

Local Law Filing Instructions

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
8. A copy of each local law may be mailed or delivered to:
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231.

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

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 Schodack

Local Law No. 7 of the year 2023

A local law Extending the Moratorium on Battery Energy Solar Systems within the
(Insert Title)
Town of Schodack

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

County City Town Village
(Select one:)

of Schodack as follows:

Section 1. Purpose and Intent

The Town Board of the Town of Schodack (“Town”) previously duly adopted Local Law No. 5 of 2023 providing for a six (6) month moratorium on the consideration, review, or approval of any Battery Energy Storage Systems within the Town, which local law was filed with the New York Secretary of State on April 5, 2023. Since the adoption of said local law, the Town Board and Town Supervisor have been investigating and studying all matters and concerns relating to Battery Energy Storage Systems within the Town and the adoption of appropriate amendments to the Town Code in order to protect the health, safety, and welfare of the community. The Town Board has determined that the necessary review process, including appropriate referrals, environmental review, and public hearings, will not be completed prior to the expiration of the initial six (6) month term of the moratorium. Accordingly, it is the intent of the Town Board, and the purpose of the adoption of this local law, to provide for an extension of said moratorium in order to complete the necessary review process prior to adoption.

Section 2. Term of Extension

The term of extension of said moratorium shall be for an additional period of six (6) months commencing immediately upon the expiration of the initial six (6) month term of the moratorium as provided for in Local Law No. 5 of 2023. During the six (6) month extension period:

A. The Planning Board of the Town of Schodack shall not accept for review, hold a hearing, or make any decision upon any application which includes, in whole or in part, a Battery Energy Storage System, whether such application was submitted prior to, on, or after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to preliminary and/or final site plan approval or special use permit approval) are suspended and stayed while this Local Law is in effect.

B. The Zoning Board of Appeals of the Town of Schodack shall not accept for review, hold a hearing, or make any decision upon any application which includes, in whole or in part, a Battery Energy Storage System, whether such application was submitted prior to, on, or after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to with respect to appeals and/or variances) are suspended and stayed while this Local Law is in effect.

C. The Building Department of the Town of Schodack shall not accept for review nor grant any application for a building permit or other approval which includes, in whole or in part, a Battery Energy Storage System, whether such application was submitted prior to, on, or after the effective date of this Local Law.

Section 3. All Other Terms to Remain in Full Force and Effect

All other terms and conditions of Local Law No. 5 of 2023 not otherwise hereby amended herein shall remain in full force and effect during the additional six (6) month extension term.

Section 4. Expiration

This six (6) month extension to said moratorium, unless otherwise further extended by the Town Board, shall expire upon (a) the enactment of an ordinance, local law, and/or further amendments to the Town Code providing for regulation of Battery Energy Storage Systems in the Town as determined by the Town Board, (b) adoption by the Town Board of a resolution expressing said Board's determination that further regulations would not be appropriate, or (c) the date which is six (6) months from the expiration date of the initial six month moratorium term as set forth in Local Law No. 5 of 2023, whichever shall first occur.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State as provided by law.

(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. 7 of 2023 of the ~~(County)~~(City)(Town)(Village) of Schodack was duly passed by the Town Board on September 28, 2023, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

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) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20 , 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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (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) ~~(Name of Legislative Body)~~ (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.

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.

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

Date: October 2, 2023

(Seal)