

FEB 29 2012

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**MEMORANDUM**

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TO: HON. WAYNE C. BOOTH, SUPERVISOR  
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SECONDARY EFFECTS STUDIES AND THE POTENTIAL USE OF  
SAME, IF WARRANTED, AS BASIS TO REGULATE POSSIBLE  
HARMFUL SECONDARY EFFECTS OF ADULT OR SEXUALLY  
ORIENTED USES IN THE TOWN OF NEWBURGH, NEW YORK

INTRODUCTORY LOCAL LAW NO. 1 OF 2012 IMPOSING A SIX  
MONTH MORATORIUM ON PERMITS AND APPROVALS FOR  
ADULT-ORIENTED BUSINESSES  
OUR FILE NO. 800.1(B)(2)(2012)

DATE: FEBRUARY 29, 2012

In anticipation that the Board may wish to proceed with procedures for the enactment of the above referenced Local Law at the continued special meeting, enclosed for the Board's consideration are the following draft resolutions:

1. RESOLUTION OF TOWN BOARD INTRODUCING LOCAL LAW IMPOSING A SIX MONTH MORATORIUM ON PERMITS AND APPROVALS FOR ADULT-ORIENTED BUSINESSES AND CALLING PUBLIC HEARING; AND
2. RESOLUTION OF TOWN BOARD PROVIDING FOR REFERRAL OF LOCAL LAW IMPOSING A SIX MONTH MORATORIUM ON PERMITS AND APPROVALS FOR ADULT-ORIENTED BUSINESSES.

In the event of any questions regarding the procedural requirements to which these resolutions adhere, I refer the Board to the New York Department of State's publication, *Land Use Moratoria*, revised 2010, reprinted 2011. An extract from the publication is

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attached.

cc: Hon. Andrew J. Zarutskie, Town Clerk  
John P. Ewasutyn, Planning Board Chairman  
Grace Cardone, Zoning Board of Appeals Chairwoman  
Gerald Canfield, Code Compliance Supervisor  
David Smith, AICP, VHB Engineering, Surveying and Landscape Architecture, P.C.

0111

At a special meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 29th day of February, 2012 at 6:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD  
INTRODUCING LOCAL LAW  
IMPOSING A SIX MONTH  
MORATORIUM ON PERMITS AND  
APPROVALS FOR ADULT-ORIENTED  
BUSINESSES  
AND CALLING PUBLIC HEARING

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

BE IT RESOLVED that a Local Law Imposing a Six Month Moratorium on Permits and Approvals for Adult-Oriented Businesses be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York; and.

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the \_\_\_\_ day of \_\_\_\_\_, 2012 at \_:\_ o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of his office not later than the day such notice is published; and

BE IT FURTHER RESOLVED that copies of the aforesaid local law and notice of the public hearing be forwarded to all municipalities, agencies and boards required to receive such copies and notices in accordance with the provisions of the New York State General Municipal Law, the New York State Town Law and the Town of Newburgh Zoning Code.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.