



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
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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: Esopus

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: Danielle Freer, Supervisor Town of Esopus

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

Address: 1 Town Hall Way, P.O. Box 700, Ulster Park, NY 12487

Telephone Number: (845) 339-1811 Fax Number: (845) 338-5598 Email Address: dfreer@esopus.com

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: Local Law No 14 of 2021 Amending Chapter 56.

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: 12/16/2021

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** _____ (document name)
- Exhibit C** _____ (document name)
- Exhibit D** _____ (document name)

Dated: 2/18/2022

Danielle Freer
Signature of Filer

Danielle Freer, Esopus Town Supervisor
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.

A LOCAL LAW LOCAL LAW NO. 14 OF 2021 AMENDING CHAPTER 56 BUILDING CONSTRUCTION, OF THE CODE OF THE TOWN OF ESOPUS

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

Section 1. That Chapter 56, entitled “Building Construction” of the Code of the Town of Esopus, as amended, is further amended by adding the following:

56-1.A(1). Legislative Intent

The Town of Esopus 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 Esopus Town Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

56-1.A(2) Adoption of NYStretch Code

Effective January 1, 2022, the NYStretch Energy Code 2020, published by the NYSERDA (hereinafter referred to as “NYStretch”), shall be applicable to all new construction and substantial renovations in the Town of Esopus.

56-1.A(3). Authority

This 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. Severability

If any section or subdivision, paragraph, clause, phrase of this 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 3. Filing Required.

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

Section 4. Effective Date

RESOLUTION OF ADOPTION

The Following Resolution was Offered by Kathie Quick, Seconded by Councilman Chris Farrell:

LOCAL LAW NO. 14 OF 2021 AMENDING CHAPTER 56 BUILDING CONSTRUCTION, OF THE CODE OF THE TOWN OF ESOPUS

WHEREAS, the Town of Esopus seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards; and

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

WHEREAS, a stretch energy code is simply more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a model code that is 10 to 12% more efficient than the minimum requirements of the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY); and

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

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

WHEREAS, the Town of Esopus Town Board is considering amending Chapter 56 “Building Construction” to add provisions for a local energy code that is more strict than the existing requirements in the Esopus Town Code; and

WHEREAS, a public hearing was held on December 16, 2021, at which time all persons either for or against said amendments were heard; and

WHEREAS, the Town of Esopus 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 NYCRR 617 (collectively, “SEQRA”); and

WHEREAS, the Town Board, as Lead Agency, has advised that the proposed action meets the criteria of a “Type II Action” under SEQRA and that no further action is required under SEQRA; and

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 14 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 14 OF 2021

This local law shall take effect immediately upon filing with the Secretary of State pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

DATED: Ulster Park, New York

December 16, 2021

HOLLY A. NETTER, TOWN CLERK, RMC

The foregoing resolution was voted upon with all councilpersons voting as follows:

COUNCILMAN LAURA ROBINSON	AYE
COUNCILMAN EVELYN CLARKE	AYE
COUNCILMAN KATHIE QUICK	AYE
COUNCILMAN CHRIS FARRELL	AYE
SUPERVISOR JARED GEUSS	ABSENT

ALL TOWN BOARD MEMBERS PRESENT VOTED IN FAVOR. MOTION CARRIED.

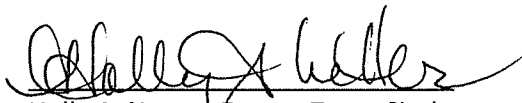
Certification

STATE OF NEW YORK
COUNTY OF ULSTER

I, Holly A. Netter, the undersigned Town Clerk of the Town of Esopus, do hereby certify that the annexed extract of Minutes of the Town Board of said Town, Duly called and held December 16, 2021 Records of the Town, and the same is a true and correct copy of the original and the whole thereof.

I WITNESS WHEREOF, I have here unto set my hand and affixed the seal of the Town this 14 day of February 2022

(Seal)


Holly A. Netter, Esopus Town Clerk