

The following Local Law was adopted by the Village Board on September 8, 2008:

LOCAL LAW #1 OF 2008

INSTITUTING A MORATORIUM ON LAND USE APPROVALS IN THE OBH ZONE IN THE VILLAGE OF GOSHEN

SECTION 1: PURPOSE

The purpose of this local law is protect the public health, safety and welfare of the residents of the Village of Goshen and to maintain the status quo by temporarily suspending the processing of land use approvals as provided herein and thereby suspend the rights of land owners and their designees to obtain development approvals as identified below for a period of one year while the Village Board analyzes and determines potential appropriate revisions and amendments to the Village Comprehensive Plan and Village of Goshen Zoning Ordinance in connection with the Village's OBH Zone.

SECTION II: LEGISLATIVE FINDINGS

The Village of Goshen does hereby find that appropriate measures must be taken to secure a temporary reasonable halt on land use application approvals within the Zoning District known and designated as OBH (Office Building Hospital) within the Village to protect the public interest while the Village Board undertakes a review and potential revision to the Village's Comprehensive Plan and Zoning Ordinance regarding this zoned area of the Village, including the necessary compliance with the analysis and procedures mandated by the State Environmental Quality Review Act ("SEQRA"). The Village of Goshen desires to maintain the status quo by prohibiting all land use approvals in the OBH Zoning District not in accordance with potential modifications to the Village's Comprehensive Plan and Zoning Code that would be irreversible if this moratorium were not in effect.

The OBH Zone was created to provide for and facilitate the area within which Arden Hill Hospital was constructed and where the Hospital has served the Goshen community for the past 40 years. Many of the uses allowed in the OBH Zone are designed to be in furtherance of, and compatible with, the community hospital use. Uses

other than those directly related to the hospital use in the OBH Zone include a nursing home and two age restricted residential developments.

The essential mission of the Arden Hill Hospital was to provide a community hospital that would serve the Goshen area. As a result of a rapidly changing environment in the healthcare industry, the viability of a small community hospital has been irretrievably altered, both from a financial and regulatory reference. In fact, Arden Hill Hospital has heretofore merged with another community hospital serving the Middletown community (Horton Hospital) to form a new entity known as the Orange Regional Medical Center ("ORMC"). ORMC is presently constructing a new, large regional hospital in the Town of Wallkill that is designed to serve a large geographical area, including the Goshen and Middletown areas. This regional hospital will result in the ultimate closure of the Arden Hill Hospital and Horton Hospital sites. Further, and importantly, it is the understanding of the Village of Goshen that a pre-condition to New York State's approval of the new regional medical facility in Wallkill is that the Arden Hill Hospital site cannot ever again be used as a traditional community hospital and that this prohibition will be enforced either by way of a deed restriction running with the land or some other legal mechanism that will prohibit the site from ever being used as a community hospital. The consequence is that the Arden Hill Hospital site is presently for sale on the real estate market and will, in the very near future, be abandoned and will cease to function as a traditional community hospital serving the Goshen community. This action by ORMC and the State of New York represents a fundamental change in the land use focus for the hospital site parcel in the current OBH Zone and will dramatically change the character of that area of the Village. Indeed, the Arden Hill Hospital site represents a very visual and important gateway into the Village. Therefore, the Village Board is in need of time to perform the necessary analysis and studies in connection with this fundamental change to determine what zoning would be in the best interests of the Village.

This zoning analysis and related studies will include, but not be limited to, studies concerning the most appropriate land use in the current OBH Zone given its proximity to New York State Route 17 as well as its contiguity with significant areas of vacant land in both the Town and Village of Goshen. The appropriateness of various types of potential land uses in this zoning district needs to be reviewed, i.e. whether it should be primarily residential, commercial, industrial, office or a combination of these land uses. This analysis will require studies concerning the interrelated issues of density, traffic, water use, sewage use and drainage. These studies must also take into account the impending modification of New York State Route 17 as this highway, which provides immediate access to the Arden Hill Hospital site, is to be upgraded into an interstate highway, known as Interstate 86. This impending upgrade carries with it the potential for the closure of the present Route 17 exits 125 eastbound and westbound that are the exits adjacent to Arden Hill Hospital. The closure of these exits has the potential to change the very character of this area of the Village and could enormously impact decisions regarding the appropriate land use which should be permitted in this area. By instituting a moratorium that will maintain the land use development status quo, the Village Board is providing for the planned orderly growth and development of the Village of Goshen.

Therefore, the Village Board finds that it is necessary and appropriate to institute a moratorium for a period of one year on the issuance of all land use approvals, as provided for herein, in the OBH Zoning District. By maintaining the status quo on all land use approvals in the OBH Zoning District until such time as appropriate amendments to the Comprehensive Plan and Zoning Ordinance are adopted, the Village Board can provide for the planned orderly growth and development of the Village.

SECTION III: MORATORIUM IMPOSED; APPLICABILITY

For a period of one year following the effective date of the adoption of this Local Law, no new application for any land use approval in the OBH zoning district in the Village of Goshen shall be eligible for or receive any approval, preliminary, final or otherwise. Applications for modifications of existing approvals in the OBH zoning district unrelated to the Arden Hill Hospital parcel are exempted from this moratorium.

This Local Law shall be binding on the Code Enforcement Officer/Building Inspector, Planning Board, Zoning Board of Appeals, Village Board and any applicant or real property owner in the Village of Goshen who owns or controls real property in the OBH Zoning District.

During the period of the moratorium, the Village Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, revisions to the Village of Goshen Comprehensive Plan and Zoning Code. During this time all applications subject to the moratorium may proceed through the land use approval process at their own risk that the Zoning may change and materially affect their project before they have an opportunity to achieve final approval.

This moratorium may be extended by two additional periods of up to three months each by Resolution of the Village Board upon a finding of the necessity of such extension.

SECTION IV: WAIVERS

As a result of the limited scope of this moratorium, there is no provision being made in this Local Law for any waivers to its applicability. This Local Law specifically supersedes any and all provisions contained in the *Village Law* and *Environmental Conservation Law* of the State of New York which require action by the Village Planning Board or Zoning Board of Appeals within certain specified time periods.

SECTION V: DEFAULT APPROVALS ABOLISHED

Notwithstanding any law, rule or regulation to the contrary, no land use approval for any land use within the OBH Zone subject to this moratorium shall be deemed granted or dispensed with as a result of the passage of time.

SECTION VI: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts thereof, are in conflict with the provisions of this Local Law, this Local Law shall control.

SECTION VII: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and the remaining provisions shall remain in full force and effect

SECTION VIII: SEQRA

This matter constitutes a *Type II Action under the State Environmental Quality Review Act* inasmuch as it constitutes the adoption of a moratorium on land development or construction [6 NYCRR §617.5(c)(30)]. As such, this project is not subject to review under the State Environmental Quality Review Act.

SECTION IX: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the New York Municipal Home Rule Law.