

TOWN OF BETHEL
INTRODUCTORY LOCAL LAW No. 1 of 2010

A local law amending the Chapter 345 “Zoning” of the Town Code of the Town of Bethel.

BE IT ENACTED by the Town Board of the Town of Bethel, Sullivan County, as follows:

Section 1. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of a portion subsection 345-24(A). A portion of former subsection 345-24(A) shall be deleted and replaced as follows:

A. Authority. Pursuant to the authority granted by § 278 of the Town Law pertaining to cluster development for the purpose of enabling and encouraging the flexibility of design, the development of land in such a manner as to promote the most appropriate use of land, and to further the goals of the Town of Bethel Comprehensive Plan including preserving the scenic and open quality of the Town’s rural landscape and protecting historical and agricultural resources, the Planning Board is authorized simultaneously with subdivision plat approval to approve a Conservation Subdivision in the AG, FC, G-17B, RD, R-17B, and PA Zoning Districts, modifying the applicable provisions of this Chapter 345 of the Town Code, subject to the following conditions:

[balance of subsection 345-24(A) shall remain unchanged]

Section 2. Chapter 345 of the Town Code of the Town of Bethel is hereby amended by amending the following section:

Proposed amendment of a portion of subsection 345-24(B). A portion of former subsection 345-24(B) shall be deleted and replaced as follows:

B. Procedure for Conservation Subdivision.

(1) Planning board initiative. The Planning Board may on its own motion require a subdivider to pursue a Conservation Subdivision in the AG, FC, G-17B, RD, R-17B, and PA Zoning Districts subject to the criteria in this section if, in the Planning Board’s judgment, Conservation Subdivision of a requested subdivision would benefit the public interest or protect characteristics of the subdivision site consistent with goals and objectives of the Town of Bethel Comprehensive Plan.

(2) Subdivider initiative. A subdivider may on its own initiative make application to the Planning Board to approve a conservation subdivision in the AG, FC, G-17B, RD, R-17B, and PA Zoning Districts subject to the criteria in this section.

[balance of subsection 345-24(B) shall remain unchanged]

Section 3. ENABLING LEGISLATION.

This Local Law is adopted pursuant to the authority granted by Section 10 of the Municipal Home Rule Law of the State of New York.

Section 4. SEVERABILITY.

Should any section or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole or any parts thereof other than the part so decided to be unconstitutional or invalid.

Section 5. EFFECTIVE DATE.

This local law shall take effect upon its filing with the Secretary of State.