

(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 2012

A local law Amending the Zoning and Land Use Control Law of the Town of Hillsdale  
(Insert Title)

Be it enacted by the Town Board of the

County  
City  
Town of Hillsdale as follows:  
Village

**Section 1**

The Town of Hillsdale Zoning and Land Use Control Law is amended as follows:

**Section 2**

The use table under Section 3.2 is amended to read as set forth on Schedule A annexed hereto.

**Section 3**

Section 4.3 entitled, "Lot Dimension and Setback Requirements" is amended to read as follows:

**4.3 Lot Dimension and Setback Requirements**

It is the policy of the Town of Hillsdale to encourage development that is compatible with the existing character of the Town and that extends traditional patterns of development to presently undeveloped areas adjoining existing settlements. Accordingly, dimensional and setback requirements contained in this Local Law shall be applied in light of the Siting Guidelines described in Appendices I and II of this Zoning and Land Use Control Law. In the Hamlet District, the Planning Board may permit more than one building or use to be located on a single lot. When dimensional and setback requirements conflict with the Siting Guidelines, the Planning Board may vary such requirements, provided that it issues a written explanation for

the reasons for such variation. The following table is hereby adopted and declared to be a part of this Zoning and Land Use Control Law and is hereinafter referred to as the "Dimensional Table". See Schedule B annexed hereto.

#### **Section 4**

Section 4.6-2 is amended to read as follows:

##### **4.6-2 Clustering With Municipal Sewers**

a. Within the portion of the Hamlet District which is also located within the boundaries of the Hillsdale Sewer District No. 1, clustering may occur at a density of five (5) dwelling units per acre, provided that at least twenty five percent (25%) of the land area to be developed is dedicated as permanent open space in the form of greens, parks, squares, or other publicly accessible open space. Such open space may be dedicated to the Town (if accepted by the Town Board), donated to a qualified non-profit organization with an adequate endowment for maintenance, or owned and managed by a homeowner's association that meets the requirements set forth in Section 4.5-4(b).

b. In addition an applicant may add a maximum of two (2) "affordable housing" units per acre. Such units may be accessory apartments located in residences or accessory buildings, or may be units in multi-family structures. Affordable housing is housing that is affordable to a household with a combined income of eighty percent (80%) or less than the County median income and in which the household spends no more than thirty percent (30%) of their household income on housing costs. In the case of rental housing, housing costs includes rent, and any tenant paid utilities. In the case of homeownership, housing costs include mortgage principal and interest, taxes, and insurance. The Planning Board may require the applicant to provide guarantees that all affordable housing units will remain affordable through the use of restrictive covenants or similar techniques. Such "affordable housing" units may not increase the total residential density to be more than seven (7) units per acre.

#### **Section 5**

Sub paragraph b of Section 4.6-5 is repealed.

#### **Section 6**

Section 4.7-2 is amended to read as follows:

##### **4.7-2 Accessory Residential Structures and Accessory Apartments**

Accessory structures may be used for residential purposes in any Zoning District provided that the following conditions are met.

a. Any lot may contain accessory residential structures or accessory apartments by right, if it has at least three acres per unit in the RU District and one

acre per unit in the HM district; provided that there shall be no minimum lot size requirement in those portions of the HM district that are served by municipal sewers, and further provided that:

(1) In the case of a residential structure, the structure retains the appearance of a single family dwelling, and no major changes are made to such structure which can be seen from the street or road, except for an addition which is finished in the same materials as the structure to which it is attached. In the case of the conversion of an existing accessory structure in an RU district, the exterior for the accessory structure is unchanged, or if altered, the general appearance and scale are similar to structures devoted to uses permitted as of right in that zone;

(2) The accessory unit is limited to 2 bedrooms in RU districts and in those portions of the HM district that are served by municipal sewers, and one bedroom elsewhere;

(3) There shall be no more than one existing dwelling unit on a lot at the time of application for an accessory unit; and

(4) An application for a building permit for a new structure may include both a primary and an accessory unit, so long as the application indicates compliance with all other applicable provisions of this section.

b. The Planning Board or Zoning Board of Appeals may grant a Special Permit allowing accessory dwelling units to be located on a lot which does not comply with Sub section (a) above, provided that the Board finds that such additional dwelling units otherwise comply with County health Department regulations and with applicable Sections of this Local Law.

The Board may require, as a condition of such Special Permit, that such accessory dwelling units may not be later subdivided into separate lots. Such a restriction on future subdivision shall be implemented by means of a recorded conservation easement or deed restriction enforceable by the Town. The Planning Board shall have jurisdiction over Special Permits for any project that includes new structures and the Zoning Board of Appeals shall have jurisdiction for projects involving only additions to or conversions of existing structures.

c. At the time of subdivision approval, the Planning Board may permit accessory dwelling units on lots which do not comply with subsection (a) above, provided that the overall density allowed in the subdivision complies with applicable requirements of this Local Law, and that adequate conservation easements and plat notes are to maintain such density limits in the future.

d. No accessory residential structure shall be subdivided onto a separate lot unless it can satisfy applicable dimensional requirements on this Local Law or the Siting Guidelines in Appendices I and II.

**Section 7**

Sub paragraph b of Section 5.1-3 is amended to read as follows:

**5.1-3 Agricultural Preservation Overlay District (AG)**

b. Boundaries. The Agricultural Preservation Overlay District shall consist of those agricultural lands which are in the Columbia County Agricultural District #1, #6 and #8 (under Article 25AA of the New York State Agriculture and Markets Law).

**Section 8**

Section 8.7 is amended to read as follows:

**8.7 Businesses Uses In HM District**

In the HM District, more than one business use may be located on a single lot when authorized by the Planning Board under Section 4.3 of this Zoning and Land Use Control Law.

**Section 9**

Existing Section 8.8-2 is repealed, and Section 8.8-3 is renumbered to be new Section 8.8-2.

**Section 10**

Sub paragraph h to Section 8.12-5 is amended to read as follows:

8.12-5-h. Additional Town Driveway Requirements

- 1) Driveways constructed in the Town of Hillsdale shall be of all weather construction and maintained to provide suitable access to buildings for emergency services vehicles including fire trucks.
- 2) Driveways shall be constructed to the following design standards:

Driveway Item	Requirements
Minimum width	Single family: 12 feet Shared or commercial: 16 feet
Maximum grade from edge of intersecting roadway	3% within first 30 feet from edge of traveled way, or 25 feet from the road right of way or property line, whichever is greater
Angle of intersection of driveway with street	90 degrees preferred, but not less than 70 degrees.
Maximum grade	10% single and common drives to single

	family residences. Short sections of up to 12% for lengths less than 200 feet when approved by Town. 7% Other than single family residence.
Minimum grade	1%
Minimum centerline radius	50 feet For driveways greater than 500 feet, curves shall be designed to accommodate the anticipated design speed.
Design storm for drainage structures	25 year
Minimum culvert diameter	12 inch diameter
Minimum cover over culverts	12 inches of soil cover over top of pipe
Load capacity of driveway, culverts and structures	AASHTO HS-25 (40,000 lbs/axel)
Driveway construction	12" of clean gravel or crushed stone with 1/2" per foot crown. Provide geotextile fabric under gravel in areas of poor soils. Pavement may be required for driveways serving multiple residences or larger commercial structures.
Frequency of turnarounds	Provide a minimum of 1 turnaround for all drives greater than 500' in length
Turnaround Layout	Circular, Tee or Hammer head turnaround with a minimum turning radius of 45'. Turnaround shall accommodate a 40' long fire truck.
Access to Buildings	Driveways shall provide a place for fire apparatus to park within a maximum distance of 100 feet to any buildings. 50 feet is preferred. Buildings located further than 1000 feet from roadways shall have additional room to stage multiple emergency vehicles.

3) These requirements may be varied on a case by case basis, if it can be demonstrated that emergency services to the site will not be adversely compromised.

4) Driveways and access roads shall also be subject to the provisions of the New York State Fire Code applicable to the same.

## Section 11

Section 8.13-2 is amended to add sub paragraph "1" to read as follows:

1. In the Hamlet District, the set back distance for signs is thirteen (13) feet from the street curb where there is a sidewalk, and eight (8) feet from the street curb where there is no sidewalk.

## **Section 12**

Section 14.2 is amended to change the definition of accessory apartment to read as follows:

### **Accessory Apartment:**

A dwelling unit occupying the lesser of 1000 square feet or 30% of the floor space of either a single-family residential structure in which either the primary unit or the accessory apartment is owner-occupied, or a non-residential structure; or a dwelling unit no larger than 1000 square feet located in an accessory structure on an owner-occupied property.

## **Section 13**

This local law shall take effect immediately.

(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 2012 of the (County)(City)(Town)(Village) of Hillsdale was duly passed by the Town Board on June 19, 2012, 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: June 19, 2012

**(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: June 19, 2012



3.2 Use Table

Use Category	Base Districts		
	RU	HM	HB
<b>OPEN SPACE USES</b>			
Agriculture	P	P/S	S
Forestry	P	P	P
Camp	P/S	--	--
Non-commercial Recreation	P	P	P
<b>RESIDENTIAL USES</b>			
Single-Family Dwelling	P	P	S
Two-Family Dwelling	P*	P*	S
Multi-Family Dwelling	S	S	--
Accessory Apartment	P*	P*	S
Boarding House	S	S	--
Mobile Home	S	--	--
Lodging Facility	S	S	--
<b>BUSINESS USES</b>			
Agricultural Industry	S	--	S
Home Occupation (8.14)	P**	P**	S
Professional Office	P/S	S	S
Business Office	P/S	S	S
Retail Business	S	S	S
Service Business	S	S	S
Recreational Business (8.10)	S	S	S
Kennel	S	--	--
Communication Tower	S	--	--
Automobile Service Station	S	S	S
Transportation/Utility Facility	S	S	S
Soil Mining	S***	--	--
Craft Workshop	P	S	S
Warehouse	S	--	S
Junkyard (8.11)	S	--	--
Office or Apartment above retail use	S	S	S
<b>COMMUNITY USES</b>			
Cemetery	S	S	S
Day School	S	S	S
Boarding School	S	S	--
Hospital	S	S	S
Membership Club	P/S	S	S
Municipal Use	P	P	P
Nursing Home	S	S	S
Religious Institution	S	S	S
Charitable Organization	P/S	S	S
Place of Public Assembly	S	S	S
<b>ACCESSORY USES</b>			
Private Stable	P	P/S	S
Windmill	P	S	S

\* May require a Special Permit (see Section 4.7)  
 \*\* May require a Special Permit (see Section 8.14)  
 \*\*\* Optional provision for an Overlay Zone is contained in Section 5.2

DIMENSIONAL TABLE

*Base Districts*

	RU Conv(1)/FLS(2)	HM * Conv(1)/Cluster	HB
MINIMUM LOT SIZE (ACRES)	3/--	1/--	1
MINIMUM FRONT YARD SETBACK(3)			
TOWN/COUNTY ROAD	50/40	25	40
STATE ROAD	70/60	40	50
PRIVATE ROAD	30/20	--	--
MAXIMUM FRONT YARD SETBACK(4)			
TOWN/COUNTY ROAD	--	40	--
STATE ROAD	--	80	--
MINIMUM ROAD FRONTAGE(4)			
TOWN/COUNTY ROAD	200/--	100/40	100
STATE ROAD	300/300	200/100	400
PRIVATE ROAD	100/--	---	---
MIN. DIMENSION OF SQUARE ON A LOT(5)	200/40	100/40	400
MINIMUM SIDE YARD SETBACK	50/10	30/10	50
MINIMUM REAR YARD SETBACK	100/20	20/10	100
MAXIMUM IMPERMEABLE SURFACE(6)	10%/60%	20%/80%	85%
MAXIMUM BUILDING HEIGHT	35/35	35/35	35

ALL DIMENSIONS IN FEET UNLESS OTHERWISE INDICATED

- 1 Conventional Subdivision
- 2 Flexible Lot Subdivision (see Section 4.4)
- 3 Measured from the centerline of the road
- 4 For Rear Lots, see Subsection 4.9-8 of this Local Law
- 5 See definition of Square on a Lot
- 6 Includes all structures and paved surfaces, on a per-lot basis
- 7 Applies to residential uses only
- \*8 Dimensional and set back requirements may be modified by the Planning Board in the HM District, pursuant to §4.3 of this Law.