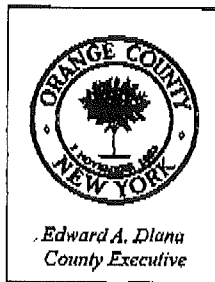


**8. (7:00 p.m.) PUBLIC HEARING: Proposed Moratorium for Adult Uses**

APR - 2 2012

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**ORANGE COUNTY DEPARTMENT OF PLANNING**

**DAVID CHURCH, AICP**  
COMMISSIONER

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**County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-1, m, &n**

**Local Referring Board:** Town of Newburgh Town Board

**Referral ID #:** NBT11-12M

**Applicant:** Town of Newburgh

**Tax Map #:** N/A

**Local File #:**

**Project Name:** Local Law adopting a six (6) month moratorium on permits and approvals for adult-oriented businesses.

**Proposed Action:** Local Law moratorium superseding Zoning Code for six (6) months.

**Reason for County Review:** Adoption of a Local Law which affects planning and/or zoning within 500 feet of State and County highways and municipal boundaries.

**Date of Full Statement:** March 7, 2012

**Comments:**

County Planning has received the above referenced Local Law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to include the following as advisory comments:

1. County Planning cautions the Town, moratoriums should be no longer in duration than necessary to bring about meaningful solutions to problems for which they have been enacted. What constitutes a reasonable length of time for a moratorium varies by circumstance. It is clear that the longer a moratorium is in effect, the greater the risk it will be challenged. Our office recommends that the Town Board finalize the review of the secondary affects studies and if warranted prepare zoning amendments to mitigate effects prior to the (6) month expiration date of the proposed moratorium.

We advise the Board that County Planning received the attached letter dated March 19, 2012 from John C. Cappello of Jacobowitz & Gubits, the attorney for Santa Monica Holdings, Inc. Mr. Cappello urged our office to counsel the Board to grandfather or exempt those applications that have already obtained final site plan approval from the Planning Board. County Planning declines to make the recommendation requested, as it does not impact planning-related considerations mandated by GML 239-m. Instead, we are forwarding a copy of the letter to the Board for its review and determination.

**County Recommendation: Local Determination**

**Date:** March 28, 2012

**Prepared by:** Chad M. Wade, R.L.A.  
Planner

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

**David Church, AICP**  
**Commissioner of Planning**

**As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**