

# 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

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## 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. 4 of the year 2024

A local law Establishing a six-month moratorium on utility-scale solar collection systems  
*(Insert Title)*  
and battery energy storage systems within the 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. Title

This Local Law shall be known as the “2024 Town of Schodack Utility-Scale Solar Collection System and Battery Energy Storage System Moratorium Law.”

## Section 2. Authority

This Local Law and moratorium are enacted by the Town Board of the Town of Schodack pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law.

## Section 3. Purpose and Intent

The Town Code of the Town of Schodack (“Town”) does not currently address matters specifically pertaining to the installation and/or use of Battery Energy Storage Systems on real property located within the Town, including but not limited to with respect to permitting, design, site plan review, safety, decommissioning and other requirements.

The Town Code § 219-39.3 does currently address matters pertaining to Utility-Scale Solar Collector Systems on real property located within the Town, but such provisions have not been reviewed or amended by the Town Board since first adopted in 2015.

The Town Board hereby finds that, in the interest of protecting and promoting the health, safety and welfare of the community, it is necessary and appropriate for the Town Board to carefully examine and evaluate potential impacts and effects associated with Battery Energy Storage Systems and to consider the adoption of possible amendments to the Town Code to regulate such uses, as may be deemed appropriate. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of six (6) months, the consideration, review, or approval of any Battery Energy Storage Systems within the Town while the Town Board undertakes a thorough review of the pertinent issues and adopts, as may be deemed appropriate, amendments to the Town Code to address and regulate such use.

Similarly, the Town Board hereby finds that, in the interest of protecting and promoting the health, safety and welfare of the community, it is necessary and appropriate for the Town Board to undertake an examination and review of the Town's existing law pertaining to Utility-Scale Solar Collector Systems and to consider the adoption of possible amendments to the Town Code to regulate such uses, as may be deemed appropriate. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of six (6) months, the consideration, review, or approval of any Utility-Scale Solar Collector Systems within the Town while the Town Board undertakes a thorough review of the pertinent issues and adopts, as may be deemed appropriate, amendments to the Town Code to address and regulate such use.

The Town Board is currently engaged in a process to review and update Town Code Chapter 219 – Zoning, and it is anticipated that such review and update will include the adoption of, and/or changes to, zoning regulations pertaining to Battery Energy Storage Systems and Utility-Scale Solar Collector Systems. The Town Board hereby finds that it is appropriate and efficient to consider the adoption of, and/or changes to, zoning regulations pertaining to Battery Energy Storage Systems and Utility-Scale Solar Collector Systems as part of the Town Board's broader effort to update Chapter 219 – Zoning.

#### **Section 4. Definitions**

For the purpose of this Local Law, "Battery Energy Storage System" shall mean one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

For the purpose of this Local Law, "Utility-Scale Solar Collector System" shall mean a solar energy system that is designed and/or built to provide energy as an ongoing commercial enterprise, or for commercial profit, or designed to distribute energy generated to a transmission system for distribution to customers rather than for use on the site. A utility-scale solar use may include solar energy system equipment and uses, such as but not limited to supporting posts and frames, buildings and/or other structure(s), access drives, inverter equipment, wires, cables and other equipment for the purpose of supplying electrical energy produced from solar technologies, whether such use is a principal use, a part of the principal use or an accessory use or structure.

#### **Section 5. Moratorium**

For a period of six (6) months following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such six (6) month 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 Utility-Scale Solar Collector System or a Battery Energy Storage System, where such application was submitted on or after the effective date of this Local Law.

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 Utility-Scale Solar Collector System or a Battery Energy Storage System, where such application was submitted on or after the effective date of this Local Law.

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 Utility-Scale Solar Collector System or a Battery Energy Storage System, where such application was submitted on or after the effective date of this Local Law.

## **Section 6. Variances**

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the granting of a variance would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250) for the processing of such application. All such applications shall be promptly referred to the Town Board, which shall conduct a public hearing on the application on not less than five (5) days public notice and shall make its decision within forty-five (45) days after the close of the public hearing.

## **Section 7. Severability**

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

## **Section 8. Superseding Effect**

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of the New York State Town Law for the duration of this moratorium. The New York State Town Law provisions intended to be superseded include all of Article 16 of the Town Law, Sections 261-285 inclusive, and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

## **Section 9. 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. 4 of 2024 of the ~~(County)~~(City)(Town)(Village) of Schodack was duly passed by the Town Board on March 28, 2024, 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.

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\* 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: March 29, 2024

(Seal)