dwelling units; and senior citizen housing). Residential districts with the highest densities are located along main roadways and within the vicinity of water and sewer infrastructure. Part 3 of the Zoning Law provides the guidance for implementing the transition for density increases adjacent to existing neighborhoods.

Specific references to areas of the updated zoning code and subdivision regulations that support more diversity in housing are listed below:

- **Diverse Housing Types Permitted:**

- §128-20.5, §128-21.5, §128-22.5: Single-family, two-family, multi-family (3-4 units and 5+ units).
- §128-25.3: Accessory Dwelling Units (ADUs) additional use regulations (permitted in all districts, subject to administrative site plan review process).
- §128-25.22: Senior Citizen Housing with specific development provisions.
- §128-25.24: Conversion of dwellings to create additional units.

- **Varied Density Options:**

- Article 20: Minimum lot sizes ranging from two acres (2 du/acre) in the Residential Large Lot (RLL) District to 2,500 square feet per dwelling unit (17 du/acre) for multi-family dwellings in the MDR District.

- **Affordable & Senior Housing Support:**

- Article 46: Incentive zoning provisions for affordable housing and senior housing.
- Affordable housing is now defined as residential units rented or sold to households with incomes equal to or less than 80% of the Area Median Income (AMI). To qualify for density bonus incentives, the average income for a tenant across a development project's units shall be equal to or less than 60% AMI. This is consistent with NYS Office of Homes and Community Renewal affordable housing practices, and allows a development project to provide a range of units to households earning between 30% - 80% AMI.

3. Strengthen & Direct Development Toward Existing Communities (RE 2a, RE 6a, LBE 4c)

Encouraging growth in previously developed areas while reducing the amount of new development in undisturbed areas is a sustainable development practice supported by the Comprehensive Plan.

Specific zoning code provisions supportive of this principle include:

- **Infill and Redevelopment Focus:**

- §128-20.2(C): LDR explicitly mentions "Infill and redevelopment opportunities."
- §128-22.2(A)(3): Commercial Multi-Use (CMU) capitalizes on "existing infrastructure with infill development."

- §128-25.21: Adaptive reuse provisions for conversion of residential structures to nonresidential use.
- **Infrastructure-Oriented Development:**
 - §128-21.2: Hamlet districts target "earliest settled hamlets" as community hubs.
 - §128-22.2(A)(3): CMU focuses on "existing infrastructure."
- **Hamlet-Centered Growth:**
 - §128-20.2(B): CR District concentrated "around the hamlets of Delmar, Elsmere, Slingerlands, and Selkirk."
- **Compatibility with Existing Communities:**
 - §128-30.11: Standards for developments "abutting existing single-family neighborhoods" require gradual density transitions or 100-foot buffer.
 - §128-30.12: Dedicated "Infill Residential Development" standards ensuring compatibility with existing neighborhoods.
 - §128-31.4.D: Special provisions for Delaware Avenue Hamlet Overlay District with parking exemptions for existing buildings.

4. Foster Distinctive, Attractive Communities with a Strong Sense of Place (LBE 4c)

Implement design standards that preserve or enhance the character of existing neighborhoods while also allowing for appropriate new development. The updated zoning code includes building and site design specific regulations to maintain and enhance community character as new investment occurs. Some examples include:

- **Design Standards Tied to Districts:**
 - §128-20.4, §128-21.4, §128-22.4: All districts subject to Building & Site Design standards (Article 30).
 - §128-21.7: Building footprint maximums prevent monotonous large structures.
 - §128-22.2(A)(7): CMU gives "special attention to the design of sites and structures... to further define Town character and create a sense of place."
- **Building & Site Design Requirements:**
 - §128-30.3: Building placement and orientation toward streets.
 - §128-30.4: Building massing and form requirements.
 - §128-30.5: Façade and fenestration standards.
 - §128-30.6: Roof styles and treatments.
 - §128-30.7: Materials and color requirements.
- **Other:**
 - §128-30.10: Dedicated section on "Rehabilitation & Reuse of Historic Structures."

- §128-30.2.I: References supplemental design standards including:
 - Delaware Avenue Hamlet Enhancement Study
 - New Scotland Road Hamlet Community Charette
 - US 9W Corridor Transportation Planning Assessment
- **§128-30.4.C.1:** Prohibits buildings designed to "advertise or promote a uniform corporate image."
- **§128-34.16:** Sign design guidelines promoting compatibility and aesthetic quality.

5. Take Advantage of Compact Building Design & Density (RE 2a, RE 6a, LBE 4a, LBE 4c, LBE 4d, LBE 5a, LBE 5c)

The Zoning Law update guides compact and efficient building designs by promoting higher-density zoning in appropriate areas. Specific code references are listed below for sections that support the principle of compact development and density, which will help to maximize the use of land in the Town's various activity centers:

- **Hamlet Districts:**

- §128-21.2(A)(1): Zero-foot minimum setback and maximum front setback requirements to ensure future development brings buildings closer to the street.
- §128-21.2(A)(2): Minimum building height requirements for new construction (30 ft minimum for nonresidential/mixed use).
- §128-21.7: Maximum building footprints (5,000 sf TH, 10,000 sf CH) encourage multiple smaller buildings rather than large buildings (or façade articulation to reduce appearance of larger buildings).

- **Multi-Use Districts:**

- §128-22.2(A)(3): CMU District promotes "more compact and sustainable development pattern."
- §128-22.6: Maximum front setback (50 ft) for nonresidential/multi-use in CMU.
- §128-22.7: Minimum building height (30 ft) requirement.

- **Density Allowances:**

- §128-21.6: TH and CH districts allow up to 21 dwelling units per acre.
- §128-22.6: CMU allows 25 dwelling units per acre for multi-family.
- In Residential Districts, Article 20, accommodates greater variety of housing types permitted.

- **Design Standards:**

- §128-31.4.B: Parking requirements include minimums AND maximums (120% of minimum), discouraging excessive sprawl-inducing parking lots. Banked parking is allowed should the minimum parking requirements prove excessive.
- §128-31.6.A: Prohibits parking in front yards in TH, CH, and RH Districts, promoting compact streetscapes.

6. Provide a Variety of Transportation Choices & Create Walkable/Bikeable Neighborhoods (RE 2a, RE 6a, LBE 4c)

Accommodating transportation users of all modes (such as biking, walking, transit), helps to foster dynamic, sustainable communities. Bethlehem residents are increasingly interested in using alternative forms of transportation for both commuting and recreational purposes.

The proposed Design Standards, Article 30, directs incorporation of pedestrian and bicycle accommodations in its General Site Design Standards.

Specific zoning code sections supportive of this principle include:

- **Pedestrian-Oriented Design:**

- §128-20.2(B): Core Residential purpose emphasizes "walkable character" with "tree-lined streets, sidewalks, and interconnected street grid."
- §128-21.2: Hamlet districts described as "walkable development pattern" and "pedestrian friendly infrastructure."
- §128-20.2(D)(4): MDR requires developments to "Foster pedestrian activity."
- Density allowances in Hamlet and CMU districts support transit viability.

- **Building Placement Standards:**

- §128-21.6: Maximum setbacks in hamlet districts bring buildings close to street.
- §128-21.2(A)(1): Zero-foot minimum setbacks create "main street environment."

- **Connectivity:**

- §128-20.2(D)(4): MDR District promotes "on- and off-site connections to nearby amenities, roadways, sidewalks, parks, and trails."
- §128-22.2(A)(4): CMU District emphasizes "non-motorist access and connectivity."
- §128-31.9: Dedicated section on "Bicycle & Pedestrian Accommodations" including:
 - Bicycle parking requirements (10% of vehicle parking).
 - Pedestrian pathway requirements from parking to buildings.
 - Minimum 5-7 ft wide pedestrian paths.
 - One pedestrian path per four parking rows.
- §128-31.8.A & B: On-street parking and public transit stops can be counted toward minimum parking requirements.
- §128-30.9.C: Requirements for pedestrian connections and separated circulation.
- §128-31.10.B: Options for shared access and cross-easements to reduce curb cuts.

7. Preserve Open Space, Farmland, Natural Beauty, & Critical Environmental Areas (HWN 1bi, HWN 1bii, HWN 1biii, HWN 2c, LBE 2b, Re3a)

The Zoning Update incorporates provisions that protect open spaces and environmentally sensitive areas.

In the new zoning, specifically in Residential Districts, Article 20, and Multi-Use Districts, Article 22, requirements for many agricultural and agriculture-related uses are relaxed, allowing agricultural businesses and operations “by right”. The creation of “agricultural home occupations” as a use allows farmers to diversify their business types, by allowing ancillary, ag-related operations as a way to augment their income. These measures will give farm owners ways to monetize their land while also stewarding conservation of the land.

Specific sections of the updated zoning and subdivision regulations that support this principle include:

- **Open Space Integration & Preservation:**

- References made to the recent NYS Freshwater Wetlands regulations, which covers large portion of the Town (in-lieu of separate local wetland regulations).
- Article 7 (Cluster/Conservation Subdivision) of Chapter 103: Clustering required for subdivisions of 10 acres or more, which requires at least 40% of the buildable area be reserved as open space.

- **Agricultural Protection:**

- §128-25.6: Comprehensive Agricultural Uses & Right-to-Farm regulations; permitted agricultural use list expanded to align with various agricultural industry operations provided for by NYS Ag and Markets Law, including agritourism.
- §128-25.6(A): Supports "protection of agricultural uses and lands suitable for agricultural production."
- Created permissions for agricultural home occupations, which allow for secondary, supporting businesses/operations to allow for more flexibility and viability in the use of land.
- A new category for Keeping of Animals (128-25.14) to address residential properties seeking approvals for chickens, ducks and bees.

8. Make Development Decisions Predictable, Fair, & Cost-Effective (LBE 4, LBE 5)

The Zoning Update includes clear, consistent, and transparent regulations that reduce ambiguity and create a predictable development process.

One of the primary ways this principle has been achieved is by incorporating clear, specific minimum requirements for various building and site design elements in Part 3 of the Zoning Code that were previously negotiated over several Planning Board meetings. For example, the landscaping and screening requirements of Article 32 provide the expectations for the minimum number and type of plantings expected for nonresidential, mixed use, and multi-family development site plans.

The regulations addressing development review are found in Part 4 of the proposed Chapter 128 amendment. This Part includes requirements for development reviews, presents detailed instructions on submission of development proposals and outlines the review process. Updates included clarified pre-application assistance and increased opportunities for a simplified or streamlined development review. The specific review processes updated include:

- **Pre-Application Meetings (Optional)** - The purpose of a pre-application meeting is to provide the applicant with the opportunity to seek nonbinding, advisory direction from the Town to better prepare the applicant and project application and materials for the development review process. Discussion in such meetings may include concepts and will allow for the consideration and identification of alternatives prior to applicants bearing the full expense of a full site plan application. Pre-application meetings are held with Town Staff.
- **Sketch Plan Review (Optional)** - Applicants are strongly encouraged to submit a preliminary sketch plan to the Town Economic Development and Planning Department for review by the Development Planning Committee prior to the preparation of a formal application. The purpose of this review is to:
 - Provide guidance on the review and approval process and generally determine the information necessary for formal review of a land use application.
 - Advise the applicant as to potential problems and concerns with the proposal.
 - Discuss plans for the applicant's entire holdings, including phasing, and define the project and phases to be submitted for review.
 - Reduce the review time of the reviewing body by allowing early review of the plan.
- **Site Plan Review (Administrative or Planning Board)** – The purpose is to define procedures for the Town Economic Development and Planning Department Staff and Planning Board for review of development actions proposed throughout the Town to ensure that design elements are in compliance with the protection of the health, safety and overall welfare of the community. In the proposed zoning, application of site plan review would be triggered by a “development action,” most commonly physical building or site alterations. Article 42 includes a table identifying exempt actions and those subject to site plan review at the administrative (staff) level or with the Planning Board. The intent of the administrative level of review is to streamline the process for smaller, low-impact applications. As part of this approach, Town Staff also can refer any site plan application subject to administrative review to the Planning Board, should they determine a higher level of review is necessary.

9. Encourage Community & Stakeholder Collaboration (RGR 4b, RGR 5b)

The Zoning Update incorporates provisions for public participation, encouraging community engagement in the planning process.

In the code update, the Town expanded public notice requirements to help increase awareness of various development applications. This includes the following from Article 40, §128-40.9:

- Formalized public hearing mailed notice to properties within 200 feet (increases to 500 feet for large development applications)
- Added a requirement for a posted sign notice on properties subject to a public hearing.

- In the Supplemental Regulations **Telecommunications Facilities** section, the public notice requirements were also increased to provide notification to properties within 500-ft of the project's parcel boundary.

10. Promote Climate Resiliency & Adaptation (HWN 3f, HWN 3g, HWN 3h)

Land use regulations promote climate resiliency and adaptation by directing development away from flood-prone areas, coastal zones, and other climate-vulnerable locations while requiring green infrastructure that manages increased stormwater from intense precipitation events.

Specific methods utilized to achieve this principle as part of the zoning and subdivision code updates include, but are not limited to:

Reduced GHG Emissions

- **High-Density Transit-Supportive Development:**
 - Hamlet districts allow up to 21 du/acre and CMU allows up to 25 du/acre.
 - Compact development patterns reduce vehicle miles traveled.
- **Mixed-Use Reducing Trip Generation:**
 - Mixed-use provisions in Hamlet and Multi-Use districts reduce need for separate trips.
 - §128-31.9: Bicycle and pedestrian infrastructure reduces vehicle dependency.
- **Fossil Fuel Dispensing (gas stations) regulations:**
 - Hamlet, Multi-Use, and Industrial districts allow continued operation and redevelopment of existing gas stations; new gas stations are prohibited.
- **Battery Energy Storage Systems:**
 - New section added to the zoning law to allow for battery energy storage systems, similar to existing siting regulations for solar alternative energy systems.

Resiliency

- **Flood Damage Prevention:**
 - §128-20.3(D), §128-21.3(D), §128-22.3(D): Floodplain development permits required in special flood hazard areas (Chapter 69 reference).
- **Stormwater Management:**
 - §128-20.3(E), §128-21.3(E), §128-22.3(E): SWPPP required for all development (Chapter 98 reference).
 - §128-26.6: Extensive grading, erosion, and sediment control regulations that further restrict the type and size of disturbance area that can take place without a grading permit. The grading section of the Zoning Law works to ensure that drainage patterns are not changed so as to negatively impact adjacent lands or water quality of nearby streams.
 - §128-33.4.C: Preferred green infrastructure hierarchy for stormwater (infiltration, capture/reuse, then detention).

- §128-25.4(C)(11) and (D)(11): Green infrastructure installations (rain barrels, rain gardens, bioswales) explicitly permitted as accessory uses.
- §128-30.6.C: Encourages "green roofs" and can deduct up to 75% from lot coverage calculations.
- §128-32.7.B.6: Encourages structural soil systems for tree growth and stormwater management.
- **Parking & Paving**
 - §128-31.4.B-C: Parking maximums (120% of minimum) discourage over-building parking infrastructure and excessive amounts of pavement with new investment.
 - §128-31.8: Alternative parking arrangements reduce total parking needed.
 - §128-31.7.E: Snow storage areas required in parking lots.
 - §128-32.12.C.6-7: Parking lot landscaping must include curb inlets for green infrastructure drainage.
- **Natural Resources**
 - Article 33: Comprehensive stream corridor and wetland protection.
 - §128-33.3.B: 100-foot buffers from stream banks or 100-year flood zones.
 - §128-33.3.C: Design plans required to prevent erosion and flooding.
 - §128-32.4.C.5.f: Plant selection must consider "disaster resistance and resiliency to extreme weather events."

Clean Energy

- **Solar Energy Systems (Article 27):**
 - §128-27.1: Comprehensive Solar PV Systems regulations.
 - §128-27.1(A)(2): Purpose explicitly supports "New York State Energy Plan" and "renewable energy goals."
 - By-right solar installations up to 25kW.
 - Special provisions for building-mounted, ground-mounted, and building-integrated systems.
 - §128-30.9.B: Passive solar building design encouraged (longest plane within 30° of east/west axis).
 - §128-30.6.C.3: "The use of alternative energy materials and systems, such as solar panels or shingles, is encouraged."
 - §128-32.12.C.8: Up to 30% waiver of parking lot landscaping requirements where solar carports are utilized.
- **Alternative Energy as Accessory Use:**
 - Permitted across all residential, hamlet, and multi-use districts.

- §128-25.4: Solar panels explicitly listed as accessory use.
- §128-31.7.G: Electric vehicle charging stations may be included in parking areas.
- **Lighting:**
 - §128-35.5.C: Encourages timers, dimmers, motion sensors for energy conservation in lighting.
 - §128-35.5.B: LED bulbs or similar energy-efficient light sources preferred.
- **Green Buildings & Energy Conservation:**
 - §128-30.1.B.7: Encourages LEED-consistent development.
 - §128-30.6.C: Green roofs and reflective roofing materials encouraged.

Urban Forestry

- §128-32.10: Street tree requirements (1 per 40 ft of frontage).
- §128-32.12.C: Parking lot tree requirements (1 per 8 spaces).
- §128-32.4.C: 50% native species requirement.
- §128-32.7.A & §103-5.3.J : Preservation of existing vegetation.
- Attachment A: Comprehensive suggested species list organized by ecological function.

Again, the Planning Board would like to thank you for the opportunity to prepare the draft Zoning Update. Throughout the two-year process we approached the project from an interdisciplinary perspective – iteratively considering the proposed zoning code regulations on built form, neighborhood character, access and connectivity, conserving our environmental resources, and community resilience to ensure that future development will achieve the vision of Bethlehem Forward.

Sincerely,



Brian Gyory, Chair
Bethlehem Planning Board

cc: Planning Board, M. Sweeney, D. Kitchen, R. Leslie