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County
City of Bethlehem
Town
Village

Local Law No. 3 of the year 2004

A local law Acceptance of Moratorium

Be it enacted by the Town Board of the

County
City of Bethlehem as follows:
Town
Village

BE IT ENACTED BY, the Town Board of the Town of Bethlehem as follows:

Section 1. PURPOSE

The Town has previously endeavored to prepare a Town Master Plan and created the Land Use Management Advisory Committee (LUMAC) by resolution on March 8, 1989.

On February 14, 1990, the Town Board adopted a local law known as "Town of Bethlehem Interim Development Limitations Act" (IDLA) which, in effect, limited development approvals on existing parcels to no more than 25 residential building lots for subdivisions, or 25 multi-family units for site plans, in any given year. The IDLA was adopted for the purpose of limiting the amount of approved units until the LUMAC work was completed. The IDLA was adopted with a two-year term but was subsequently extended for one year and expired in 1993.

On May 14, 1997, the Town Board adopted the report of LUMAC as the Land Use Planning Reference Source.

The Town Board subsequently finds that the increased growth and development of residential subdivisions and multi-family developments requiring site plan, building project or special exception approvals within the Town of Bethlehem are placing severe pressure on the water supply, agricultural lands, open and recreational space, rural character, natural resources, and transportation infrastructure of the

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Town. The Town's unique character, geography, and hydrology impose distinct limitations on the shape, design and intensity of development that can be reasonably sustained without endangering public health, safety and welfare of its residents. Further, the Town is desirous of expanding its commercial and business tax base to help diversify and stabilize the Town's revenue fund.

Ill-planned residential subdivisions and multi-family developments subject to site plan review can significantly reduce the availability of agricultural land as well as potential sites for commercial/industrial development. Decisive measures are needed to protect farmland while ensuring the economic viability of the agricultural industry as well as appropriately plan for commercial and industrial areas. Implementation of the comprehensive plan will likely require a substantial commitment of legal and planning resources to update the Town's Zoning Code.

The public infrastructure that is needed to support human activity plays an important role in shaping a community's character. The design and location of roads, schools, parking lots, subdivisions and business centers are determinants of this character. This character is being changed by certain trends: requests for several subdivisions, the loss of historical structures of importance to the community through neglect or ignorance, the increase in vehicular traffic which, in turn, has increased traffic congestion and the need for parking within hamlet business centers. The ability of the Town to continue to absorb additional volumes of traffic without irreparable damage to its quality of life is an important issue. The Town must clearly define the boundaries between hamlets and open areas in order to differentiate in its treatment of land use and public infrastructure in these areas.

Additionally, several community groups and the Bethlehem Industrial Development Agency ("BIDA") have identified some key areas of interest for consideration. The Town needs time to review all areas of interest and to formulate options for the Town Board.

The Town Board has taken steps to study and analyze the existing land use, population trends, and fiscal, institutional, human, environmental and agricultural resources of the Town to determine the sufficiency of the existing land use regulations and the possible need for revision of such regulations.

The Town Board will appoint a special advisory panel to work with the engaged land use/zoning consultant, The Saratoga Associates, to formulate a comprehensive land use plan for the Town and to update the Town's zoning code to implement the plan. The participation of citizens in an open and flexible planning process is essential to the development of an effective and useful town plan. To maximize the benefits of such process, the enactment of a town-wide residential moratorium is necessary.

The Town's existing procedures and laws should have the practical effect of ensuring that new development and redevelopment are in accordance with the Town's planning objectives. The practical reality, however, is that some of the land use regulations and procedures (specifically including, but not limited to, the subdivision regulations and regulations governing special exception use permit and site plan applications that include dwelling units) are not having this effect. Until the comprehensive planning process is completed, the Town Board finds it necessary to impose a moratorium on the processing and granting of approvals for residential subdivisions, Planned Development Districts and multi-family developments that require site plan or special exception use approvals, as hereinafter provided. An integrated strategy that takes into account the town's fragile and finite natural resources and its unique geographic configuration is needed. This moratorium will enable the town to focus on crafting and

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