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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 of Hillsdale
Town
Village

Local Law No. 1 of the year 2012

A local law Amending the Town of Hillsdale Comprehensive Plan.
(Insert Title)

Be it enacted by the Town Board of the

County
City of Hillsdale as follows:
Town
Village

Section 1 Authorization.

The Town of Hillsdale Comprehensive Plan is amended, in its entirety to read as follows:

TOWN OF HILLSDALE COMPREHENSIVE PLAN

INTRODUCTION

The purpose of a town comprehensive plan is to provide a coherent vision of the future based upon the desires of the people of the town. The most important part of this vision is a statement of goals describing the types of development that are needed and the natural, scenic, and cultural resources that should be preserved. Under New York State law, zoning laws must be written in a manner that is consistent with a comprehensive plan for the community.

A comprehensive plan does not commit the Town to any specific course of action. The goals expressed in the comprehensive plan may be implemented in many different ways. It is the comprehensive plan's purpose to outline what the community would like its future to be. The zoning law strikes the balance between these common goals and the rights and interests of individual property owners.

In July of 1972, the firm of Murphy and Kren Planning Associates, Inc. of Fort Lee, New Jersey, prepared a "Development Plan" for the Town of Hillsdale. This concise planning document is still largely valid, particularly in its description of the physical aspects of the Town and community goals. In addition to the Development Plan of

1972, James W. Curfman of the New York State Office of Planning Coordination prepared a study of existing land use, population analysis and forecast, and economic analysis for Hillsdale in 1971. These two documents taken together form the 1972 Master Plan. In 1993, the New York State legislature deleted the term "master plan" from state law, substituting "comprehensive plan." For purposes of this Update, the 1972 materials will be called the "1972 Master Plan" and this document will be referred to as the "Comprehensive Plan Update."

In 1988, the Town of Hillsdale formed a Master Plan Committee to review the 1972 Master Plan and Zoning Ordinance. After conducting an opinion survey and reviewing the Plan, the Committee concluded that the 1972 plan was fundamentally sound, but that the zoning needed substantial rewriting. The Town retained Woodlea Associates of Salt Point, New York, in 1990 to redraft the Zoning Ordinance and Subdivision Regulations. In late 1990, this consultant produced a first draft of a new zoning law, which underwent exhaustive analysis and revision, including five public information meetings, from 1991 to 1994. Woodlea also prepared a revised Subdivision Law and assisted the Committee in formulating this Comprehensive Plan Update, parts of which were written by Committee members.

The revised Zoning ordinance and revised subdivision regulations were adopted by the Town in 1995, with further amendments being made in 1999 and 2000.

In 2007, the Town amended its Zoning Law to establish a Ridgeline Overlay District and to regulate future buildings and construction activities occurring in the Ridgeline Overlay District.

In 2009 and continuing into 2010, the Hamlet Planning Committee for the Town, with the aide and assistance of the Project for Public Spaces, Inc. undertook an extensive study for a design and development plan for the future of the Hamlet area of the Town of Hillsdale.

CHAPTER 1: BACKGROUND

A. GEOGRAPHY AND NATURAL RESOURCES

The Town of Hillsdale is located in the eastern portion of Columbia County bordering the western Massachusetts towns of Alford and Egremont. The City of Hudson is approximately fifteen miles to the west, and Albany, the New York State Capital, is about thirty miles to the northwest.

Hillsdale was formed from Claverack, becoming a town in March 1788. Its southern boundary is also the southern line of the Van Rensselaer Patent where it meets the northern line of Livingston Manor. The Town is sparsely populated except in five areas where settlement is more concentrated—the hamlet of Hillsdale, East Hillsdale, North Hillsdale, Harlemlville, and Green River. The population of the Town today is about 1,900, a great deal less than the 2,552 as noted in 1860 in J. F. Collin's A History of Hillsdale.

The hamlet of Hillsdale is located on the Town's southern boundary with Copake. Many residents of the Town of Copake live at Hillsdale postal addresses, and are socially and physically a part of Hillsdale. Planning for the future of Hillsdale must take account of the fact that an arbitrary political boundary bisects Hillsdale's most important settlement center. The hills and dales prominent throughout the Town, from which the name Hillsdale is derived, range from just under 700 feet above sea level to 1,673 feet in elevation on White's Hill. Other mountainous areas include the Kaikoudt (1,450 feet), Lyon Mountain (1,404 feet), Pumpkin Hill (1,418 feet), Shepard Hill (1,633 feet), and Texas Hill (1,055 feet). Other physical features of the Town include large- areas with slopes greater than 15% and soil types which are severely limited in their ability to absorb sewage effluent. These soils are very rocky, with a thin soil mantle over bedrock and poor permeability.

In addition to the mountains, there are three main valleys in the Town. One, in Green River, extends eastward into Massachusetts; the main north-south valley forms one leg of the upper end of the Harlem Valley, extending south from North Hillsdale; a third valley extends east to west through the hamlet center. Each of these valley areas has been mapped by the U.S. Geological Survey showing the potential existence of underlying aquifers. Further analysis needs to be done to determine the aquifer boundaries, ground water levels, and the direction of flow. This information is vital in planning for future development and soil mining.

Hillsdale's open space, rural character, and scenic views are important natural resources that attract people to the area. These natural resources, insofar as possible, should be preserved.

The largest natural resource other than forests (which cover 70% of Hillsdale) is agricultural land. Of the Town's 48.3 square miles (30,912 acres), approximately twenty percent of the land (6,200 acres) remains in agriculture. Forty years ago, thirty percent of the land was considered to be in agricultural use.

Soil and topographic maps show many water bodies in the Town. Streams include the Green River, Taghkanic Creek, Roeliff-Jansen Kill, and Philmont Reservoir. Other water bodies include the 50-acre Herrington's Pond, one twenty-acre pond, one five-acre pond, eleven two-acre ponds, and 42 ponds ranging in size from one-half acre to one acre.

In addition to the water bodies listed above, there are 25 wetlands of 12.4 acres or more designated by the New York State Department of Environmental Conservation in the Town, totaling 751 acres. The other major lowland areas are Knapp Hollow, Shepard Hollow, and the wetland area along Route 23.

The areas containing Blasdell and Hoosic soils, under which gravel is commonly found, are both environmentally sensitive and economically valuable. There are approximately 110 acres of Blasdell soil and 405 acres of Hoosic soils on slopes greater than eight percent ("C" and "D" slopes), where gravel extraction would be possible. Other gravel areas with slopes of less than eight percent would be impractical for soil mining because of water table and reclamation problems.

B. INFRASTRUCTURE

As a rural community, Hillsdale has historically had relatively little development infrastructure. Although the railroad formerly linked the Town with the outside world, Hillsdale's strategic location in the state highway network is now the most important determinant of its growth.

The location of the Town within the regional transportation network can be viewed as an economic resource which has important environmental consequences. The intersection of New York State Highway Route 23 (east-west) with Route 22 (north-south) in the hamlet has resulted in problems of both increased commercial through-traffic and

heavy tourist traffic. This intersection is a crossroads for tourism in the Town and the areas beyond. The attraction of Catamount Ski Area, restaurants, rural scenery, and the entrance to the Berkshires through Hillsdale have all been advertised in the-New York Times by the Columbia County Planning and Economic Development Department as part of their on-going promotional efforts.

In 2004, the Town Board began the process for the establishment of Sewer District No. 1 of the Town of Hillsdale located primarily in the Hamlet area of the Town. This process was completed in 2006 and in 2007, the Town undertook a project for the construction of a wastewater treatment facility and the connection to the same of all existing residential and commercial structures located within in the boundaries of Sewer District No. 1. The construction of the wastewater treatment facility was completed and began operation in 2009.

C. DEMOGRAPHICS

The population of Hillsdale has increased by about 25% since the 1972 Master Plan was prepared. The following table shows the predicted growth of Hillsdale and Columbia Counties at that time compared with the actual growth that occurred, based upon census data.

TABLE 1: POPULATION

	1970	1980	1990
HILLSDALE			
Actual Population	1,427	1,648	1,793
1972 Prediction	---	1,620 – 1,675	1,820 – 1,950
COLUMBIA COUNTY			
Actual Population	50,366	59,487	62,982
1972 Prediction	---	60,000 – 62,000	70,000 – 75,000

	2000	2010	
HILLSDALE			
Actual Population	1,744	1,927	
1972 Prediction	--	--	
COLUMBIA COUNTY			
Actual Population	63,094	63,096	
1972 Prediction	--	--	

There are several reasons why the actual census population figures are less than the projected population numbers. Projections are based upon extrapolating past trends, which are of diminishing value the further one projects into the future. The regional economy has been in a state of gradual decline, as industry has closed or moved elsewhere. Agriculture has also been in decline, and as productivity has increased, jobs have decreased. Many young people cannot find employment locally and leave the area for better opportunities.

There is an untold story, however. It is well-known that there has been an influx of second homeowners into Hillsdale. Much of the development activity in the past 20 years has been for that market. Many existing houses have also sold to weekenders. However, unless these homeowners make Hillsdale their primary place of residence, they are not counted by the census. It is therefore difficult to determine the actual "weekend" population of Hillsdale. A recent trend has been for these part-time residents either to retire in Hillsdale or to relocate their principal residences here. As this occurs, the population statistics may show an increase that is more dramatic than the reality, since many of these homeowners were in Hillsdale all along. Nonetheless, a more rapid increase in Hillsdale's population in the coming years is a distinct possibility, as the Town becomes more attractive to commuters, retirees, weekenders, and telecommuters.

D. ECONOMY

Employment

The largest concentration of employment opportunities is centered in the hamlet of Hillsdale. Other employers are dairy farms and home construction contractors. Most of the employees of the lumberyard in the hamlet of Hillsdale reside in Copake and Claverack, not in Hillsdale.

Of the 511 respondents to the 1988 survey questionnaire, 45 percent are full-time residents of the Town. Thirty percent work either at home or within the Town, while 70 percent commute outside the Town. Many of these are employed by the school district just over the Town line in Copake. Another important employer is the Hawthorne Valley School and Farm in Harlemville.

Twenty-six percent of the respondents are retired. The data does not indicate how many part-time residents vs. full-time residents are retired or employed outside the Town.

Types of Business

The hamlet of Hillsdale contains retail businesses, including restaurants, antique shops, and typical village establishments. A lumberyard and a retail grocery outlet serve the region, as well.

E. AGRICULTURE

As stated above, of the 30,912 acres in the Town of Hillsdale, approximately twenty percent (6,200 acres) is devoted to agricultural uses. This does not include forestland on farms. Although the figure is down about 3,300 acres (ten percent) from twenty years ago, agriculture is still very much alive in Hillsdale. There are about 24 agricultural operations scattered throughout the Town, including dairy, livestock, field crop, fruit, vegetable, and horse farms. Overlay maps showing agricultural lands and existing farms, as well as the best agricultural soils and land parcels located in the Columbia County Agricultural District, were prepared for the Town by the County Soil and Water Conservation District. A map of agricultural districts is included as part of the zoning for the agricultural preservation overlay district.

The Columbia County Cooperative Extension Service reports that in 1987 the per-farm value of land and buildings which would apply to the Hillsdale dairy-farms was \$595,000. The average annual per-farm gross income for Columbia and Dutchess County farms was reported to be \$241,000. The economic benefit to the community from farm income is calculated using a multiplier of three times the gross per-farm income, which would be \$723,000 based on the figure above.

A study done in Dutchess County shows that for every tax dollar a farm family pays, it requires only twenty-one cents worth of goods and services. On the other hand, residential non-farm homeowners require \$1.36 of goods and services for every dollar they pay in taxes. New York State farmers also pay more taxes than farmers in neighboring states. The cost pressure of property taxes is placing a severe strain on Hillsdale's remaining farms.

F. RECREATION

Historically, the Town has had one 4 acre recreational area located adjacent to the Town Hall facility. This facility is centrally located, well maintained, and has proven to be a valuable asset.

According to the 1988 survey, residents desired better parks and recreational facilities, including a swimming pool. In 2007 the Town entered into a cooperative operation and maintenance agreement with the People of the State of New York, acting through the Commissioner of Parks, Recreation, and Historic Preservation for the lease and use of a 300+ acre tract of land located on both sides of New York State Route 22 in the Town of Copake (just south of the Hillsdale town line) for the development and use of this property for municipal park purposes. In 2009, this cooperative operation and maintenance agreement between the Town and the People of the State of New York was extended for a 20 year term, and the property is presently under development by the Town for municipal park purposes.

CHAPTER 2: CURRENT ISSUES AFFECTING GROWTH AND DEVELOPMENT

A. ECONOMY

The key economic problem in Hillsdale is the loss of jobs due to a decline in farming and industry. These jobs have only partially been replaced by service jobs.

More people are resorting to long-distance commuting out of the county. In addition, commuters from these more distant locations have moved to Hillsdale for the rural lifestyle. A slowly increasing trend is telecommuting, or the "electronic cottage." Professionals whose client base is elsewhere are now able to conduct most of their business from Hillsdale by telephone, computer network, and facsimile machine.

In addition to the electronic cottage, traditional cottage industries still are common in Hillsdale. It is difficult to measure this part of the economy because much of it occurs in violation of the zoning ordinance, and proprietors are understandably reluctant to report their business activities. The Comprehensive Plan strongly endorses small-scale business and industry as a continuation of the traditional Hillsdale economy and recommends legalizing small-scale economic activity throughout the Town. The zoning law allows many forms of small-scale business by special permit anywhere in the Town, provided that they satisfy compatibility criteria.

An additional part of the economic base of the Town is retired people, who bring money into the community from outside, provide valuable volunteer services, and make relatively little demand for municipal services. Tourism remains a small but significant part of the local economy. Unlike the southern Berkshires in Massachusetts, Hillsdale is not yet a major tourist destination, though it is on an important tourist route from the New York City area to the Berkshires. Agriculture and related businesses are still economically important, both for the employment and for crop production they provide and for maintaining the land in its scenic condition which attracts commuters, telecommuters, tourists, and retirees.

The key to a successful economic future for Hillsdale is to build a more diversified economy based upon small-scale business activities. The Town's zoning facilitates this by allowing a far wider range of economic activities throughout the Town. This strategy will only work if the Town also protects the resource that attracts people to it: its rural character and scenic beauty. Therefore, the zoning also contains a series of protective provisions to assure that economic growth occurs in a manner that does not compromise the essential character of the community.

The zoning also contains an option for larger-scale business to come into the Town: the mixed-use village floating zone. This recognizes that large-scale business could provide an important economic boost for the Town, but only if it is properly located and developed in a way that is consistent with the Town's scenic and historic character. By encouraging mixed-use, this floating zone also reduces two potentially harmful impacts of new industry: traffic congestion and housing costs. Mixed-use development allows the construction of housing within walking distance of jobs. Such housing can help meet the housing demand that new jobs will create (which in other places has caused a demand-driven affordable housing crisis), while reducing the amount of off-site automobile traffic generated by new employers.

Property tax is another major economic concern in Hillsdale. The Comprehensive Plan proposes to help alleviate the property tax burden by encouraging more business carefully sited throughout the Town (which adds tax ratables) and keeping development in compact, clustered configurations, minimizing the need for new road construction and improvement of existing rural roads. This reduces the cost of municipal services that often results from growth in a suburban sprawl pattern. Keeping agriculture viable by allowing farmers to run small-scale businesses not only adds to the tax base, it also keeps the land open and undeveloped, which is good for the fiscal health of the community.

B. HOUSING

Hillsdale contains a mix of housing types, primarily single-family homes on large and small lots. The hamlet of Hillsdale contains multi-family housing, which is also available on a scattered basis elsewhere in the Town. The influx of weekenders and commuters has pushed the price of housing higher than would otherwise be the case, making it difficult for some long-time residents to find affordable housing.

The Town's zoning addresses this problem by encouraging multi-family housing that satisfies exacting design standards, especially in the hamlets. In addition, the zoning encourages the creation of accessory apartments, two-family housing, and multi-family conversion of existing large buildings. These are the best ways to increase the available supply of low-cost housing, because they integrate such housing into the Town rather than concentrating it

in pockets.

Under the Town's zoning, mobile homes are allowed by special permit, but mobile home parks are prohibited. Mobile homes are an affordable form of housing, but mobile home parks are opposed by a substantial portion of the population. In addition, unlike modular or site-built housing which tends to appreciate over time, mobile homes depreciate quickly and are therefore not as good an investment from the owner's viewpoint. Nonetheless, they are often a viable option, especially for young people starting out or older people who are retired. Mobile homes are allowed on a preferential basis in connection with agriculture, where they are often essential to housing farm family members and employees.

Much of the newer housing being built in Hillsdale is expensive, primarily for part-time residents. Such housing is good for the economy and tax base, since it attracts people who spend money locally and generally pay more in taxes than they demand in services. However, a disproportionate amount of such housing and the population that it serves can change the socio-economic mix of the community and put upward pressure on housing prices.

C. ENVIRONMENT

Hillsdale's environmental resources are also its most precious economic asset. Its water resources, natural habitats of forests, ponds, streams, and wetlands, wildlife, hunting and fishing opportunities, and its rolling landscape of scenic hills and valleys are attributes most often mentioned as attractive qualities valued by local residents and visitors.

These resources can be threatened when development occurs. For this reason, the comprehensive plan and zoning contain several provisions for protecting these resources, consistent with reasonable economic growth and the protection of private property rights. Some of the protective measures in the zoning include:

1. Flexible development that encourages the preservation of large tracts of contiguous open space.
2. Preservation overlay zones to protect stream corridors, floodplains, farmland, and aquifer, scenic, ridgeline, and historic areas (some of these require further mapping by the Town Board before they can go into effect).
3. Special protections for steep slopes, wetlands, and watercourses.
4. Performance standards to assure that commercial and multi-family uses do not degrade environmental resources.
5. Illustrated rural siting guidelines to show how development should be planned to protect important environmental resources.

D. HAMLET OF HILLSDALE

The hamlet of Hillsdale deserves special attention because it is the focal point of community life. The primary issue is the pattern and type of growth that is appropriate. The "hamlet siting" and "building form" guidelines which have been formulated as part of the Town's zoning law show how growth can and should be structured in the hamlet so that its expansion makes it a more attractive place rather than engulfing it in suburban sprawl. Indeed, without such control over the pattern and type of growth in the hamlet, it is unlikely that hamlet residents would support expansion of the hamlet.

In 2009 and 2010 the Hamlet Planning Committee, with the assistance of Project for Public Spaces, Inc. undertook a project for the review and development of a design and development plan for the Hamlet area of the Town. A complete copy of the report outlining the proposed design and development plans for the Hamlet area is annexed as Appendix A to this Comprehensive Plan.

CHAPTER 3 HILLSDALE COMMUNITY GOALS

The following goals were recommended by the 1988 Hillsdale Master Plan Committee to guide the future of the Town. These goals are the heart of this Comprehensive Plan and provide the supporting rationale for the innovations in the proposed zoning law.

A. PRESERVATION OF COMMUNITY CHARACTER AND OPEN SPACE

1. Maintain rural land in its current undeveloped state.
 - a. Encourage all types of agriculture.
 - b. Relieve the financial pressures on farmers resulting from increasing real estate taxes.
 - c. Provide protection for farmers against interference with their operations by residential neighbors (right-to-farm law).
 - d. Encourage other uses of rural land that require large amounts of contiguous acreage kept in a relatively natural state, including forestry, camps and recreation clubs, compatible resort and institutional uses, and parks.
 - e. Encourage small business uses of rural land that enable rural landowners to make a living without disturbing their neighbors or harming the natural environment. (Such uses might include, among others, country inns, craft workshops, day care facilities, professional offices, repair shops, antique shops, and nurseries.)
 - f. Allow construction of unpaved roads as an incentive for very low density development in rural areas.
2. Identify and preserve the most important environmental, visual, and historic resources in the Town, including high quality agricultural land, scenic roads, ridgelines, wetlands, stream corridors, aquifers, mature forests, important wildlife habitats, and historic structures and land areas. Encourage the use of conservation easements as a technique for permanent preservation of these resources.
3. Enhance recreational opportunities.
 - a. Acquire land for a town park in a location that is accessible to young people.
 - b. If practical, provide a network of publicly accessible recreation areas, connected by a trail system.
4. Maintain and enhance tree plantings along road corridors.

B. DEVELOPMENT

1. Concentrate future growth by expanding the hamlet of Hillsdale and other smaller hamlets, while maintaining the current density and character of the existing residential "central hamlet" area southwest of the Route 22/23 intersection.

- a. Provide adequate and affordable sewer facilities to protect public health and water resources and to channel development around the hamlet of Hillsdale.
 - b. Create a road and sidewalk network that supports a dense pedestrian-oriented mixed-use village in the hamlet of Hillsdale.
 - c. Work with Copake to achieve compatible zoning in the Copake portion of the hamlet area.
 - d. Make parks, trails, landscaping, shade trees, and recreational open space an integral part of the hamlet of Hillsdale.
 - e. Provide cultural facilities to service a larger hamlet population and to keep the Hillsdale hamlet the center of Town activities.
 - f. In all the hamlets, allow mixed uses and higher densities than permitted elsewhere in Town.
 - g. Require that new hamlet development be compatible in design, layout, materials, and scale with the most attractive and historic development in the existing hamlets through the use of a design code.
 - h. Provide adequate parking and off-street loading space in a manner that does not detract from the historic, pedestrian character of the hamlets.
 - i. Prohibit large-scale commercial development along highways, except within non-residential portions of hamlet zones.
2. Require that any large-scale, high density residential development be clustered in a manner that preserves open space and that fosters a sense of community, following traditional neighborhood development patterns similar to those found in residential areas of the central hamlet of Hillsdale.
 3. Encourage low density development and a variety of residential lot sizes and densities following traditional patterns of rural development. Discourage "sprawl" subdivisions containing lots that are uniform in size, shape, and building design.
 4. Encourage development which preserves agricultural field, hedgerows, treelines, large trees, and mature forests. Such development should blend into the rural landscape by virtue of its design, small scale, and sensitive site planning.
 5. Provide a variety of housing opportunities, especially those affordable to current moderate-income residents of the Town and the region, in a manner that is visually attractive and that provides a meaningful range of housing choices.
 6. Regulate development according to its physical, visual, and social impact on the environment rather than simply according to use categories.

7. Classify the Town's road system by current and proposed intensity of use, encouraging development served by high-capacity roads and limited development along narrow and unpaved country roads.
8. Allow residents freedom and flexibility in the use of their land, consistent with maintaining pleasant neighborhoods, protecting the environment, and implementing the preservation goals of the Comprehensive Plan.
9. Provide for a balance of uses to achieve social and fiscal stability for the Town.
10. Require existing development that violates the above goals to come into compliance gradually with those goals.
11. Coordinate land use decision making as much as possible with surrounding towns, Columbia County, and New York State.

CHAPTER 4: 1988 SURVEY RESULTS

Narrative interpretation of the survey with key statistical findings shown. Detailed survey results will be kept on file at Town Hall.

ANALYSIS OF COMPREHENSIVE PLAN QUESTIONNAIRE

The following results summarize significant aspects of the questionnaire:

Total Questionnaires Distributed	1200
Responses	511

In the following summary, the percentage quoted for "yes" covers only those actually marked "yes". The remaining percentage includes "no", "no opinion" and unmarked questions.

Would you be in favor of:

1) More stores	66% Yes
2) Additional housing	60% Yes
3) Encouraging light industry	62% Yes
4) Discourage heavy industry	85% Yes
5) Additional parks/recreational areas	76% Yes
6) Restricting mobile homes to mobile home courts	75% Yes
7) Preserving the rural character	96% Yes
8) Encouraging agriculture to continue	96% Yes
9) Preserving open space	93% Yes

Based on the 1970 and 1989 surveys the Comprehensive Plan will emphasize open space planning and preservation of rural character. The zoning ordinance and regulations developed from this plan will use accepted techniques for creation and maintaining open space and rural atmosphere, consistent with the needs of a growing population and the need for a growing tax base to support such growth.

Section 2

This local law shall take effect immediately.