

**TOWN OF GOSHEN
INTRODUCTORY LOCAL LAW NO. 5 of 2016**

**A LOCAL LAW AMENDING THE TOWN OF GOSHEN
COMPREHENSIVE PLAN**

BE IT ENACTED by the Town Board of the Town of Goshen, Orange County, New York as follows:

SECTION 1: PURPOSE AND FINDINGS

The Town Board desires to amend the Comprehensive Plan of the Town of Goshen (hereafter “Comprehensive Plan”) to clarify and enforce the existing Comprehensive Plan provisions that encourage commercial uses in the Town along New York State Route 17. Together, Sections 3.3 and 3.5 of the Comprehensive Plan of the Town of Goshen encourage additional commercial uses in the Town along State Route 17 to increase tax and other revenues to offset the costs of providing residential services to Town residents. The substantial negative impact of the State “tax cap” legislation on the Town’s real property tax revenue stream underscores the need for the Town to continue to encourage additional commercial development in the Town in order to ensure that the Town is an affordable place to live and work.

SECTION 2: COMPREHENSIVE PLAN

A. Section 1.2 of the Comprehensive Plan is hereby amended as follows (additional language noted by underscoring):

1.2 Goals and Objectives

The foundation of this Comprehensive Plan is the recognition that the Town must both preserve its fragile and beautiful rural environment and provide for the needs of its people. To ignore either of these goals, or to pursue one at the expense of the other, is to fundamentally misunderstand what this Plan is all about. The goals of open space and environmental preservation must be pursued at the same time as the goals of providing appropriate rural development involving diverse housing opportunities, supporting local businesses, especially in the Village of Goshen center, addressing adequate Town infrastructure and facilities, and diversifying its Town-wide economic base, including attracting tourism/recreation related businesses at locations that can accommodate local and non-local tourists.

B. Section 3.1, Goal #4, second bullet point of the Comprehensive Plan is hereby amended as follows (additional language noted by underscoring):

Encourage a diverse economic base that provides tax ratables, as well as necessary local services, including providing tourism/recreation business opportunities along State Route 17.

C. Section 5.0(2), of the Comprehensive Plan is hereby amended as follows (additional language noted by underscoring):

This Plan recommends eliminating the Hamlet Mixed Use (HM) area on Harriman Drive (see Area 2 on Figures 5.1 and 5.2) in an effort to support the existing Village of Goshen village center (Goal #2). It is recommended that the location of this area, directly adjacent to the Village of Goshen makes it suitable for Rural (RU) residential development or commercial tourism/recreation uses because of its close access to Route 17. This change is recommended to avoid uses with a highway or heavy traffic orientation adjacent to an approved residential development in the Village of Goshen and proposed development in the Town of Goshen, except if such uses incorporate sufficient buffers and other mitigations. This area has a steeper gradient and a portion of the area also contains a substantial wetland and is therefore better suited for low-density residential development or a commercial tourism/recreation facility that are designed to accommodate to a reasonable extent the natural contours of the land and the protection of the wetland area.

SECTION 3. SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws, including, but not limited to Section 272-a(6) of the New York State Town Law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4. 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, 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 5. EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.