Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City
Town of Hillsdale
Village

Local Law No. 2 of the year 2014

A local law to amend the Town of Hillsdale Zoning Law in order to clarify the applicability, intent, and purpose of the Ridgeline Overlay District.
(Insert Title)

Be it enacted by the Town Board of the

County
City
Town of Hillsdale as follows:
Village

Section 1. Title.

This local law shall be known as "A Law Amending the Ridgeline Overlay District of the Hillsdale Zoning Law."

Section 2. Authority.

This Local Law is enacted pursuant to the authority and power granted by the Municipal Home Rule Law of the State of New York, Article 2, §10 et seq. and the Consolidated Law of the State of New York, Chapter 62, Article 16 (the "Town Law").

Section 3. Finding and Purposes.

This Local Law clarifies that the Ridgeline Overlay District is intended to protect views not only from within Hillsdale, but also view of Hillsdale as seen from other municipalities, in recognition of the regional impact of building on or otherwise altering ridgelines. See Section 4 below for a more specific elaboration of findings and purposes.

Section 4. Amendments to Hillsdale Zoning Law.

1. **Section 5.4-1A of The Town of Hillsdale Zoning Law is hereby amended to read as follows:**

A. Findings and Purposes. special protection of ridgeline areas that are highly visible both from within Hillsdale and from locations in surrounding towns is necessary to preserve the attractive rural quality of the Town and the bi-state region in which it is located. The Town of Hillsdale both contributes to and benefits from the scenic beauty of the Taconic region as a whole, including all towns which are visible from Hillsdale and from which Hillsdale can be seen, whether they are located in New York or Massachusetts. It is in the mutual public interest of all town sin this region to protect scenic beauty in the region by considering the impacts of development on surrounding towns. The purpose of this section is to protect the Town's scenic beauty and rural character and the scenic beauty of the Taconic region by regulating land sue within the Ridgeline Overlay District. This section is intended to afford special protection to those sections of ridgeline areas having an elevation greater than 1100 feet above sea level. In particular, it is intended to use existing review procedures under the Town Zoning Law to limit alterations of ridgelines located in Hillsdale from development, including clear-cutting, to ensure that such development is harmonious with the existing characteristics of these ridgeline areas and areas in New York and Massachusetts from which Hillsdale's ridgelines are visible. The Town recognizes that is has the legal power to regulate the use and development of only that land which is located within its borders, but it also recognizes that it has the right and the responsibility, in regulating land development in the Town, to consider the impacts of such development on both Hillsdale and surrounding towns. Viewsheds, like water, air, traffic, and wildlife migration, are inherently intermunicipal and regional in character. The impacts of development do not stop at town or state lines. Therefore it is a legitimate public purpose for the Town to consider these intermunicipal and regional impacts in the same manner as it considers the impacts of development in Hillsdale on water quality, drainage, air quality, wildlife migration, and traffic in adjoining municipalities on both sides of the state line. The State Environmental Quality Review Act (SEQRA), (Article 8 of the Environmental Conservation Law) and the regulations promulgated under SEQRA establish the protection of viewsheds as the public policy of the State of New York and require the consideration of intermunicipal visual impacts in local decision making.

2. **Section 5.4-1E of The Town of Hillsdale Zoning Law is hereby amended to read as follows:**

E. Site plan approval exemptions. Within the Ridgeline Overlay District, the site plan approval requirement shall not apply to:

1. Agricultural uses, except for agricultural structes with a footprint exceeding 15,000 sq. ft.;
2. Repair and maintenance of existing structures;
3. Activities carried out pursuant to a site plan or special permit approved subsequent to the enactment of this Section 5.4 of the Zoning Law, (but not a subdivision)

approved prior to the enactment of this section;

4. Clear-cutting, thinning of vegetation, and grading associated with construction of unpaved hiking trails, not exceeding 4 ft. in width.

In addition to the above exemptions, if the Planning Board determines that the proposed development will not be visible from a publicly accessible road, it shall pass a Resolution declaring the project exempt from review under this section 5.4-1. For purposes of this Section 5.4-1 "visible from a publicly accessible road" shall mean visible in any season from any street, highway, or road that is open for public use, whether privately owned or owned by a state, county, or municipality, whether or not the road is located in the Town of Hillsdale or the State of New York.

Section 5. Validity.

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the town of Hillsdale hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 6. Repeal.

All ordinances, local laws and parts thereof that are inconsistent with this Local Law are hereby repealed.

Section 7. Effective Date.

This Local Law shall take effect immediately after its adoption and filing in the office of the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2014 of the (County)(City)(Town)(Village) of Hillsdale was duly passed by the Town Board on _____, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No._____of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on_____,_____, and was (approved)(not disapproved)(repassed after
(Name of Legislative Body)
disapproval) by the _____ and was deemed duly adopted on _____, _____,
(Elective Chief Executive Officer)*
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, _____, and (approved)(not disapproved)(repassed
(Name of Legislative Body)
after disapproval) by the _____ on _____, ____. Such local law was submitted to
(Elective Chief Executive Officer)*
the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____, _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____of _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, _____, and (approved)(not disapproved)(repassed
(Name of Legislative Body)
after disapproval) by the _____ on _____, ____. Such local law was subject to
(Elective Chief Executive Officer)*
permissive referendum and no valid petition requesting such referendum was filed as of _____, ____, in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, _____ became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph __1__, above.

_____
Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
RUTH DODDS, Town Clerk

(Seal)

Date: _____, 2014

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

_____
Signature

Nelson R. Alford, Jr
Town Attorney
Title

County
City
Town of Hillsdale
Village

Date: _____, 2014