

**TOWN OF BETHEL
INTRODUCTORY LOCAL LAW #3-2026**

A Local Law amending Chapter 345 “Zoning” of the Town Code of the Town of Bethel.

BE IT ENACTED by the Town Board of the Town of Bethel, County of Sullivan, State of New York, as follows;

This section will replace, in total, the existing 345-24.

§ 345-24. Conservation Subdivisions and Residential Developments.

A. Purposes. This section was designed to protect important resources as part of the land development process and to provide a diversity of lot sizes and housing choices to accommodate a variety of age and income groups. Its purposes include:

- (1) To conserve open land, including those areas containing unique and sensitive natural features such as, but not limited to, steep slopes, streams, stream sides, floodplains, and wetlands, by setting them aside from development.
- (2) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce the length of roads and the amount of paving required.
- (3) Creation of trails and pathway connections and linkage of protected open spaces are important amenities desired in the Town, where feasible.
- (4) To conserve a variety of resource lands and goals as established in the Town of Bethel Comprehensive Plan.
- (5) To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.
- (6) To create neighborhoods with direct visual or physical access to open land, and that have a strong neighborhood identity that is consistent with the rural character of Bethel.
- (7) To protect and conserve elements of the Town’s rural character.
- (8) To promote mixed-income housing options.

B. Authority. Pursuant to §278 of the Town Law, the Planning Board is authorized, simultaneously with subdivision plat approval, or special use permit, as the case may be with a residential development, to approve a conservation subdivision or conservation development in the AG, FC, G-17B, RD, RDR, R-17B, RS, and PA Zoning Districts, modifying the applicable provisions of this Chapter 345 of the Town Code, subject to the following conditions. The standards and procedures for conservation subdivision or

conservation development shall apply only within the zoning districts specifically identified herein.

C. Applicability.

- (1) Subdivisions. This subsection shall be required for all major subdivisions as defined in Chapter 300, Article II.¹ In addition, an applicant for a minor subdivision may request Planning Board approval for a conservation subdivision subject to the same criteria as set forth in this section.
- (2) Residential Developments. This subsection shall be required for all residential developments as defined in this Law.
- (3) The provisions of this section shall be held to be minimum requirements. In approving a conservation subdivision or residential development, the Planning Board has the authority to impose such additional conditions and restrictions as are directly related to the proposed subdivision and protection of environmental resources.
- (4) When an application includes a subdivision, this subsection shall be in addition to compliance with all other procedures and requirements of the Town of Bethel's Subdivision Law. Should the requirements of this Article conflict with, or otherwise be inconsistent with, any provision of the Town's Subdivision Law, the provisions of this subsection shall prevail when associated with major subdivisions. No major subdivision application shall be approved pursuant to this law without full compliance with the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617).
- (5) When an application includes a residential development, this subsection shall be in addition to compliance with all other procedures and requirements of the Town of Bethel's Zoning Law. Should the requirements of this Article conflict with, or otherwise be inconsistent with, any provision of the Town's Zoning Law, §345-30, the provisions of this subsection shall prevail. No special use permit application shall be approved pursuant to this law without full compliance with the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617).

D. Development Standards

- (1) A conservation subdivision shall in no case result in a permitted number of building lots or dwelling units which exceeds the number that could be permitted, in the Planning Board's judgment, according to the development density requirements pertaining to the district or districts in which the land is situated pursuant to

¹ A Major Subdivision is any subdivision: i) not classified as a minor subdivision, including but not limited to subdivisions containing more than four lots or any subdivision requiring a new street, street extension, extension of municipal facilities or off-site sewer or water supply; or ii) any subdivision of a parcel of land within three years of final approval of a previous subdivision of all or a portion of the same parcel. Application for a further subdivision of any portion of a minor subdivision within a period of three years from the approval date of the original subdivision shall constitute an application for a major subdivision, regardless of ownership of any portion of the minor subdivision.

Attachment 2, Schedule 1, Table of Use and Bulk Requirements of this Zoning Law, except when the proposal is eligible for a density bonus for provision of public water and sewer or wastewater management district.

- (a) The maximum density shall be calculated based on the total acreage of the existing parent parcel
 - (b) The maximum density of a major subdivision or a residential development shall be based upon the density established for the district in the Table of Use and Bulk Requirements and adjusted pursuant to Chapter 300 (Subdivision), 300-21 (A) (Lots to be Buildable). Once all development density permitted for a parent parcel has been allocated, no further subdivision of the parent parcel or creation of additional dwelling units shall be permitted.
 - (c) Where the plat falls within two or more contiguous districts, the Planning Board may approve a conservation subdivision or residential development representing the cumulative density as derived from aggregating all lots allowed in such districts pursuant to all other applicable requirements and may authorize actual construction to take place in all or any portion of such districts.
- (2) The phrase "all other applicable requirements" means all applicable local zoning and land use laws and regulations and all applicable county, state, and federal laws, regulations, and requirements.
 - (3) All housing types allowed for the district pursuant to the Table of Uses and Bulk Requirements shall also be allowed within a major subdivision or residential development.
 - (4) A major subdivision or a residential development A major subdivision or a residential development must preserve at least fifty percent (50%) of the parcel's total acreage as conserved, open space land, except in the following instances:
 - (a) If the parcel is 15 acres or less, the Planning Board may allow a reduction in the percentage of open space preserved to be based upon the site conditions and layout, provided all other density and development standards of this section are met. In no case shall the purposes of this section to preserve the maximum amount of open space and maintain the rural character of Bethel be nullified.
 - (b) If the parcel is located on lands within the Kauneonga Public Sewer District, the Planning Board may allow a reduction in the percentage of open space preserved to be based upon the site conditions and layout, provided all other density and development standards of this section are met. In no case shall the purposes of this section to preserve the maximum amount of open space and maintain the rural character of Bethel be nullified.
 - (5) Lot Dimensions. The Planning Board shall allow alteration of lot dimensions, including setbacks, within a Conservation Subdivision to properly accomplish the purposes of the Town of Bethel's Comprehensive Plan and this Law to preserve the maximum amount of open space when a major subdivision or residential development is planned. Lots shall be arranged in a way that preserves open space,

environmental resources, and agriculture, and that promotes land conservation as described in this section 345-24. No lot lines need be placed for dwellings within a residential development.

- (6) Lot sizes and setback distances are flexible to maximize open space to be preserved, and to site housing units efficiently, and in the most advantageous location on the parcel. Development standards for lots in a conservation subdivision or a residential development may be reduced as follows:
- (a) The minimum lot size to be created within a conservation subdivision may be reduced to .25 acres (10,890 square feet) where community-scale on-site water supply and sewage disposal facilities are to be provided pursuant to Section 345-34.3 (Package Wastewater Treatment Plants). When individual well and septic systems are to be provided for, lot sizes shall be such as to meet all requirements as required by Chapter 338 (Wells), and Chapter 257 (Sewers) Article IV (On-Site Individual Wastewater Treatment).
 - (b) Setbacks for structures within each lot created, or when a conservation development, for the entire parcel, may be reduced to thirty-foot front yards, and twenty-five-foot total side yard (12.5 feet within each lot), and twenty-five-foot rear yards.
 - (c) Minimum street frontage per lot shall be fifty feet unless the Planning Board determines site conditions require larger frontages.
 - (d) The maximum impervious surface shall be thirty percent on each lot created in the subdivision.
 - (e) When the development is proposed within a New York State Certified Agricultural District or within 500' of such district, building setbacks from cropland or pastureland shall be one hundred (100) feet. The setback from existing barnyards and barns housing livestock shall be three hundred (300) feet.
 - (f) All housing types allowed in the underlying zoning district shall be allowed within a Conservation Subdivision.
 - (g) All open spaces required as part of any Conservation Subdivision or residential development that are adjacent to other protected open spaces should be laid out so that they can be linked directly or indirectly with features such as hedgerows or smaller habitat patches to the maximum extent feasible.
- (7) Maximum impervious coverage. No more than 30% of any given acre shall be covered with impervious surface in the form of access drives, parking areas, or structures, except that the Planning Board, in its discretion, may alter this requirement in appropriate situations to permit denser clustering of buildings to facilitate a greater allocation of open space.
- (8) As a condition of plat approval, the Planning Board shall establish conditions on the ownership, use, and maintenance of such open lands shown on the plat as it deems

necessary to assure the natural, scenic, agricultural, open space, or other characteristics of such open lands.

E. Required Plans and Analysis.

- (1) Yield Plan. The applicant shall prepare a yield plan, based on Attachment 1, Table of Use and Bulk Requirements and adjusted pursuant to Chapter 300 (Subdivision), 300-21 (A) (Lots to be Buildable). The yield plan's role is to determine the maximum number of residential lots or units that may be obtained without applying the conservation criteria.
 - (a) The yield plan shall be prepared in accordance with zoning requirements and conventional subdivision lot layouts. Each residential lot, its building envelope, and the entire subdivision or residential development layout must comply with all applicable laws and regulations affecting the use of land, including Town, county, state, and federal laws and regulations, and all applicable road requirements, including cul-de-sac length limits.
 - (b) The yield plan shall comply with the requirements for a preliminary plan submission, although the Planning Board may waive specific requirements if it deems that such items are not necessary for consideration of the site and for determination of allowable density thereon.
 - (c) The Planning Board shall render a determination of the permissible number of lots, in its judgment, based on an acceptable yield plan.
- (2) Sketch Plan. The following information shall be submitted by the Applicant as a basis for informal discussions with the Planning Board regarding the design of a conservation subdivision or residential development. The Planning Board shall evaluate the proposal during the sketch plan phase of review. Complete and complex engineered plans and architectural drawings are not required at this phase.
 - (a) The subdivision name or title, if any; the scale, which shall be no less than one (1) inch equals one hundred (100) feet; North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Concept Plan."
 - (b) The subdivision boundaries, tax map parcel identification numbers, and the owners of all contiguous properties.
 - (c) The zoning classification and tax map number(s) of the property to be subdivided.
 - (d) The total acreage of the subdivision and the proposed number and locations of lots or buildings.
 - (e) All existing streets, either mapped or built, adjacent to the tract.
 - (f) All existing restrictions on the use of land, including easements and covenants, if any.
 - (g) All existing structures, with dimensions, general location of agricultural fields

and wooded areas, watercourses, and other significant physical and natural features of the parcel and within two hundred (200) feet of the parcel boundaries.

- (h) If applicable, the location and required setbacks, if any, as may be required by this Law, the Town of Bethel Flood Damage Prevention Law, or State or Federal laws from watercourses, wetlands, and floodplains.
- (3) Site Analysis. The following site analysis shall be submitted by the Applicant. A site analysis shall include an identification of primary and secondary conservation lands within a parcel(s). The site analysis shall include a site analysis map that includes the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, conservation-related agencies, or from aerial photographs. The site analysis is intended to be a general sketch and description illustrating the location and type of environmental features that are present on the site, including:
 - (a) Topography at contour intervals of no less than five feet based on USGS maps. At the Planning Board's discretion, slopes may be required to be clearly indicated in five-percent average grade increments.
 - (b) Areas where the slope exceeds fifteen percent (15%).
 - (c) Wetlands (including federal and DEC Regulated Wetlands), areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, municipal water supply recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any.
 - (d) Agricultural lands, including farmland within, and adjacent to, a New York State Certified Agricultural District, and soils classified as being prime farmland or soils of statewide significance, if any.
 - (e) Locations where municipal sewer and water are available or planned, if any.
 - (f) Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
 - (g) Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
 - (h) Archaeological areas, historic structures or areas of national, state, or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
 - (i) Areas with rare vegetation, significant or rare habitats, or habitats of endangered, threatened, or special concern species, or unique natural or geological formations, and Unique Natural Areas as identified by Sullivan County, if any, or identified in the Town of Bethel Comprehensive Plan.
 - (j) General description and locations of the vegetative cover on the property

according to general cover type, including cultivated land, grassland, old field, hedgerow, woodland, and wetland, and showing the actual line of existing trees and woodlands.

- (k) Lakes, ponds, or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
 - (l) Inactive railroad beds, or bikeways, pedestrian routes, and trails, if any, existing, or as proposed by the applicant or Town.
 - (m) Location and distances of all existing streets, roads, buildings, utilities, and other man-made improvements.
 - (n) All easements and other encumbrances of property which are or have been filed of record with the Sullivan County Clerk's Office.
 - (o) A viewshed analysis showing the general location and direction of views from and onto the property that should be incorporated into the subdivision design.
 - (p) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available public source data.
 - (q) All existing man-made features, including but not limited to streets, driveways, farm roads, woods roads, trails, buildings, foundations, stone walls, wells, drainage fields, dumps, utilities, stormwater detention facilities and storage tanks.
- (4) The Planning Board shall set forth the maximum number of dwellings authorized and such other conditions as it deems appropriate. Such conditions may include, but not be limited to, limitations regarding the ownership and/or use of the open space land resulting from the conservation design, so that the land shall not become a possible burden or nuisance.
- (5) After the number of lots in a yield plan has been authorized, the applicant shall prepare a conservation subdivision or residential plan in accordance with Subsection (7) below. The submission requirements for a Preliminary Plat include the site analysis and the submission requirements pursuant to both this subsection and for major subdivisions, Article III of the Town of Bethel Subdivision Law, or for a residential development, 345-30 of this Zoning Law.
- (6) Such conservation subdivision authorization by the Planning Board shall expire and become null and void unless a conservation subdivision plan complying with the terms and conditions of the Planning Board's authorization is granted preliminary subdivision approval within two years of the date of the Planning Board authorization. However, upon request of the subdivider, the Planning Board may extend its authorization for up to two periods of six months each at its sole discretion.
- (7) Conservation subdivision plan. The following process shall be followed in preparing a conservation subdivision or residential development plan once the

Planning Board has determined, from a sketch plan submission, that this is the form of development required or authorized for the property in question. This process shall be in addition to normally applicable subdivision procedures.

- (a) After preparing the Existing Resources and Site Analysis Map, applicants shall arrange for a site inspection of the property by the Planning Board and other Town officials. Based on the map and inspection, a four-step design process shall then be applied to determine the layout of proposed conservation areas, house sites, streets, and lot lines, as described below. All preliminary plans shall include documentation of the following four-step design process:

- [1] Step 1 - Delineate Open Space Areas. Proposed conservation areas shall be designated using the Existing Resources and Site Analysis Map. Primary conservation areas shall be delineated, comprising streams, floodplains, wetlands, critical habitats, agricultural lands, groundwater recharge areas, and slopes over 15%. Secondary conservation areas shall also be delineated and prioritized for preservation. The applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated based on those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the Applicant's subdivision objectives. Building envelopes shall not encroach upon Primary or Secondary Conservation areas. Together, they constitute the total open space areas to be preserved, and the remaining land is the potential development area.
- [2] Step 2 - Tentative house sites shall be identified. Envelopes shall be tentatively located within the potential development areas. House Sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and active agriculture, and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.
- [3] Step 3 - Align Streets and Trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed conservation areas shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, traversing steep slopes, or fragmenting agricultural lands. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs and facilitate access to and from homes in different parts of the tract. Additionally, pedestrian paths, trails, or bike routes must be considered to be included in the design to link open spaces or other existing trails that may exist or be created.
- [4] Step 4 - Draw Lot Lines. Upon completion of the preceding three steps, lot

lines shall be drawn to delineate the boundaries of individual residential lots.

- (9) Evaluation criteria. The Planning Board shall evaluate the proposed conservation subdivision or residential development layout according to the extent that the project:
- (a) Recognizes existing scenic views and vistas and preserves the existing visual character of the site area. This includes protecting the visual character and appearance of the site as viewed from existing public roads, thereby protecting the Town's open rural streetscape. New construction shall be sited to avoid visual prominence, where possible. Where possible, existing field hedgerows and stone walls shall be preserved. So that the boundaries between house lots and active farmland are well buffered by vegetation, topography, or other barriers, setbacks around the perimeter of the parcel shall be required to minimize potential conflict between residential and agricultural uses.
 - (b) To be as visually inconspicuous as practicable when seen from state, county, and local roads, the subdivision or residential development should preserve woodlands along roadways, property lines, and lines occurring within a site, such as along streams, swales, stone fences, and hedgerows, to create buffers with adjacent properties. Preservation should include ground, shrub, understory, and canopy vegetation. Structures should be placed at the edge of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
 - (c) Preserves active farm fields and open fields, and on the least fertile agricultural soils wherever possible, particularly when associated with actual or potential agricultural use or culturally or historically significant houses and agricultural structures such as barns. Farm fields shall be preserved for continued use where possible and appropriate.
 - (d) Provides contiguous open space and/or avoids habitat fragmentation. Open space resulting from the subdivision shall avoid fragmenting habitat to the greatest extent possible, in keeping with the resources identified for protection. Open space areas in contiguous subdivisions shall connect where possible to maintain wildlife habitat and corridors. Consideration shall be given to simple methods of maintaining land cover types for visual, aesthetic, or habitat purposes. Maintenance measures shall be identified and implemented.
 - (e) Minimizes intrusion into wetlands, floodways and floodplains, water bodies and steep slope areas of twenty percent slope or more. Native vegetation shall be maintained to create a buffer within 100' of wetlands and creeks, streams, lakes, and ponds. Any intrusion to obtain roadway access to the site for building purposes shall be the minimum necessary. Any pedestrian access that is provided to primary and secondary conservation areas shall also be designed to minimize impacts on these resources.

F. Open Space, Lot Layout and Road Standards.

- (1) A conservation subdivision shall include substantial open space areas that are permanently protected against structural use through a conservation easement, or a deed restriction pursuant to section (G) below.
- (2) When approved by the Planning Board and, if applicable, approved by all other agencies with jurisdiction, a portion of the open space may be used for required stormwater management/erosion control facilities, but such areas shall not count toward open space requirements.
- (3) Open space areas shall be shown and identified as primary conservation areas and secondary conservation areas. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space and wildlife corridors or a critical mass of farmland. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site.
- (4) Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the residential parcel, not on the agricultural lands.
- (5) Open space lands shall be permanently preserved and may be configured and held in one or more of the following ways:
 - a. As one or more separate conservation lots held in common ownership and managed by a homeowners association,
 - b. As a permanently preserved, non-buildable portion of one or more individual lots, provided each such residential lot contains at least five acres, or
 - c. As part of a single parcel containing all required preserved open space, provided that development on such parcel is limited to one dwelling and associated improvements within a building envelope not exceeding one acre. The required open space may not be used for community septic systems or other forms of decentralized wastewater treatment.
- (6) The average slope requirements of § 300-15B(7) shall not apply to conservation areas.
- (7) To discourage strip development along roads, house lots shall generally be accessed from interior streets, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are required for safety.
- (8) Common driveway access shall be allowed to the maximum extent feasible to minimize curb cuts. No more than four single-family dwelling units may be served by a single shared driveway.

- (10) A pedestrian circulation and/or trail system shall be provided unless waived by the Planning Board.
- (11) Where appropriate, the Planning Board shall work with the Highway Department to ensure that new roads do not impact or detract from the rural and environmental character of the area.
- (12) Use of reverse curves should be considered for local access streets in conjunction with long horizontal curve radii [at least two hundred fifty (250) feet] and where traffic speeds will not exceed thirty (30) mph. Use of streets that place houses on one side of the road is encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.

G. Protection of open space, ownership and maintenance.

- (1) All required open space shall be depicted and noted on the subdivision plat or plan as protected open space and restricted from further subdivision or development through one of the following methods to be proposed by the Applicant and approved by the Planning Board:
 - (a) A permanent Conservation Easement, in a form acceptable to the Town and recorded at the County Clerk's Office.
 - (b) A declaration of covenants or deed restriction, in a form acceptable to the Town, and recorded in the County Clerk's Office. The restriction shall describe the size of the parent parcel being subdivided; the total number of lots and the total number of development units approved, and it shall allow the Town to enforce Plat Notes and Covenants.
 - (c) If a partial subdivision is proposed, any unused development units the parent parcel is eligible for, but not included in the subdivision application, shall be assigned to the remaining, non-subdivided, non-open space lands.
- (2) Open space land may be held in any form of ownership that protects its conservation values.
- (3) Open space may also be dedicated to the Town, County, or State governments, or transferred to a qualified nonprofit organization, including a land trust. The Applicant shall provide proof that the receiving body agrees to accept the dedication.
- (4) The open space lands within a Conservation Subdivision or residential development may be privately owned by a single lot owner, privately owned across multiple parcels of land, or owned in common by an approved Homeowners Association (HOA). All open space lands shall be designated on the final, approved plat. When designated on parcels having an existing or proposed house, the lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for.
- (5) The Planning Board may allow for buildings or land disturbances on lands slated for open space for barns or agricultural structures, provided such use shall not compromise the conservation or agricultural value of such open space land.

- (6) If an HOA is the ownership model desired by the applicant, the following shall be required:
- (a) If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed or the special use permit approved. The Applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - (b) If land is held in common ownership by a homeowner's association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes, and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board shall find that the HOA documents satisfy the conditions above.
 - (c) The homeowner's association shall be operating before the sale of any dwelling units in the development. The proposed homeowner's association shall be established by the Applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law and have an offering plan for the sale of lots in the Subdivision approved by the New York State Department of Law, if required. If the NYS Department of Law grants an exemption from the requirement of an offering plan, the Applicant shall have in place an agreement acceptable to the Town that ensures the open space is not encroached upon in the future.
 - (d) Membership in the HOA shall be mandatory for each property owner within the development and for any successive property owners in title.
 - (e) The association shall be responsible for liability insurance, local taxes, and maintenance of open space land, recreational facilities, and other commonly held facilities.
 - (f) The association shall have adequate resources to administer, maintain, and operate such common facilities as required by the Planning Board.
- (7) The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation, or similar purposes. The Planning Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval.
- (a) A Conservation Easement will be acceptable if:
 - [1] The conservation organization is acceptable to the Town and is a bona fide conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.

- [2] The conveyance contains appropriate provisions for proper reverting or re-transfer if the conservation organization becomes unwilling or unable to continue carrying out its functions.
- [3] A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to ensure there is no encroachment on the open space.
- [4] The Conservation Easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

H. Maintenance Standards.

- (1) The owner of the open space shall be responsible for all operations, maintenance, or physical improvements to the open space as may be required by the Planning Board, including funding all such activities. The Zoning Enforcement Officer, Building Inspector, or other duly authorized Town official may, at reasonable times and upon reasonable notice to the owner, enter upon and inspect the premises for the purpose of determining compliance with open space requirements of this Section, subject to applicable constitutional and statutory requirements regarding entry onto private property.
 - (2) Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development.
- I. Future Subdivisions. When a subdivision includes only a portion of a lot of record, a sketch layout according to this section shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner and allocation of density to ensure that subdivision may be accomplished in accordance with this section and to allow the Planning Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future Subdivision shown thereon.

Definitions to Include in Section 345-5:

Conservation Easement: A legally binding, recorded agreement between a property owner and a qualified governmental entity or not-for-profit conservation organization that permanently restricts certain uses or development of land to protect its natural, agricultural, scenic, historic, recreational, or open space resources. Ownership of the land remains with the property owner, but the restrictions established by the easement run with the land and bind all future owners.

Conservation Subdivision: A residential subdivision where the number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel to be subdivided in a flexible manner, where lot sizes, road frontages, and other Bulk Requirements are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity.

Deed Restriction: A recorded provision in a deed or other recorded legal instrument that imposes limitations or obligations on the use, development, or transfer of real property. Deed restrictions run with the land and are binding upon current and future owners unless modified or terminated in accordance with law.

Horizontal Curve Radii: The radius of a curve measured along the centerline of a street, private road, or driveway that defines the curvature of the traveled way. Larger radii result in gentler curves, while smaller radii produce sharper turns.

Parent Parcel: The entire lot, parcel, or tract of land proposed for a conservation subdivision or conservation development, as it legally existed immediately prior to such subdivision or development, and from which the proposed residential lots, conservation lots, open space lands, dwelling units, and other parcels are to be created.

Primary Conservation Area: The area delineated in a conservation subdivision to have priority resource areas to be conserved that are prohibited by existing law or other regulation from development, or areas that constitute significant barriers to development, including, but not limited to, streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

Residential Development: A residential development occurring on a single parcel under unified ownership or control that is not subdivided into separate lots for individual ownership and that either contains more than two (2) principal residential buildings; or occupies a parcel that is more than ten (10) acres.

A Unified Residential Development may consist of detached, attached, or multifamily dwellings and may include common open space, private roads, shared parking, recreational facilities, community wastewater or water systems, and other common facilities. The land shall remain a single parcel unless lawfully subdivided or otherwise approved under applicable federal, state, and local laws.

Reverse Curve: Two adjacent horizontal curves having opposite directions of curvature. Reverse curves shall be designed in accordance with accepted engineering practice and applicable roadway design standards, including the provision of an adequate tangent section or transition where required to ensure safe vehicle operation.

Rural Character: The combination of natural, scenic, agricultural, cultural, historic, and built features that collectively establish the Town of Bethel's identity and sense of place. Rural character includes, but is not limited to, forests, lakes, streams, wetlands, farmland, wildlife habitat, open space, scenic vistas, ridgelines, dark night skies, historic hamlets, recreational

resources, and development patterns characterized by compact hamlets, dispersed rural development, and buildings that are compatible in scale with the surrounding landscape. Protection of rural character includes minimizing the fragmentation of open lands, preserving scenic resources and water quality, reducing excessive lighting, traffic, noise, and visual clutter, and ensuring that new development complements rather than dominates the Town's natural and cultural landscape. The Town's Comprehensive Plan further describes the character of Bethel.

Secondary Conservation Area: The area delineated in a conservation subdivision to have unique resource areas to be conserved and deemed worthy of protection by the Planning Board. Such areas may include, but are not limited to, public views of the parcel that are part of the Town's rural streetscape, historic and cultural resources, including locally important houses, barns, and other structures, individual trees or stands of trees, agricultural fields or other agricultural lands, or plant or animal habitat areas as determined by local review or other relevant sources. Secondary conservation areas may also include buffer areas of 100 feet separating development from water bodies, waterways, and wetlands, unless such areas are otherwise required to be located in the primary conservation area.

Sketch Plan: A preliminary, conceptual drawing of a proposed subdivision or land development submitted for informal review and discussion with the Planning Board before the preparation of a preliminary or final plan. A sketch plan is intended to illustrate the general layout of the site, including proposed lots, streets, access, natural features, utilities, open space, and other significant elements, and does not constitute an application for approval unless otherwise provided by this Chapter.

Yield Plan: A conceptual site design prepared to establish the maximum number of dwelling units or lots permitted on a parcel by demonstrating the property's realistic development potential after accounting for all applicable zoning requirements, environmental constraints, physical site conditions, and other applicable federal, state, and local regulations. The yield plan shall reflect a feasible and buildable development layout based on accepted engineering and planning practices and shall not include development within areas where construction is prohibited or impracticable. Approval of a yield plan establishes only the maximum allowable density and shall not be construed as approval of any subdivision, site plan, or development proposal.