

# Scope of Services

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To provide the Town of Bethlehem with the best outcomes, we propose the following scope of services based upon our success with similar efforts in other communities. The alignment of our proposed tasks with those of the Town's RFP is highlighted in the box at right. The relevant tasks of the NYS Department of State Work Plan for this effort are also noted underneath each scope item for ease of reference.

## **TASK 1. PROJECT KICK-OFF & TOWN STAFF MEETINGS**

As requested in the RFP, our first meeting will be with Town Staff to validate the proposed project schedule and approach to project management, lines of communication, and an initial discussion of data and other information needs. We also will schedule monthly check-in meetings with Town Staff to discuss project progress or address any issues that may come up along the way. These meetings will be held virtually, unless otherwise coordinated between Staff and the project team.

Prior to the project start, our team will also begin reviewing the Comprehensive Plan and its recommendations to start guiding our work under Task 4. We understand that a significant public outreach effort was undertaken as part of the Comprehensive Plan Update. To ensure this process builds upon that outreach and input, rather than recreating it, we will also focus on Appendix C (Community Engagement). Working with Town Staff, our team will identify potential common ground talking points and hot button issues to best prepare for the initial round of public outreach in Task 3.

## **TASK 2. PLANNING BOARD MEETING #1 & COMMUNITY ENGAGEMENT PLAN**

### ***DOS Task 6: Public Participation Plan***

We will follow the current meeting schedule of the Planning Board to establish project meeting dates and times. We anticipate meeting monthly, with flexibility as needed to allow adequate time for the development and/or review of draft material. Our first meeting with the Planning Board will serve as the formal project kick-off, where we anticipate:

- + Reviewing the Planning Board's role, meeting schedule, tasks, and deliverables;
- + Providing a "Zoning 101" overview to ensure a common understanding of land use regulation best practice, potential tools, and context in NYS Law; and
- + Facilitating a discussion on not only the land use recommendations of the Comprehensive Plan, but also specific content and procedural issues or opportunities the Town has experienced with the current code.

This discussion is beneficial for two reasons. First, it provides an initial opportunity for our team and the Planning Board to work together and build a relationship. Second, it helps us get a better understanding of the member's goals, perspectives, and expectations for the process. As part of this task, we will also work with the Planning Board to develop a formal Community Engagement Plan (CEP). The completed CEP will identify key stakeholders, include a schedule for planned public meetings, events, and communication methods, and outline the roles and responsibilities of involved parties.

**RFP TASK 1. Community Engagement**  
- Tasks 2, 3 & 10

**RFP TASK 2. Zoning & Subdivision Update Preparation**  
- Tasks 1, 2, 4, 5, 6, 7, 8, 9, & 11

**RFP TASK 3. Zoning Law & Subdivision Regulations Final Format**  
- Tasks 12, 13, & 14

**RFP TASK 4. Zoning District Map**  
- Tasks 5, 8, & 11

### **TASK 3. ZONING DISCOVERY SESSIONS & PUBLIC WORKSHOP**

#### ***DOS Task 7: Community Tour & Stakeholder Interviews; DOS Task 8: Public Information Sessions***

The Zoning Discovery Sessions will consist of a Town tour and stakeholder interviews held over a two-day period.

With guidance from Town Staff and/or Planning Board members, our team will tour Bethlehem, visiting key sites, environmental features, and other focus land areas to get a sense of community character and development issues at the ground level.

During our initial visit to the Town, our team will set up meetings with local stakeholder groups to facilitate targeted discussions by topic area and interest. We will work with Town Staff to identify the key stakeholder groups to be engaged, such as residents, developers, land owners, appointed and elected officials, and other interest group representatives. Virtual meetings or calls will be scheduled for those unable to meet during the two-day visit.

At this time we also suggest holding the first Public Workshop for the project. A public kick-off meeting is a way to introduce the project, allow for participation at the earliest stages of the planning effort, and encourage residents to stay involved throughout the process. The exact format, agenda, and content will be determined based on input from Town Staff and the Planning Board, but may include:

- + Overview of project process, timeline, and scope;
- + Presentation of a zoning and sustainable land use regulation primer and alternatives;
- + Facilitation of a visual Community Preference Survey (CPS) identifying regulatory priorities; and/or
- + Coordination of discussions, activity stations, or brainstorming sessions.

The Public Workshop may be held in-person or virtually, depending upon the Town's preference, and paired with an online engagement activity, such as a survey or discussion forum, to allow for more input opportunities. The results of Task 3 will include a Public Input Summary and all necessary advertising material, such as print ads, press releases, social media posts, and email invitations.

### **TASK 4. EXISTING CODE ASSESSMENT & IDENTIFICATION OF ALTERNATIVES (PB #2)**

#### ***DOS Task 9: Local Regulations Assessment & Recommendations Report***

We will complete an analysis of the Town's existing zoning law and subdivision regulations and summarize our proposed approach for the reorganization, format, and potential revisions to the codes. The code assessment and alternatives will be based on the recommendations of the Comprehensive Plan and other relevant Town plans and studies, input obtained during the Discovery Sessions, and our own experience as zoning practitioners and knowledge of land use laws and best practices. This document will also help to contextualize and build upon the direction of the Comprehensive Plan, identifying preferred alternatives to implement the plan recommendations.

To maintain focus on the specific Zoning and Subdivision Regulation updates outlined in the Town's Comprehensive Plan Update Matrix, and more specifically identified in the RFP Task 2B (see Technical Assumptions), our team will include direct references to these items in the Code Assessment and make note of where we intend to address each topic in the revised code format. This will provide clear direction on the relationship between each topic and its relevant regulatory section, as well as how they fit into the broader code framework. This will also be helpful in identifying when certain topics will be considered throughout the process.

The Code Assessment will be reviewed and discussed at Planning Board Meeting #2.

## **TASK 5. PRELIMINARY DISTRICT FRAMEWORK (PB #3)**

### ***\*Preparation for DOS Task 10: Proposed Local Regulations***

Utilizing the information received as part of the Discovery Sessions and the recommendations of the Code Assessment, our team will prepare a preliminary draft of the revised zoning district framework. The proposed amendments to the districts and map will be dependent on the information obtained in previous tasks, but code elements typically reviewed and revised include:

- + Base, Overlay, & Special Purpose Districts
- + Permitted & Specially Permitted Uses
- + Bulk & Dimensional Regulations
- + Specified or Additional Use Requirements
- + District Boundary Adjustments

A preliminary zoning map will be prepared as part of this task to reflect any proposed amendments to the boundaries of the zoning districts. The draft district and map materials will be submitted to the Planning Board prior to our third meeting for their review and comment.

Identification of SEQR actions to be determined during this task (i.e. GEIS).

## **TASK 6. PRELIMINARY DEVELOPMENT REGULATIONS (PB #4, 5, & 6)**

### ***\*Preparation for DOS Task 10: Proposed Local Regulations***

Once the Preliminary District Framework has been approved by the Planning Board, our team will provide updated development regulations for their review. The proposed amendments will be based upon the input of the public, Planning Board, and recommendations of the Code Assessment. Based upon our experience and the key issues identified in the RFP, we anticipate the following topics will be addressed as part of the development regulations:

- + Building & Site Design Requirements
- + Landscaping & Screening Standards
- + Sign Regulations
- + Off-Street Parking, Loading & Access Management Regulations
- + Solar Energy Regulations
- + Floodplain & Natural Resource Protections
- + RFP Task 2B (See Technical Assumptions on pages 6-7)

Due to the detailed nature of the development regulation sections, the review and discussion of draft material will be spread over three Planning Board meetings. All draft sections will be edited based upon their feedback.

## **TASK 7. PRELIMINARY ADMINISTRATIVE & REVIEW PROCEDURES (PB #7)**

### ***\*Preparation for DOS Task 10: Proposed Local Regulations***

It is unclear at this time how much effort will be required to update the administrative sections of the Town's zoning code. The results of the Discovery Sessions will help to inform much of this portion of the update. At a minimum, we anticipate working with the Planning Board and Town staff to identify opportunities to streamline the review process and clarify administration and enforcement provisions, including but not limited to:

- + General Application Requirements & Procedures
- + Review Board Roles, Procedures, & Decision Criteria
- + Nonconformities & Violations
- + Definitions

Once the Preliminary Administrative and Review Procedures are drafted, they will be provided to the Planning Board for their review. We will discuss this draft at our seventh meeting.

## **TASK 8. PRELIMINARY ZONING CODE & MAP (PB #8)**

### ***\*Preparation for DOS Task 10: Proposed Local Regulations***

For this task, we will compile all updated zoning code sections to form the Preliminary Zoning Code and Map for review and discussion by the Planning Board. Any further edits necessary will be incorporated into the document prior to being made available to the public for review and comment at the Open House.

## **TASK 9. PRELIMINARY SUBDIVISION REGULATIONS (PB #9 & 10)**

Our team will revise the Town's subdivision regulations based on the direction of the Code Assessment and to align with the revised zoning law format and content.

We understand that a primary goal of updating the subdivision regulations is to better provide for resiliency and conservation land use practices, while creating predictability for applicants and a common understanding of desired outcomes. To achieve this, our team will help to clearly define the relationship between Town zoning and subdivision regulations, properly outline and describe development incentives and amenities, and consider ways to remove unnecessary red tape.

## **TASK 10. PUBLIC OPEN HOUSE & STAKEHOLDER MEETINGS**

### ***DOS Task 7: Community Tour & Stakeholder Interviews; DOS Task 8: Public Information Sessions***

At this stage the Preliminary Zoning Code and Subdivision Regulations will be posted and shared for public review. To help facilitate the public review and solicit feedback on the preliminary drafts, we propose holding a Public Open House and re-engaging stakeholders. In this second round of meetings with stakeholders, our team can have focused conversations on the regulatory sections of most interest or impact to them. This will also help to get in front of any misconceptions or misunderstandings of revised code language and establish a working relationship to address any areas of concern.

The Public Open House will allow community members to review the drafts in a setting that encourages dialogue and questions to learn more about the updated regulations in a relaxed and informal manner. We anticipate developing several presentation boards as well as interactive activities to allow the community to provide direct input on the code and map. However, the ultimate timing, format, and presentation method of the Open House will be determined based on conversations with the Town Staff and Planning Board. All feedback received during this task will be compiled into a public input summary and provided to the Town.

## **TASK 11. DRAFT ZONING CODE, MAP, & SUBDIVISION REGULATIONS (PB #11)**

### ***DOS Task 10: Proposed Local Regulations; DOS Task 11: Municipal Board Review***

The final edits to the Draft Zoning Code and Map and Draft Subdivision Regulations will be made based upon the direction of the Planning Board, Town Staff, and input received at the Open House. Once approved by the Planning Board at our 11th meeting, the drafts will be forwarded to Town Board for their consideration.

## **TASK 12. LEGAL REVIEW**

We recommend that a legal review of the code amendment be completed at this stage to ensure consistency with local, state, and federal rules and regulations, and establish a level of comfort with Town Counsel. We will work with the Town Attorney to complete this review and address any comments or questions as necessary. Town Counsel may also be engaged at earlier stages in this process to gain feedback on preliminary draft code materials.

## **TASK 13. LOCAL LAW, REFERRALS & SEQR**

### ***DOS Task 12: Compliance with SEQRA; DOS Task 14: County Planning Board Review***

The ultimate action by Town Board will be zoning and subdivision amendments by local law. Our team will rely on the Town Attorney to prepare the necessary local law materials for introduction and action by the Town Board. We recommend that the zoning law and subdivision updates be considered as a joint action, fully repealing and replacing Chapters 103 (Subdivision) and 128 (Zoning). Once the local law is prepared and introduced, the required referrals and SEQR procedure may begin.

The project team will prepare all materials necessary for the county referral process.

We will assist the Board with the completion of a long Environmental Assessment Form (EAF) as required by NYS Law. If desired, our team can prepare a Generic Environmental Impact Statement (GEIS) for an additional fee. Details on this optional task are provided below.

**Optional GEIS:** Should the Town wish to complete a GEIS for the purposes of SEQR, our team can assist with all required steps in the SEQR process, including the completion of the GEIS documentation, facilitation of the public comment period, public hearing, and review of the GEIS by the Town Board. One benefit of completing a GEIS would be the ability to assess a number of hamlet or focus area development scenarios for potential impacts of the draft zoning law and subdivision regulations on density, traffic, environmental resources, etc. Cost Estimate: \$20,000 - \$50,000.

## **TASK 14. PUBLIC HEARING & ADOPTION**

### ***DOS Task 13: Public Hearing; DOS Task 15: Final Proposal Local Regulations & Local Adoption***

The Town Board is required to hold at least one public hearing prior to the adoption of the zoning law and subdivision regulation updates. Our team will prepare all meeting materials and help facilitate the public hearing. The level of detail presented and format of meeting materials will be adjusted to suit the Town Board's preferences. The preparation of all notices and advertising of the hearing will be the responsibility of the Town as required by NYS Law.

Once adopted, we will provide the Town with a clean version of the final Zoning Law, Map, and Subdivision Regulations, along with all supporting document source files, graphics, and GIS data.

# Technical Assumptions

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In summary, the scope of service for the Town of Bethlehem assumes the following:

- Preparation for and participation in up to six (6) Stakeholder Interviews, scheduled as necessary to support Task 3 and Task 10.
- Preparation for and attendance at up to eleven (11) Planning Board (PB) Meetings.
- Preparation for and attendance at up to three (3) Public Meetings, including Public Meeting #1 (Task 3), Open House (Task 10), and Town Board Public Hearing (Task 14).
- Task 13 does not include the preparation of an Environmental Impact Statement (EIS).
- The Town will be responsible for distributing meeting notices and any advertising that is deemed appropriate or necessary.
- The Town will designate a single point of contact to communicate project related information to Bergmann team members.
- The Town will provide a single set of comments on all draft materials. Bergmann will make one (1) round of edits as appropriate for each deliverable.
- All materials printed, constructed, and/or produced will acknowledge the contributions of the Department of State to the project. All final and public facing materials will include the Department of State logo and the following acknowledgment: "This [document, report, map, etc.] was prepared with funding provided by the New York State Department of State Environmental Protection Fund."
- All work products will be submitted in formats outlined in the Bethlehem/NYSDOS Work Plan.
- Bergmann will provide the Town with one (1) digital and up to three (3) paper copies of the final Zoning Code, Zoning Map, and Subdivision Regulations. Supporting electronic files for final deliverables, such as GIS shapefiles and graphic elements, will also be provided to the Town via an FTP link.

**RFP Task 2B:** The Zoning portion of the updates listed below follow the same outline as those submitted to NYS Department of State's Smart Growth Community Planning & Zoning Grant Program 2022.

1. Revised regulations in Subdivision code related to Density, Development/Redevelopment in Existing Communities, Walkable/Bikeable Neighborhood Design:
  - a. Conservation Subdivision base density calculations simplified (LBE 4h).
  - b. Conservation Subdivision clarify value of incentives & benefits through guidelines for Planning Board to use (LBE 4i).
  - c. Conservation Subdivision consider a ratio of unconstrained land set aside (LBE 4k).
  - d. Density metric based on unit/acre versus lot size (LBE 4f).
2. New regulations in Zoning Law that relate to a range of Housing Opportunities & Choices, Social Diversity & Integration and Density:
  - a. Apply new Area Median Income threshold and 60 or 80% threshold in calculating affordability for use in Incentives Zoning for multi-family (LBE 5a).
  - b. Update Zoning Law and Zoning District map to allow 2-3 family units and multifamily to diversify housing options in the town (LBE 4a).
  - c. Clarify ownership vs. rental for 2-3 family units in certain districts identified in Comprehensive Plan (LBE 4a).
  - d. Form based code/ infill design guidelines to address residential infill development, including 2-3 family units. (LBE 4c).
  - e. Context sensitive design language to address higher density infill development as a way to provide the

- “missing middle market” housing (2-10 units) (LBE 4d).
    - f. Integrate affordable units with market rate units through incentive zoning (LBE 5c).
    - g. Update Planned Unit Development regulations to address affordable housing (LBE 5c).
- 3. New regulations in Zoning Law that relate to Resiliency, and Green Infrastructure by protecting natural resources, through the exploration of options related to:
  - a. Wetlands- expand local regulation options for the protection of wetlands (HWN 1bi).
  - b. Streams – adding buffer or setback regulation options to streams, including tree removal regulations to protect trees on steep slopes and along streams (NYSDEC classified) (HWN 1bii).
  - c. Tree removal – regulations to protect trees on steep slopes & along streams (HWN 1biii).
  - d. Requirements for site plans/subdivision applications that address natural resource protection (providing existing condition type analysis & applying State sea-level rise predictions etc.) (HWN 1d, HWN 1e).
  - e. Consideration of adopting a natural resource inventory based on existing Town studies & mapping (HWN 1d).
  - f. Assessing use of EPODS, specific overlays, CEAs (HWN 1c).
- 4. New regulations in Zoning Law that relate to Climate Change & Clean Energy:
  - a. Solar energy code changes and additions (site plan and subdivision review process should promote the design and orientation of new buildings to use active and passive solar energy access, expanding zoning districts for large scale solar use) (HWN 3g, HWN 3h).
  - b. Fossil fuel dispensing (gas stations) regulations to address recommendation of prohibiting new or expanded fossil fuel dispensing (HWN 3f).
- 5. New regulations in Zoning Law that relate to Mixed Land Uses & Development/Redevelopment in Existing Communities:
  - a. Attracting businesses and increased density by expanding allowed uses and amending setbacks, parking regulations etc. within Commercial Hamlet and Hamlet zoning districts, including zoning district boundary changes (RE 2a, RE 6a).
  - b. Form based code for infill design in Commercial Hamlet and Hamlet districts (LBE 4c)
  - c. Review permitted uses in hamlet districts and adjust to achieve diversity of uses and density(RE 6a).
- 6. New regulations in Zoning Law that relate to Development/Redevelopment in Existing Communities by supporting existing agricultural uses and conserving open space:
  - a. Rural district (expand to allow more flexible land uses permitted by right, Comprehensive Plan has suggested list) (LBE2b).
  - b. Agricultural use definition expanded to match NYS Ag & Markets (LBE 2b, RE 3a).
  - c. Expand permitted agricultural uses (by right) & support uses in code (HWN 2c, RE 3a).
  - d. Establish a minimum lot size for residential use in the rural district based on ACDOH standards for septic & water (LBE 2b).
- 7. New regulations for Community and Stakeholder Collaboration in Planning:
  - a. Land use review public notification practices to inform the public and attract public participation during site plan and subdivision review process.

**Key to Comprehensive Plan Recommendations:**

LBE = Livable Built Environment                      HWN = Harmony with Nature  
 RE = Resilient Economy                                HC = Healthy Community  
 RGR = Responsible Governance & Regionalism

# Schedule

Our team is committed to completing this effort in the Town's desired 12-month timeframe. The graphic below depicts our anticipated schedule of meetings and key project milestones. Month 1 represents the month of contract execution and official project kick-off.

