

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
[HTTPS://DOS.NY.GOV](https://dos.ny.gov)

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

December 20, 2023

Town of Brunswick
Town Office
336 Town Office Road
Troy, New York 12180-8809



RE: Town of Brunswick, Local Law 2 2023, filed on 12/19/2023

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

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SUPERVISOR
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TOWN CLERK
GORDON W. CHRISTIAN
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SOLE ASSESSOR
CHARLES GOLDEN
BUILDING AND CODE INSPECTOR
ROBERT H. SCHMIDT
TOWN JUSTICE
TERRANCE A. BUCHANAN
TOWN JUSTICE

December 15, 2023

New York State Department of State
Div. of Corporations, State Records & UCC
One Commerce Plaza, 99 Washington Ave.
Albany, NY 12231-0001

To whom it may concern,

Please find enclosed Local Law No. 2 for the Year 2023 entitled, "A LOCAL LAW EXTENDING A MORATORIUM ON THE FILING, ACCEPTANCE, REVIEW, OR DETERMINATION OF ANY LAND USE APPLICATION PERTAINING TO COMMERCIAL SOLAR COLLECTOR SYSTEMS IN THE TOWN OF BRUNSWICK."

If you require further information, please feel free to contact me directly.

Sincerely,

William J. Lewis III
Town Clerk

Encs.
Cc Adjoining Towns

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 Brunswick

Local Law No. 2 of the Year 2023

A LOCAL LAW EXTENDING A MORATORIUM ON THE FILING, ACCEPTANCE, REVIEW, OR DETERMINATION OF ANY LAND USE APPLICATION PERTAINING TO COMMERCIAL SOLAR COLLECTOR SYSTEMS IN THE TOWN OF BRUNSWICK.

Be it enacted by the Town Board of the Town of Brunswick as follows:

See attached.

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

TOWN OF BRUNSWICK

LOCAL LAW NO. 2 OF THE YEAR 2023

A LOCAL LAW EXTENDING A MORATORIUM ON THE FILING, ACCEPTANCE, REVIEW, OR DETERMINATION OF ANY LAND USE APPLICATION PERTAINING TO COMMERCIAL SOLAR COLLECTOR SYSTEMS IN THE TOWN OF BRUNSWICK

Section 1. Purpose and Authority.

By Local Law No. 9 of 2022, the Town Board of the Town of Brunswick enacted a twelve (12) month moratorium on the filing, acceptance, review, or determination of any land use application pertaining to commercial solar collector systems in the Town of Brunswick. The moratorium became effective on December 19, 2022 when Local Law No. 9 of 2022 was filed with the New York State Secretary of State.

The Town Board thereupon commenced a review of the Brunswick Zoning Law pertaining to commercial solar collector systems, including retention of a consulting engineer to assist the Town Board through investigation and preparation of pertinent technical information relevant to the regulations under review. The Town Board has pursued the process of such review and consideration of its current regulations and assessment of options for new requirements relating to commercial solar collector systems within the Town of Brunswick.

At this time, the Town Board has not completed the process of consideration or preparation of amendments to the Brunswick Zoning Law pertaining to commercial solar collector systems. Additional time is necessary to complete such process, which may include possible introduction of a local law amending the Brunswick Zoning Law, and which process may also consider other matters including requirements for PILOT agreements pertaining to commercial solar collector systems in the Town of Brunswick. Further, any proposed amendments to the Brunswick Zoning Law will require a public hearing for receipt and consideration of public comment, and also will require referrals to the Rensselaer County Department of Economic Development and Planning and the Brunswick Planning Board for review and recommendation.

It is the Town Board's desire to provide adequate time for consideration, and potential introduction, of amendments to the Brunswick Zoning Law pertaining to commercial solar collector systems, and completion of the public review procedure described above, in an appropriate and deliberate manner free from any timing concerns raised by the possible expiration of the moratorium. The moratorium expires on December 19, 2023 and the Town Board needs additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board deems it necessary and appropriate to extend the current moratorium for an additional four (4) month period. While the Town Board is hopeful that this process can be completed prior to such four (4) month period, it likewise seeks to afford adequate time for public review and comment.

The Town Board finds that pursuant to 6 NYCRR 617.5(c)(30), the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act ("SEQRA"), which has been determined not to have a significant impact on the environment or is otherwise excluded from environmental review under the Environmental Conservation Law, Article 8, and is therefore not subject to review under 6 NYCRR Part 617 or the Environmental Conservation Law, Article 8.

Section 2. Moratorium Extension.

- A. Local Law No. 9 of the Year 2022, titled “A Local Law Establishing a Twelve-Month Moratorium on the Filing, Acceptance, Review, or Determination of Any Land Use Application Pertaining to Commercial Solar Collector Systems”, which remains effective through December 19, 2023, shall be further extended for an additional four (4) month period of time through and including April 19, 2024.
- B. Except as otherwise amended herein, all provisions of Local Law No. 9 of the Year 2022, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for such additional four (4) month period of time through and including April 19, 2024.

Section 3. Severability.

If any section or subdivision, paragraph, clause, or phrase of this local law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

Section 4. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

(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 Introductory Local Law No. 1 of 2023 of the (County)(City)(Town)(Village) of Brunswick was duly passed by the Town of Brunswick Town Board on December 14, 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~~

~~(Name of Legislative body)~~

~~approved) (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

(Name of Legislative body)

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~~

~~(Name of Legislative body)~~

~~approved) (repassed after disapproval) by the _____ on _____ 20____.~~

~~(Elective Chief Executive Officer*)~~

~~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.

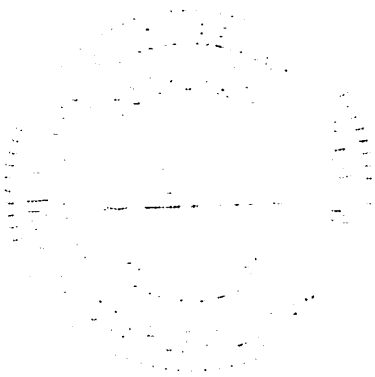
6. ~~(County local law concerning adoption of Charter.)~~

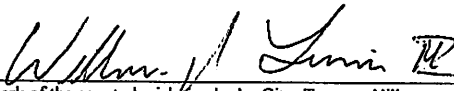
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the 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.

(Seal)




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

Date: 12/15/2023