

**TOWN OF BETHEL, NEW YORK  
PROPOSED LOCAL LAW #1-2025**

**INTRODUCTORY LOCAL LAW MORATORIUM PROHIBITING ACCEPTANCE FOR REVIEW OF NEW  
APPLICATIONS FOR HIGH DENSITY RESIDENTIAL DEVELOPMENT IN 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;

**SECTION 1. Title**

This Local Law shall be known as “A Moratorium prohibiting acceptance for review of new applications for High Density Residential Development in the Town of Bethel”.

**SECTION 2. Authorization**

This Local Law is adopted and enacted pursuant to the authority and power granted by Section 10 of New York State Municipal Home Rule Law and Town Law, Article 16.

**SECTION 3. Legislative Findings, Purpose, and Intent**

The Town Board ("Board") of the Town of Bethel, New York ("Town") finds that there is a critical and compelling need and it is in the public interest to impose a moratorium on the review, and approval of any new applications including proposed high-density residential development, including high density multifamily dwellings, mixed use developments, conversion of seasonal dwelling communities, and major subdivisions ("high density multifamily development") in the Town.

The Town of Bethel has formed a committee to review and recommend updates to its Comprehensive Plan, which was last updated in 2006, to set the vision and establish priorities for development and infrastructure with a focus on the Town's future environmental sustainability, and community character while still providing the opportunity to provide an array of housing opportunities where appropriate.

The Board has determined that the Town's Comprehensive Plan is in need of review and possible revision and that the current zoning statute may not adequately provide for the appropriate balance between the need to preserve environmental resources while providing the necessary array of housing opportunities to meet the needs in the community and region. Smart sustainable land use in the Town requires that specific objectives, principles, policies, and standards be adopted for the immediate and long-range development of the Town. The Town's Comprehensive Plan Committee is considering the current and future community and regional needs for an array of housing opportunities, the existing and proposed location and intensity of land uses, the conservation of agricultural uses, the preservation of historic and culture resources, protection of natural resources and sensitive environmental areas, the consideration of population, demographic and socio-economic trends and future projections including the community character as well as the need to review appropriate transportation facilities, public and private utilities and infrastructure, among other factors.

In recent years the Town has been presented with increased development pressures as developers have proposed large-scale multifamily developments. In the year since the Town has undertaken the update to its Comprehensive Plan, two (2) large-scale multifamily mixed-use developments that have been approved totaling over 150 residential units, these impacts of these projects, individually and cumulatively, to the current infrastructure and environment of the Town have led to concerns regarding potential impacts to groundwater resources available for any potential future proposed development triggering the need for the Town to assess and determine what revisions to the comprehensive plan and zoning may be necessary to adequately address such areas of concern.

The purpose of this Local Law is to allow the Town of Bethel, Comprehensive Plan Committee, Planning Board, and Town Board sufficient time to review and update the Town's Comprehensive Plan while simultaneously considering appropriate zoning amendments to allow for a focused review of the existing and anticipated impacts of development and to adequately balance the need for an array of housing opportunities with the need to preserve and protect the existing unique and important environmental resources present in the Town of Bethel.

The Town Board hereby finds that the adoption of a Moratorium prohibiting acceptance for review of any new applications for High Density Development will best maintain the status quo while the Comprehensive Plan and Zoning Law are being updated to prevent interim development from frustrating the objectives of the study and update of the laws.

#### **SECTION 4. Moratorium Imposed**

**A. Effective as of September 10, 2025, and continuing for twelve (12) months from the adoption of this local law, the Town Planning Board and Zoning Board of Appeals shall not accept for review any application seeking the approval of or a variance for any High Density Residential Development nor shall the Town Planning Board or Zoning Board of Appeals resume review of any applications seeking the approval of or variance for any High Density Residential Development deemed "inactive" as defined below.**

**1. High Density Residential Development – Shall include the terms "Multifamily Dwelling", "Mixed Use Development", "Major Subdivision", and/or "Conversion of Seasonal Dwelling Communities" as defined below.**

- a. Multifamily Dwelling – all lands, buildings, structures and facilities, or any part thereof, which comprise a "Dwelling, Multifamily" or a "Dwelling, Two-Family" pursuant to § 345-5 of the Bethel Town Code with a density of over 2 dwelling units per acre where it is not located within the existing Kauneonga Lake Sewer District or existing Kauneonga Lake Sewer District Extension, excluding a standalone two-family dwelling on a single tax- parcel.
- b. Mixed Use Development – a parcel or parcels with common ownership that contain multifamily residential and commercial buildings or structures that are not located within the existing Kauneonga Lake Sewer District or existing Kauneonga Lake Sewer

District Extension. For the purpose of this Moratorium, Multifamily Dwelling is as defined herein.

- c. Major Subdivision – Includes all lands, buildings, structures and facilities, or any part thereof which comprise a “Major Subdivision” pursuant to § 300-9 of the Bethel Town Code that is not located within the existing Kauneonga Lake Sewer District or existing Kauneonga Lake Sewer District Extension.
- d. Conversion of Seasonal Dwelling Communities - Includes all lands, buildings, structures and facilities, or any part thereof which comprise Conversions of seasonal dwelling communities to multifamily and/or two-family dwellings as referenced in § 345-19(B)(3) of the Bethel Town Code that are not located within the existing Kauneonga Lake Sewer District or existing Kauneonga Lake Sewer District Extension.

**2. Inactive Application – Any application to the planning Board and/or Zoning Board of Appeals for High Density Residential Development that has not been considered and discussed at any Planning Board meeting subsequent to September 1, 2024.**

3. Active applications shall only be considered at a maximum density as presented to the Planning Board or Zoning Board of Appeals as of September 10, 2025, but nothing herein shall preclude the respective board from approving a project at a lower density after considering the applicable laws and regulations.

4. No suspended or revoked building permits shall be reinstated for the development of High-Density Residential Development located within the area of the Town of Bethel, except in accordance with this Local Law.

5. During the Moratorium implemented herein, 1) there shall be no granting or amendment of site plan approvals, subdivisions, special use permits, rezonings, that would have the effect of the establishment or construction of any new High Density Residential Development, 2) the Town of Bethel shall refuse to review or accept new applications involving the development of High Density Residential Development, and 3) the Town of Bethel reserves the right to rescind any approvals issued in violation of this Local Law.

6. This Moratorium shall be applicable to any and all High-Density Residential Development submitted after September 10, 2025. Any construction of Development which has been approved by the Town of Bethel prior to such date shall not be subject to this Moratorium. Applications submitted prior to and active as of September 10, 2025, are allowed to proceed as proposed as of September 10, 2025, and shall not be subject to this Moratorium.

**B. This Moratorium may be extended by one additional period of up to six (6) months by resolution of the Town Board upon a finding of need for such extension.**

**C. During the period of the Moratorium, the Town Board shall endeavor to adopt amended land use regulations pertaining to High Density Residential Development in the Town.**

**SECTION 5.** Hardship relief from Moratorium.

A. In order to prevent an unlawful taking of property and to prevent unnecessary injury or irreparable harm, the Town Board may grant limited relief from this Moratorium pursuant to the standards and requirements herein. An applicant seeking such relief shall be required to show by clear and convincing evidence, including credible dollars and cents proof, that the applicant cannot make reasonable use of its property for any of the uses permitted in the zoning district; that the Moratorium causes extraordinary injury or irreparable harm to the applicant; and that it would be unreasonable and unjust not to grant relief from the Moratorium. Any relief granted by the Town Board shall be the minimum necessary and the Town Board may impose conditions on any relief granted. All such applications shall be deemed Unlisted actions under SEQR.

B. In the event relief from the Moratorium is granted by the Town Board, the applicant may proceed to other Town board(s) to apply for required development approval(s). Notwithstanding any relief granted pursuant to this section, a development approval shall not be granted unless the approved application complies with all zoning, land use and other requirements in effect on the date of approval.

C. Procedure. An applicant may submit a written application to the Town Clerk, which application shall include a fee in the amount of \$1,000.00 for each tax map parcel seeking hardship relief. Within forty-five (45) days after receipt of a completed application, the Town Board shall schedule a public hearing on said application upon at least five (5) days published and posted written notice. At the public hearing, the applicant and any other parties wishing to present evidence with respect to the application shall have an opportunity to be heard. Within thirty (30) days after the close of the public hearing, the Town Board shall render its decision either granting, denying, granting in part or denying in part the application.

**SECTION 6.** Notice to applicants – New zoning regulations.

This section provides notice to all applicants and other persons that although any application authorized in the review process, the applicant proceeds at its own risk, because such application may be impacted by and may be denied because of new regulations adopted during or after the period of this Moratorium.

**SECTION 7.** Default approvals abolished.

To the extent that any provision of New York State Town Law imposes a time frame for action by a municipal entity, board or body so that a default approval will result from any inaction, the time for any action required by any Town Board, body, agency or other entity shall be and is hereby extended until this Moratorium and all extensions thereof have expired and have not been extended by the Town Board. Therefore, no default approval shall be deemed to have taken place with regard to any application for any approval concerning land use development by reason of this Moratorium being in effect.

**SECTION 8.** Supersession of inconsistent laws, if any.

To the extent this local law is adjudged, by a court of competent jurisdiction, to be inconsistent with any provision of the Town zoning code or with any provision of Article 16 of the state Town Law, including but not limited to §§130, 261, 262, 263, 264, 265, 267, 267-a, 267-b, 268, 269, 274-a, 274-b, 276, 277, 278 and 279, or with any other provision of law that the Town may supersede pursuant to the state Municipal Home Rule Law and the New York State Constitution, then this Local Law shall supersede any such provision and section.

**SECTION 9.** State Environmental Quality Review Act.

Pursuant to 6 NYCRR 617.5 (30) this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

**SECTION 10.** Severability.

If any section, part of provision of this Local Law or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and directly involved in the litigation in which such judgment is rendered, and such judgment shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances. The Town Board declares that it would have adopted this Local Law, or the remainder thereof had such invalid provision or invalid application been apparent.

**SECTION 11.** Effective date. This Local Law shall take effect upon filing with the Secretary of State. Notwithstanding said effective date, the Moratorium authorized by this Local Law shall take effect as of September 10, 2025.