

COPY

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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(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 Duanesburg

FILED
STATE RECORDS

APR 29 2024

DEPARTMENT OF STATE

Local Law No. 4 of the year 2024

A local law entitled, Moratorium on wind Energy Facilities in the Town of Duanesburg.
(Insert Title)

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of Duanesburg as follows:

See attached

(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 2024 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on April 25, 2024, 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) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 2024, 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 (Elective Chief Executive Officer*)
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 _____ above.

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

Date: _____

April 25, 2004

(Seal)

Proposed Town of Duanesburg Local Law No. 4 of 2024

March 14, 2024

Town of Duanesburg

County of Schenectady, New York

Be it enacted by the Town Board of the Town of Duanesburg, Schenectady County, New York as follows:

Section A Title and Enactment

The title of this Law is: MORATORIUM ON WIND ENERGY FACILITIES IN THE TOWN OF DUANESBURG.

Section B Intent and Effect of Moratorium

The Town of Duanesburg Local Law No. 1 of 2008 "The Town of Duanesburg Wind Energy Facility Law" currently regulates Wind Energy Facilities. This moratorium will affect all such Wind Energy Facilities, by placing a moratorium on the review of any application or approval of any applications for special use permit or site plan review for such facilities.

The Board's need for additional information and assurance about the adequacy of the current local law regarding wind energy facilities, including, but not limited to, ensuring the law reflects new technologies, sufficient fees for review of proposals, and the adequacy of the law with regard to siting these facilities, has persuaded the Town Board to institute this moratorium. This moratorium shall be in place for six months and may be extended for an additional six months by resolution of the Town Board to allow a sufficient period of time for the Town Board to amend Local Law no. 1 of 2008 and/or to adopt a new law pertaining to Wind Energy Facilities.

Section 1 Moratorium.

No new applications pursuant to Local Law 1 of 2008 for Wind Energy Facilities shall be accepted by the Town during the period of the moratorium.

Section 2 Moratorium Period.

The moratorium established under Section 1 shall be in effect during the period between the adoption of this Local Law and for a period of 6 months following adoption of this local law, and the filing of the same with the Secretary of State. The same may be extended for periods of six months by resolution of the Town Board.

Section 3 Applications that may be exempted.

- (1) Small Wind Energy Facility Applications may be exempted from the Moratorium provisions of this Local Law upon application to the Town Board of the Town of Duaneburg.
- (2) 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 variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general 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 (\$250.00) for the processing of such application. All such applications shall promptly be 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 thirty (30) days after the close of the Public Hearing.

Section 4 Statutory Authority/Supersession.

This MORATORIUM ON WIND ENERGY FACILITIES IN THE TOWN OF DUANESBURG with respect to Wind Energy Facilities is adopted pursuant to Municipal Home Rule Law §10(1)(ii)(a)(11) and (12) and expressly supersedes any inconsistent provisions of Local Law No. 2 of 2008.

Section C Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

Section D Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.