

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

Town

~~Village~~

of Bethlehem

Local Law No. 1 of the year 2005

A local law To Extend the Term of the Moratorium on Residential Development

Be it enacted by the Town Board of the

~~County~~

~~City~~

Town

~~Village~~

of Bethlehem as follows:

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

Section 1. PURPOSE

On March 31, 2004, the Town Board adopted Local Law No. 3 of 2004, which placed a moratorium on residential development for subdivisions of more than four (4) lots. This local law was enacted for the purpose of limiting the amount of residential development pending the adoption of a town-wide comprehensive plan and update of the Town's land use regulations.

In connection with the planning process, the Town retained Saratoga Associates to assist in the planning process, created the Bethlehem Planning Advisory Committee (BPAC) to make recommendations to the Town Board, and conducted over 30 public meetings through BPAC on the comprehensive plan and proposed land use law changes. Given the complexity of the issues, the amount of public input, the need to complete a Generic Environmental Impact Statement and the comprehensive nature of the tasks undertaken, the Town Board finds that the town-wide comprehensive plan and update of land use regulations are not yet complete and that additional time is necessary to address the outstanding issues.

(If additional space is needed, attach Pages the same size as this sheet, and number each.)

The extension of the moratorium will enable the town to focus on crafting and implementing a strategy to ensure that it actually achieves its planning objectives. This action is necessary in order to protect the character, natural resources, public services and facilities of the Town of Bethlehem and the public health, safety and welfare of Town residents.

The continued participation of citizens in an open and flexible planning process is essential to the finalization of an effective and useful town plan and land use regulations. To maximize the benefits of such process, the enactment of an extension of the town-wide residential moratorium is necessary.

Section 2. AUTHORITY

This extension of moratorium is enacted by the Town Board of the Town of Bethlehem pursuant to its authority to adopt local laws under the New York State Constitution Article IX and Municipal Home Rule Law §10. Local Law No. 3 of 2004 is hereby amended in accordance with this local law.

Section 3. EXTENSION TO THE TOWN'S MORATORIUM

The Town Board, as a matter of absolute legislative discretion, hereby declares that for a period of six (6) months from the effective date of this Local Law, or thirty (30) days following the effective date of a new Comprehensive Plan and Zoning Ordinance as adopted by the Town Board, whichever occurs earlier, the provisions contained in Sections 1 through 7 of Local Law No. 3 of 2004 shall remain in full force and effect, except that paragraph 3 of Section 6 of Local Law No. 3 of 2004 shall be amended to include the following: "Notwithstanding the foregoing, nothing shall prohibit the planning staff of the Town from reviewing any projects on an informal basis, but no representations of the planning staff shall be considered binding on the Town nor shall any representations create any vested rights in any aspect of development otherwise prohibited by the moratorium." Nothing contained herein shall preclude the Town of Bethlehem from considering and, as a matter of absolute discretion, enacting further extensions of said Local Law.

Section 4. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.