

TOWN OF BETHLEHEM  
ZONING LAW AND SUBDIVISION REGULATIONS UPDATE  
REQUEST FOR PROPOSALS  
DUE DATE: **December 16, 2022 at 2:00 PM.**



## **PURPOSE**

The purpose of this Request for Proposals (RFP) is to receive competitive proposals from qualified planning consultants and consultant teams (hereinafter referred to in the singular as “consultant”) who are interested in coordinating the update to the Town’s [Zoning Law](#) and [Subdivision Regulations](#) (“Zoning and Subdivision Update”). The Zoning and Subdivision Update will reflect the vision, values and guiding principles of the recently adopted [Comprehensive Plan Update](#) (June 2022), which was awarded an APA New York Upstate Chapter Award for Comprehensive Planning. The Plan was branded “[Bethlehem Forward](#)” in an effort to engage the public and advance a thoughtful conversation to define a future for the community in 2035.

The Comprehensive Plan Update is based on six overarching principles; Interwoven Equity, Livable Built Environment, Harmony with Nature, Resilient Economy, Healthy Community and Responsible Governance and Regionalism. The intent of the update to the land use regulations is to implement the balance called for in the Comprehensive Plan Update between the urban, suburban, and rural perspectives, the desire for economic growth and diversification and the stewardship of finite land and environmental resources.

A Zoning and Subdivision Update will assist the Town Board, the Planning Board, and Town Department of Economic Development and Planning in codifying the policies and recommendations that are outlined in the Comprehensive Plan Update. New land use regulations must appropriately address and guide new development and redevelopment within the community in an environmentally sustainable manner while also meeting the service demands that come with community growth. It is expected that the Zoning and Subdivision Update will be completed by the end of 2023.

## **SCOPE OF THE PROJECT**

The Town of Bethlehem has a committed professional Planning staff to assist in the Zoning and Subdivision Update. Further, the Bethlehem Planning Board will serve as the advisory body during development of the project. The Board meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. The consultant’s schedule should include attendance at Board meetings associated with project milestones.

The Town is seeking the services of a consultant to work with Town staff as a team to implement the project. The tasks provided below are general requirements for the Zoning and Subdivision Update, and are intended to establish expectations of the project scope. It is expected that the chosen consultant will provide the Town with more specific recommendations for approaches, tasks and deliverables based on their experience and expertise from past work on similar planning projects. Upon selection of a consultant a more formal scope including schedule, tasks and deliverables will be developed by the consultant and Town.

## General Scope

1. Ensure clarity in the Zoning and Subdivision Update to avoid, whenever possible, disputed interpretations and provide consistency amongst all sections of the Zoning Law and Subdivision Regulations.
2. Provide terminology in clear, concise language with use of illustrations. The use of zoning graphics to depict guidelines and standards is a desired outcome of the update.
3. Prepare State Environmental Quality review (SEQR) documents. The final Zoning and Subdivision Update shall contain the elements necessary for adoption by the Town Board according to NYS law.
4. Provide effective public engagement activities and meetings with stakeholders, community, Planning Board and Town Board.
5. Provide high quality, printed and electronic copies of the final Zoning and Subdivision Update and any graphics, maps, and databases created during the project must be given to the Town of Bethlehem. Includes original images/photographs, maps, tables/charts, renderings, etc. The selected consultant must provide original documents, as well as final PDF versions created during the project: Word documents, Excel files, GIS files/layers, etc.

*Any and all documents, images, maps, or anything of the like created during the Zoning and Subdivision Update, will become the property of the Town of Bethlehem to use in whatever way the community sees fit. This could include, but not limited to marketing, advertising, displayed on the Town's website, use on the Town's Facebook page, etc. The Town of Bethlehem reserves the right to alter any aspect of the finalized documents adopted at the end of this project.*

## Specific Scope

### Task 1 – Community Engagement

The Town of Bethlehem strives to ensure participation of citizens in every stage of decision making. Participation of residents, developers, land owners, business owners, appointed and elected officials, and other stakeholders throughout the community is paramount to success of this Zoning and Subdivision Update project; therefore, the Town will place a strong emphasis in the selection process in choosing a consultant that has strong qualifications and experience in facilitation, capacity building, and citizen engagement with respect to establishing regulations for zoning and subdivisions.

Consultants should describe their proposed overall approach to community engagement and detail the techniques to be used relative to land use regulation development. Consultants should specify the number of public meetings or workshops to be held during the project process, in order to engage the community. The consultant may not be able to specify firm details concerning the public meetings in the proposal, but the proposal should include the number of public meetings assumed when putting together the proposal.

The consultant shall attend meetings with Town staff, residents, developers, land owners, appointed and elected officials, and other stakeholders. The consultant should also prepare and conduct presentations as appropriate.

### Task 2 – Zoning and Subdivision Update Preparation

The consultant's proposal for the Zoning and Subdivision Update shall reflect the following:

#### Task 2A. Project Initiation and Management

The Plan Update will require effective coordination with Staff. The Director of Planning will be responsible

for reviewing deliverables, coordinating with involved Staff and Town stakeholders, and providing overall guidance throughout the effort.

The Bethlehem Planning Board will serve as the advisory body during development of the project. The Board meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. The consultant's schedule should include attendance at Board meetings associated with project milestones. Pursuant to Zoning Law 128-92, the Planning Board shall provide a final recommendation on the zoning and subdivision update to the Town Board (prior to Town Board adoption).

As part of its proposal, the Consultant shall present a proposed project schedule with estimates for each task's duration, related deliverables and community engagement elements, costs, and proposed completion date. The Consultant shall conduct a project kickoff meeting with Town staff within 2 weeks of a fully executed contract with the Town. The kickoff meeting objectives will be to validate the proposed project schedule and approach to project management, lines of communication, and an initial discussion of data and other information needs. It is expected that the Zoning and Subdivision Update will be completed by the end of 2023.

Task 2B. Specific updates to Zoning and Subdivision Regulations as outlined in the Comprehensive Plan Update [Matrix](#):

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. *(The Town is hopeful to receive notice of an award in early winter 2022). The Town will fund the updates to the Subdivision Regulations (see item #1 below) since only zoning updates are eligible through the DOS grant.*

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

### **Task 3 – Zoning Law and Subdivision Regulations Final Format**

#### Task 3. Prepare Final Zoning Law and Subdivision Regulations Update and Support Adoption Process

A Final Zoning Law and Subdivision Regulations Update in the form of a Local Law document that can be submitted to [General Code](#), consistent with past Town practice. General Code maintains the Town Code in an online format. The Planning Board will review the final Zoning Law and Subdivision Regulations and the Town Board will ultimately formally adopt the laws after holding a public hearing. Consultants should assume completion of this task will require several drafts and comments, presentations to the Planning Board, public meeting/open house, public hearing, etc., and should include these activities as part community engagement.

This task also includes preparing all necessary documentation and processing the local laws through the State Environmental Quality Review (SEQR) regulations. The Proposal should describe the firm’s approach to SEQR compliance on the project.

### **Task 4 – Zoning District Map**

The Comprehensive Plan Update includes a future land use map that will serve as a basis for updating the current Zoning District Map. The Consultant will prepare GIS mapping to reflect zoning district boundary updates resulting in an updated Zoning District Map. The updated Zoning District Map will reflect the Comprehensive Plan’s future land use map, and feedback provided during community engagement.

## **Submittal Requirements**

The consultant shall submit five (5) copies and one (1) digital copy of the proposal. The Town encourages the use of recycled paper products and double sided print.

The deadline to submit proposals is no later than **Friday, December 16, 2022 at 2:00 PM.**

The proposal submittal should be submitted in a sealed envelope labeled **“RFP: 2022 Zoning and Subdivision Regulations Update Proposal”** and delivered to:

Town of Bethlehem  
Attn: Robert Leslie, AICP; Director of Planning  
445 Delaware Avenue  
Delmar, NY 12054

### **Proposal Format and Requirements**

Proposals should contain the following information:

1. Title Page: Provide the name of your firm, address, telephone and name of contact person on a title page.
2. Letter of Transmittal: Provide a complete statement regarding the understanding of the project

and your interest in working with Bethlehem. The transmittal letter shall be signed by a duly authorized officer or agent empowered with the right to bind the consultant submitting a proposal for consideration.

3. Firm Background: Provide information on the size, location, available resources and brief discussion on past experiences related to preparing zoning law and subdivision regulations, and/or the specific task addressed in the proposal.
4. Project Team: Identify the project team (including sub-consultants and associates) and provide a statement of qualifications for each individual, including information such as: education, professional registrations, area of expertise and years of service in their respective field. Identify the project manager with overall responsibility for the effort and communication with the Town and include an organization chart.
5. Work Samples: List and provide in electronic format only (either a webpage link to the document or other electronic format) up to three (3) examples of Zoning and or Subdivision Regulations for communities similar to the Town of Bethlehem recently completed by the consultant. Identify the client and contact information. Examples shall reflect those where the consultant was the lead author of zoning law and subdivision regulations.
6. Methodology and Approach: Provide a description of the method and approach your firm intends to utilize in order to complete the Zoning and Subdivision Update (including proven community engagement techniques).
7. Understanding of Bethlehem: Provide information that demonstrates your understanding of the Town of Bethlehem generally and the unique issues facing the Town specifically. Identify how the Town's background and issues will impact the methodology and approach to the regulations update. Identify experience in preparing Zoning and Subdivision regulations for municipalities in Home Rule states such as New York.
8. Schedule: Include a detailed phasing and task list and estimated completion time of each task. The schedule shall include estimated duration for each proposed task. Provide an estimated start date and completion date, based on an estimated consultant selection date of December 31, 2022.
9. References: Submit names, e-mails and telephone numbers of other municipal officials that we may contact to verify performance on zoning law and subdivision regulation projects recently completed by your firm as identified under the Firm Background section of the proposal submittal.
10. Verify Firm Capacity: Provide a statement verifying your ability to begin work on the Zoning and Subdivision Update and complete the tasks within the timeframes identified in the Methodology and Approach section of the submitted proposal based on your firm's current work load and capacity.
11. Cost Proposal: Submit a not-to-exceed cost breakdown and proposal of the Zoning and Subdivision Update process, including travel and material expenses, for the work identified by the consultant in the Methodology and Approach and Timeframe sections of the proposal submittal. The costs should be broken out with separate amounts provided for completion of 1) Task 1: Community Engagement; 2) Task 2: Zoning and Subdivision Update Preparation; 3) Task 3: Zoning Law and Subdivision Regulations Final Format and 4) Task 4: Zoning District Map. The cost proposal shall include hourly not-to-exceed rates for each category of staff involved. A separate fee for each Task shall be provided so the Town can evaluate all responses comparatively.
12. Supporting Information (Optional): Provide other supporting information you feel may help us further evaluate your qualifications and fit for completing the Zoning and Subdivision Update.

## **Minority and Women-owned Business Enterprise Utilization (MWBE) – as per NYS Executive Law Article 15-A and 5NYCRR Parts 142-144**

The Town has applied for a grant from the NYS Department of State’s Smart Growth Community Planning & Zoning Grant Program 2022. If awarded, the Town must meet NYS Contracting requirements including Minority and Women-Owned Business Enterprise (MWBE’s) goals. The NYSDOS establishes an overall goal of 30% for MWBE participation. For purposes of meeting these participation goals, please identify whether the MWBE will be the consultant, sub-consultant, or if a waiver will be requested.

### **Tentative Schedule**

The tentative schedule for this Request for Proposals is as follows:

- Release of RFP: November 10, 2022
- Deadline for Questions: November 22, 2022
- Question Responses and/or Addenda to RFP: November 30, 2022
- **Proposal Submission Deadline: Dec. 16, 2022**
- Selection Reviews Complete: Dec 23, 2022
- Schedule Consultant Interviews: Week of January 9, 2023
- Selection of Consultant: January 2023 with Town Board approval

### **Questions**

The deadline for questions regarding the proposal is November 22, 2022. Questions can be directed to Robert Leslie, AICP by e-mail only at [rleslie@townofbethlehem.org](mailto:rleslie@townofbethlehem.org) Responses to questions and/or addenda determined to be required by Town staff to further clarify this RFP will be posted to the Town [Planning Department webpage](#) no later than November 23, 2022.

## **Evaluation and Consultant Selection**

### **Selection Process**

The Town will follow the below process to select the consultant for the Zoning and Subdivision Regulations Update:

1. Each proposal submitted within the deadline will be reviewed to ensure whether all required materials have been submitted according to the guidelines set forth in this RFP. All proposals that do not meet minimum requirements will be rejected.
2. Town staff have been identified to review the submitted RFPs based on predetermined evaluation criteria, as identified later in this Section. The qualifications of each consultant and all submitted materials will be evaluated for compliance with the requirements and conditions contained in this RFP.
3. After staff completes its evaluation of the submitted proposals, it will narrow down the proposals to a “short list” of consultants selected to take part in an interview process. This interview process will include a brief presentation by the consultant and a question and answer session led by the Director of Planning. All costs related to the interview process will be the responsibility of the consultants being interviewed.
4. The Director of Planning will present the selected consultant to Town Board for approval at a Town Board Meeting.

## Evaluation Criteria

Project Team Resumes	15%
Firm experience	20%
Work examples	25%
Proposed Methodology and Approach	10%
Understanding of Bethlehem	5%
Schedule and Completion Date	5%
Cost Proposal	20%
<b>Total</b>	<b>100%</b>