

# TOWN OF BETHLEHEM



## APPLICATION FOR WAIVER OF MORATORIUM

This application for a waiver is made pursuant to Section 6 (Appeal Procedures) of Town of Bethlehem Local Law No. 5 of 2020, which established a 12-month moratorium on the review of residential development applications.

**Project Name:** \_\_\_\_\_

**Project Type:** \_\_\_\_\_

**Address(es) of Parcel(s):** \_\_\_\_\_

**Tax Parcel ID for Each Parcel:** \_\_\_\_\_

**Zoning District(s):** \_\_\_\_\_

**School District(s):** \_\_\_\_\_

**Fire District(s):** \_\_\_\_\_

### Applicant Information

**Applicant's Name:** \_\_\_\_\_

**Applicant's Address:** \_\_\_\_\_

**Applicant's Phone No. (including area code)** \_\_\_\_\_

**Applicant's Email Address:** \_\_\_\_\_

### Owner Information (if different than applicant)

**Owner's Name:** \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_

**Owner's Phone No. (including area code)** \_\_\_\_\_

**Owner's Email Address:** \_\_\_\_\_

### Representatives (name, address, phone no., email, if applicable)

**Attorney:** \_\_\_\_\_

**Engineer:** \_\_\_\_\_

**Surveyor:** \_\_\_\_\_

Printed copies (3) of Plat/Plan provided: \_\_\_ Yes \_\_\_ No

Digital copy of Plat/Plan provided: \_\_\_ Yes \_\_\_ No

Is Plat/Plan different from previously submitted documents?

\_\_\_ Yes \_\_\_ No

Digital copy of Project Narrative provided: \_\_\_ Yes \_\_\_ No

Up-to-date Affidavit signed & attached: \_\_\_ Yes \_\_\_ No

Application fee (\$250.00) paid: \_\_\_ Yes \_\_\_ No

Checks payable to: Town of Bethlehem

### **For Internal Use Only**

Date Filed with Town Clerk

Date Referred to Planning Board

Date Recommendation to Town Board

**Please Note:**

- Submit (3) print copies of application and all supporting documentation. (*Filing date to reflect date hard copies received.*)
- Submit a digital pdf copy of application and all supporting documentation to Town Clerk – [nmoquin@townofbethlehem.org](mailto:nmoquin@townofbethlehem.org)

**(For all application questions, provide additional sheets, if necessary)**

1. Was a development application for this project filed with the Town prior to December 9, 2020?  
\_\_\_ Yes \_\_\_ No If Yes, provide HTE# \_\_\_\_\_

2. Type of Application filed:  
\_\_\_ Variance \_\_\_ Planned Development District  
\_\_\_ Site Plan \_\_\_ Zoning Amendment  
\_\_\_ Subdivision \_\_\_ Other \_\_\_\_\_

3. Number of Housing Units and Type (e.g. single family detached, single family attached, multi-family, etc.)  
No. Units \_\_\_ Type: \_\_\_\_\_  
No. Units \_\_\_ Type: \_\_\_\_\_  
No. Units \_\_\_ Type: \_\_\_\_\_  
No. Units \_\_\_ Type: \_\_\_\_\_

4. Has project plan changed since last submitted to the Town?  
\_\_\_ Yes \_\_\_ No

If yes, explain:

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5. Description of Unnecessary Hardship (in detail and with supporting documentation - attach additional pages as necessary).

To prove unnecessary hardship, the applicant shall demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located:

a) The applicant cannot realize a reasonable return, provided that lack of return demonstrated is substantial as demonstrated by competent financial evidence.

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b) The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

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c) The requested waiver, if granted, will not alter the essential character of the neighborhood.

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d) The alleged hardship has not been self-created.

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6. Will the waiver request adversely affect the purpose of the local law?

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7. Will the waiver request adversely affect the health, safety or welfare of the Town of Bethlehem?

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8. Will the waiver request adversely affect any comprehensive planning being undertaken in the Town?

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\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Owner's Signature

Date \_\_\_\_\_

Date \_\_\_\_\_

Please send the completed form and all supporting documentation to:

Bethlehem Town Clerk

Nanci Moquin

445 Delaware Avenue

Delmar, NY 12054

[nmoquin@townofbethlehem.org](mailto:nmoquin@townofbethlehem.org)

Re: Application for Waiver of Moratorium

**AFFIDAVIT**

**TO BE COMPLETED BY OWNER OF THE FOLLOWING PROPERTY:**

(ADDRESS) \_\_\_\_\_

\_\_\_\_\_

State of \_\_\_\_\_ }

County of \_\_\_\_\_ }

ss:

\_\_\_\_\_ being duly sworn, deposes and says:

1. That he/she resides at \_\_\_\_\_ in the County of \_\_\_\_\_ and the State of \_\_\_\_\_. That he/she is the Owner of the within property as described in the foregoing application for a waiver to the residential land use moratorium (Local Law #5 of 2020) and that the statements contained therein are true to the best of his/her knowledge and belief.

2. That he/she hereby authorize \_\_\_\_\_, of \_\_\_\_\_, to act as our representative in all matters regarding the application that may come before the Bethlehem Town Board.

3. That he/she has the legal right to make or authorize the making of said application.

4. That he/she understands that the Bethlehem Town Board intends to rely on the foregoing representation in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Notary Public