

**TOWN OF HILLSDALE
COUNTY OF COLUMBIA
STATE OF NEW YORK**

NOTICE OF PUBLIC HEARING

Notice is hereby given that there has been presented to the Hillsdale Town Board proposed Local Law No. 1 of the year 2016.

Said Local Law, if enacted, would adopt an Aquifer Overlay District map to the Zoning Law of the Town of Hillsdale, Columbia County, New York, and would amend certain provisions of the Aquifer Overlay District Regulations under the Zoning Law with respect to single family residential uses and structures, and agricultural uses and structures.

A complete copy of said Local Law is on file in the office of the Hillsdale Town Clerk where it may be examined during normal business hours.

Therefore, the Hillsdale Town Board will hold a Public Hearing on said proposed Local Law on April 12, 2016 at 6:30 p.m. at the Hillsdale Town Hall, Route 23, Hillsdale, New York, at which time all interested persons will be heard.

Dated: March 25, 2016

Kathi Doolan, Hillsdale Town Clerk

(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. 1 of the year 2016

A local law adopting an Aquifer Overlay District Map for the Town of Hillsdale, Columbia County, New York, and amending certain provisions of Section 5.1-5(Aquifer Overlay District) of the Town of Hillsdale Zoning Law.

(Insert Title)

Be it enacted by the Town Board of the

County
City
Town of Hillsdale as follows:
Village

Section 1. Findings.

Section 5.1-5 of the Town of Hillsdale Zoning Law provides for the regulation and protection of Aquifer areas within the Town, once these areas have been identified and located on an Aquifer Overlay District map adopted by the Town Board.

A Groundwater Resources Study and Protection Plan for the Town of Hillsdale, Columbia County, New York was prepared by the New York Rural Water Association, and a map of the proposed Aquifer Overlay District dated November 21, 2015 has been prepared by Don Meltz Planning and GIS.

The Town Board finds that it is in the interest of the public health and safety of the residents of the Town of Hillsdale to adopt the Aquifer Overlay District map as part of the Town of Hillsdale Zoning Law, and to amend certain provisions of the Aquifer Overlay District Regulations under the Hillsdale Zoning Law in order to make the same consistent with the adoption of the Aquifer Overlay District map.

Section 2. Adoption of Aquifer Overlay District Map.

The Aquifer Overlay District Map for the Town of Hillsdale, Columbia County, New

York, as prepared by Don Meltz Planning and GIS dated November 21, 2015 is hereby adopted and made a part of the Town of Hillsdale Zoning Law.

Section 3. Amendment to Subparagraph 1 of Paragraph b of Section 5.1-5(Aquifer Overlay District) of the Hillsdale Zoning Law.

Subparagraph 1 of paragraph b of Section 5.1-5 - Aquifer Overlay District (AQ) of the Town of Hillsdale Zoning Law is amended to read as follows:

(b) Aquifer Overlay District Description.

1. The AQ District consists of areas containing aquifers as shown on the map entitled, "Town of Hillsdale, Columbia County, NY, Aquifer Overlay District" dated November 21, 2015. The Town Board finds that the protection of these aquifer areas from degradation and pollution is in the Town's interest because of present or projected future use of such aquifers as public or private water supplies.

Section 4. Amendment to Paragraph c of Section 5.1-5 of the Hillsdale Zoning Law.

Paragraph c of Section 5.1-5 of the Town of Hillsdale Zoning Law is amended to add the following additional subparagraph 3 to read as follows:

(c) Applicability

3. It shall be presumed that a proposed single family residential use and structure, including appurtenant residential structures to the same, are in compliance with the provisions of Section 5.1-5(f) of this Law, unless it is apparent in the course of a review by the Building Inspector, Code Enforcement Officer, Zoning Board of Appeals, or Planning Board, that the proposed use or structure may result in the contamination of ground water in violation of Section 8.1-3 of the Hillsdale Zoning Law, or may adversely effect the flow of ground water to the surrounding area in violation of Section 5.1-5(f)(1) of this Law, in which event, such proposed use or structure shall not be approved in the absence of satisfactory proof that such violation will not occur.

Section 5. Amendment to Section 5.1-5(Aquifer Overlay District) of the Hillsdale Zoning Law.

A new subparagraph g is added to the provisions of Section 5.1-5 of the Hillsdale Zoning Law is added to read as follows:

(g) Agricultural Uses and Structures.

No provision of the Aquifer Overlay District regulations shall be

interpreted, administered, or enforced in the manner that unreasonably restricts or regulates agricultural structures or normal farming operations occurring on land located in a certified agricultural district established pursuant to the provisions of the New York State Agriculture and Markets Law, unless it can be shown that such restrictions are required for the protection of public health and safety.

Section 6. Adoption of Amendment to Zoning Map.

The Town of Hillsdale Zoning Map is hereby amended to add the Aquifer Overlay District as shown on the map adopted simultaneously with the enactment of this Local Law.

Section 7. Conflict of Laws, Pursuant to the Powers Granted by the Municipal Home Rule

This Local Law supersedes all provisions of Article 16 of the Town Law pertaining to Zoning and Planning, and such other statutes, laws, or regulations which are inconsistent with the provisions of this Local Law, which statutes, laws, and regulations are hereby superseded to the extent necessary to give full force and effect to this Local Law.

Section 8. Severability.

If any section of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section of this Local Law.

Section 9. Effective Date.

This Local Law shall be published and posted in the manner required by Town Law, and shall take effect as provided by Town Law.

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
, Town Clerk

Date: _____

(Seal)

(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: _____