



Town of Concord

DARLENE G. SCHWEIKERT
TOWN CLERK
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October 5, 2023

NYS Department of State
Division of Corporations, State Records & Uniform Commercial Code
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231

To Whom It May Concern:

Enclosed please find Local Law No. 4 of 2023, which was adopted by the Town Board on October 5, 2023, at their Town Board Meeting. The Law is entitled, "A Local Law Imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the any wind energy systems in the Town of Concord."

Sincerely,

Darlene G. Schweikert
Town Clerk

Enclosure

Local Law Filing

(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 Village
(Select one:)

of Concord

Local Law No. 4 of the year 2023

A local law Imposing a temporary moratorium on the issuance of applications and the granting of
(Insert Title)
permits, licenses or approvals for any wind energy systems in the Town of Concord

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Concord as follows:

Town of Concord
Local Law No. 4 of the Year 2023

A local law imposing a temporary moratorium on the issuance of applications and the granting of permits, licenses or approvals for the any wind energy systems in the Town of Concord.

Be it enacted by the Town Board of the Town of Concord (" Town") as follows:

Section 1. Purpose.

The Town of Concord has recently received inquiries for information regarding application, siting, location, development and construction for wind energy systems, or related facilities or structures, on lands within the Town of Concord. The Town Board is aware of the public interest in adopting wind energy as alternative energy as well as concerns and issues regarding such use. The current locals, ordinances and regulations of the Town of Concord, however, do not adequately address many of the concerns and issues which must be considered to fairly address the impacts of such uses upon the Town of Concord.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(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. 4 of 2023 of the (County)(City)(Town)(Village) of Concord was duly passed by the Town of Concord Town Board on October 5th 2023, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to 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 _____ 20____, 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, 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.

The Concord Town Board passed Local Law #3 of 2008, entitled “A Local Law Amending Certain Portions of the Zoning Ordinance of the Town of Concord Pertaining to Wind Energy Regulations. The Town of Concord is in the process of updating the Town Code which is eighteen years old; during this moratorium, the Town intends to finish the process of updating the Town Code to provide for the benefit, health, and general welfare of the residents of the Town.

Therefore, the Town Board of the Town of Concord has determined that it is necessary to undertake a comprehensive review of the concerns and issues raised by the siting, location, development and construction of wind energy systems, or related facilities or structures, in a manner which is meaningful and consistent with the Town’s comprehensive plan and Town Code.

Accordingly, the Town Board of the Town of Concord, desires to establish a three (3) year moratorium on the application, siting, location, development and construction of wind energy systems, or related facilities or structures within the Town of Concord in order to allow the Town of Concord sufficient and necessary time to study, review, develop and enact appropriate legislation for the Town of Concord, New York.

Section 2. Definitions.

WIND ENERGY CONVERSION SYSTEM (WECS) – Any mechanism designed for the purpose of converting wind energy into electrical energy. A WECS may include one or more wind turbines, towers, associated control or conversion electronics, transformers, and/or other maintenance or control facilities or other component used in the system. A WECS may be either a Utility-scale Wind Energy Conversion System or a small-scale Wind Energy Conversion System.

UTILITY-SCALE WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system that is intended solely to generate electrical power for sale to the power grid.

SMALL-SCALE WIND ENERGY CONVERSION SYSTEM - A wind energy conversion system that is incidental and subordinate to another use on the same parcel and that supplies electrical power solely for on-site use, except that when a parcel on which a small-scale WECS is installed also receives electrical power supplied by a utility company, excess electrical power generated by the small-scale WECS and not presently needed for on-site use may be used by the utility company in exchange for a reduction in the cost of electrical power supplied by that company to the parcel for on-site use, as long as the main purpose of the installation is not to produce net revenue by sale of such excess electrical power.

Local Law #4 of 2023
Town of Concord, NY

Section 3. Moratorium.

A. During the effective period of this Local Law, neither the Town Board, the Planning Board, the Zoning Board of Appeals, nor the Code Enforcement Office shall grant any approval or issue permits that would result in the siting, location, development, construction, establishment, placement, installation, enlargement, or erection of wind energy systems, or related facilities or structures within the Town of Concord, New York.

B. The Town Board of the Town of Concord reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permit or certificate issued in violation of this Local Law.

C. No portion of any applications for construction or for approval of a site plan, subdivision, variance, special use permit or any other permit affected by this Local Law shall be considered by any Board or Officer or Agency of the Town of Concord while this moratorium imposed by this Local Law is in effect.

Section 4. Term.

This Local Law shall be in effect for a period of three (3) years from the effective date of this Local Law, unless earlier terminated by another local law, duly adopted.

Section 5. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given in effect without such invalid provision.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing within the Secretary of State of the State of New York.

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 20____ 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 _____ 20____, 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 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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.

Darlene G. Schweikert

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 5, 2023

(Seal)

