



Building Standards and Codes

New York State
Department of State
Division of Building Standards
and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
Phone: (518) 474-4073
Fax: (518) 486-4487
www.dos.ny.gov

Filing to the State Fire Prevention & Building Code Council of More Stringent Local Energy Conservation Construction Code (Energy Code – Energy Law § 11-109)

INSTRUCTIONS TO FILER:

Complete this form to file a more stringent local energy conservation construction code than the State Energy Conservation Construction Code ("Energy Code") with the State Fire Prevention & Building Code Council ("Code Council") pursuant to Energy Law §11-109.

Please note that if the filing is submitted within thirty (30) days of the promulgation or adoption of the local code or amendments or revision thereof, then the Municipality may enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is not more restrictive than the Energy Code. **If the filing is not submitted within such thirty (30) day time period, then the Municipality may not enforce such local code, amendment, or revision until and unless the Code Council determines that such local code, amendment, or revision is more restrictive than the Energy Code.¹**

MUNICIPALITY INFORMATION:

This Filing relates to a local energy conservation construction code, or any amendment or revision thereof, promulgated or adopted by the following Municipality²: Town of Marbletown Town Board

FILER INFORMATION:

This Filing is submitted by the Filer named below (the "Filer"):

- Filer is the Chief Executive Officer of the Municipality.
- The Municipality has no Chief Executive Officer. Filer is the Chairperson of the Legislative Body of the Municipality.
- Other (specify): _____

Name of Filer: Richard Parete

Title of Filer: Mayor Supervisor Chairperson of Legislative Body
 Other (specify) _____

Address: Physical: 1925 Lucas Ave., Cottekill, NY 12419
Mailing: PO Box 217, Stone Ridge, NY 12484

Telephone Number: (845) 687-7500 Fax Number: () - Email Address: supervisor@marbletown.net

¹ See Energy Law §11-109(2).

² A "municipality" is a county, city, town, village, school district, or district corporation. See Energy Law §11-102(12).

LOCAL ENERGY CONSERVATION CONSTRUCTION CODE INFORMATION:

This Filing relates to the Municipality's local energy conservation construction code, or any amendments or revisions thereof, entitled: Stretch Energy Code

A true and complete copy of the local energy conservation construction code, or any amendments or revisions thereof, is included herewith and labeled **Exhibit A**.

Date of promulgation or adoption of the Municipality's local energy conservation construction code, or any amendments or revisions thereof: June 1, 2021

ADDITIONAL DOCUMENTATION:

List here any additional documentation. The Department of State strongly recommends that the Municipality provide a detailed description of (1) the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof; (2) the corresponding provisions imposed by the Energy Code; and (3) the reasons why the Municipality believes the provisions of the local energy conservation construction code promulgated or adopted by the Municipality, or any amendments or revisions thereof, are higher or more restrictive than the Energy Code. However, do not fail to file a copy of the local energy conservation construction code, or any amendment or revision thereof, within thirty (30) days after promulgation or adoption of such local energy code, or any amendment or revision thereof.³

- Exhibit B** 2020 Energy Conservation Code of NYS; Amendments IECC 2018 (document name)
- Exhibit C** We do not have local code. Adopted NYS Energy Code (document name)
- Exhibit D** See NYStretch Energy Code - 2020 (document name)

Dated: June 24, 2021



Signature of Filer

Supervisor Richard Parete

Print or Type Name and Title of Filer

Please submit this Filing form, all exhibits, and any additional documentation to:

Assistant Director for Code Development
NYS Department of State, Division of Building Standards and Codes
99 Washington Ave., Suite 1160
Albany, New York 12231

Or by email to: **Dos.sm.codes.codedevelopment@dos.ny.gov**.
When submitting petitions via email, type "**Local Energy Code:**" in the subject line followed by the name of the Municipality and the Local Law # or Ordinance #. (Example: **Local Energy Code: Town of Anywhere, Local Law #6 of 2017**). **Electronic submissions are strongly encouraged.**

If you have questions concerning submission requirements, please call the Code Development Unit at (518) 474-4073, option 3, e-mail at **Dos.sm.codes.codedevelopment@dos.ny.gov** or fax at (518) 486-4487.

³ Please consult with the Municipality's attorney when submitting a Filing more than thirty (30) days after promulgation or adoption of the local energy conservation construction code, or any amendment or revision thereof.



TOWN OF MARBLETOWN

HEATHER MOODY

TOWN CLERK-TAX COLLECTOR-REGISTRAR

MAILING ADDRESS: P.O. Box 217, STONE RIDGE, NEW YORK 12484

PHYSICAL ADDRESS: 1925 LUCAS AVE, COTTEKILL, NY 12419

845-687-7500

June 11, 2021

NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Ave.
Albany, NY 12231

RE: Filing Town of Marbletown Local Law #4-2021

Dear Sir or Madam,

Enclosed herewith please find the certified copy of the Local Law #4 for 2021 for the Town of Marbletown.

Please advise that these have been received and accepted for filing with your office.

Thank you for your kind attention to this matter.

Yours truly,

Heather Moody
Town Clerk / Tax Collector/Registrar
Town of Marbletown

Enclosures

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 MARBLETOWN

Local Law No. 4 of the year 20²¹

A local law A LOCAL LAW AMENDING PROVISIONS OF THE TOWN CODE CHAPTER 99 TO ADD
(Insert Title)
PROVISIONS FOR A LOCAL ENERGY CODE "NYStretch"

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of MARBLETOWN as follows:

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



Town of Marbletown

Local Law 4 of 2021

Chapter 99, Building Construction ; “NYStretch”

Section 1. That Chapter 99, entitled “Building Construction” of the Code of the Town of Marbletown, as amended, is further amended to include the following provisions:

~~99-1(A)(1). Legislative Intent~~

The Town of Marbletown seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNY. This proposed code amendment seeks to modify the Marbletown Town Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

59-1(A)(2). Adoption of NYStretch Code

Effective October 1, 2021 the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as “NYStretch”), shall be applicable to all new construction and substantial renovations in the Town of Marbletown.

59-1(A)(3). Authority

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

Section 2.

This local law shall be filed with the state fire prevention and building code council within thirty days after its adoption.

Section 3.

This local law shall take effect upon filing with the Secretary of State pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule 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 2021 of the (County)(City)(Town)(Village) of MARBLETOWN was duly passed by the TOWN BOARD on JUNE 1 2021, 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.
(Name of Legislative Body)
(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____.
(Name of Legislative Body)
(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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.

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

Date: *June 11, 2021*

(Seal)

Effective Date of this Local Law

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 4 of 2021 of the Town of Marbletown, was duly passed by the Town Board on June 1, 2021 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and 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 above.

(Seal)

Heather Moody, Town Clerk

Heather Moody, Town Clerk

Date: June 11, 2021

STATE OF NEW YORK
COUNTY OF ULSTER



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on April 20, 2021 at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Daisy Foote, Eric Stewart, and Tim Hunt

ABSENT: Don LaFera

The following Resolution was offered by Councilwoman Foote seconded by Councilman Hunt:

RESOLUTION #41-2021, SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER ____ OF 2021, A LOCAL LAW KNOWN AS STRETCH ENERGY CODE

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt Local Law ____ of 2021, **Stretch Energy Code**, in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall or Zoom at 6:00 p.m. on Tuesday May 18, 2021 by interested persons, upon passage of this resolution, to hear all interested parties on the proposed Local Law # ____ of 2021 entitled "**A Local Law # ____, 2021 Stretch Energy Code** "

2. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Absent</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #41-2021 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: April 20, 2021



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on June 1, 2021, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Daisy Foote, Eric Stewart, Don LaFera and Tim Hunt

ABSENT:

The following Resolution was offered by Councilwoman Foote seconded by Councilman Hunt:

RESOLUTION#53-2021 STRETCH ENERGY CODE

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a voluntary supplement to the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY) improves its efficiency an average of ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

WHEREAS, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

WHEREAS, under NY Energy Law § 11-109, the Town of Marbletown is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Town Board is considering **amending provisions of the Town Code Chapter #99 to add provisions for a local energy code “NYStretch”**; and

WHEREAS, a public hearing was held on May 18, 2021, at which time all persons either for or against said amendments were heard; and

WHEREAS, the Town Board is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”); and

WHEREAS, the Marbletown Town Board, as Lead Agency, has advised that the proposed action meets the criteria of a “Type II Action” under SEQRA; now, therefore, be it further

RESOLVED, that Local Law No. 4 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 4 OF 2021

A LOCAL LAW amending provisions of the Town Code Chapter #99 to add provisions for a local energy code “NYStretch” of the Marbletown Code;

BE IT ENACTED by the Town Board of Marbletown as follows:

See attached local law

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart Voting Aye

Councilman Lafera Voting Aye

Councilman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

Resolution #53-2021 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: June 1, 2021



TOWN OF MARBLETOWN

HEATHER MOODY

TOWN CLERK-TAX COLLECTOR-REGISTRAR

P.O. Box 217, STONE RIDGE, NEW YORK 12484
845-687-7500

CERTIFICATION

State of New York)

County of Ulster)

I, Heather Moody, Town Clerk, Tax Collector, Registrar of the Town of Marbletown, Ulster County, New York, DO HEREBY CERTIFY, that I have compared the attached: **Town Board RESOLUTION#53-2021: STRETCH ENERGY CODE** which was approved at the regularly scheduled Town Board Meeting held on June 1, 2021 with the original of said document on file in the office of the Town Clerk of the Town of Marbletown and that the copy is a true, complete and accurate copy of the original of said document.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have signed this certification and affixed the SEAL of the Town of Marbletown this 23rd of June 2021.

Heather Moody, Town Clerk
Town of Marbletown, Ulster County, NY

(SEAL)

STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

June 23, 2021

Heather Moody
Town Clerk
PO Box 217
Stone Ridge NY 12484



RE: Town of Marbletown, Local Law 4 2021, filed on June 17, 2021

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**