

# 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 AMSTERDAM

Local Law No. 2 of the year 2025

A local law AMENDING THE TOWN OF AMSTERDAM ZONING LAW AND ENACT CERTAIN  
(Insert Title)  
CHANGES TO THE SUPPLEMENTARY REGULATIONS PERTAINING TO  
UTILITY-SCALE SOLAR ENERGY SYSTEMS

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

County  City  Town  Village  
(Select one:)

of AMSTERDAM as follows:

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

## **Town of Amsterdam**

### **PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2025**

#### **A LOCAL LAW TO AMEND THE TOWN OF AMSTERDAM ZONING LAW AND ENACT CERTAIN CHANGES TO THE SUPPLEMENTARY REGULATIONS PERTAINING TO UTILITY-SCALE SOLAR ENERGY SYSTEMS**

##### **1. Legislative Intent**

It is the intent of this local law to amend the Town of Amsterdam Zoning Law, as the same may have been amended from time to time, to amend the Town of Amsterdam Zoning Map in order to enact changes relating to utility-scale solar energy systems.

##### **2. Authority**

This local law is adopted by the Town Board of Town of Amsterdam (hereinafter referred to as the “Town Board”) pursuant to its authority to adopt local laws under Article IX of the New York State Constitution; Articles 2 and 3 of the Municipal Home Rule Law; Article I of the Town Zoning Law, particularly Section 2 which authorize the Town to adopt zoning provisions that promote health and general welfare, encourage the most appropriate use of land throughout the Town, encourage development in accord with a comprehensive plan and professional planning techniques, and improve the quality of life throughout the Town.

##### **3. Amendments to Article VIII- Supplementary Regulations Section 35 Subsection 2**

Article VIII- Supplementary Regulations Section 35 Subsection 2 of the Town of Amsterdam Zoning Law is hereby amended as follows.

- i. Paragraph B(3)(b) is amended to include “access roads,” to read as follows:

For the purpose of this section, lot coverage shall include the total surface area of the solar panel arrays, access roads, and the footprints of all buildings and accessory structures.

- ii. The first sentence of paragraph C(1) is amended to eliminate “B-1 (Business)” and “B-2 (Restricted Business)” to read as follows:

Permitted Zones: Utility-Scale Solar Energy Systems are permitted only in the M-1 (Manufacturing/Mixed Use) zoning district of the Town of Amsterdam, and only

with an escalator clause subject to Planning Board approval. Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. The Town shall also require a decommissioning bond or other financial security in which to finance the cost of such removal and restoration if not removed by the party designated in the plan as the party responsible for removal of the System within the time specified for removal in the Decommissioning Plan.

- vii. A new paragraph C(2)(xiv) is hereby added, as follows:

Designated traffic routes for construction and delivery vehicles to minimize traffic impacts, wear and tear on local roads, and impacts on local business operations shall be proposed by the applicant and reviewed by the Planning Board.

- viii. A new sentence is hereby added to the end of Paragraph D(2)(10), as follows:

The Planning Board, in its discretion, may require the fencing to be further designed in such a way as to permit the passage of wildlife.

- ix. Paragraph D(2)(14) is hereby repealed in its entirety. The remaining Paragraphs D(2)(15), (16), (17), (18), and (19) are, accordingly, hereby renumbered as Paragraphs D(2)(14), (15), (16), (17), and (18), respectively.

- x. A new sentence is hereby added to the end of Paragraph E(4), as follows:

Where the proposed haul routes reviewed by the Planning Board involve use of Town-owned roadways, the applicant shall enter into a road use agreement.

- xi. A new sentence is hereby added to the end of paragraph G(1), as follows:

The Town shall be provided legal rights to access the system site sufficient to complete the required decommissioning, in the event the Town must remove the facility.

- xii. A new paragraph G(4) is hereby added, as follows:

The Decommissioning Plan shall run to the benefit of the Town of Amsterdam and be executed by the Applicant and such signatures shall be notarized in a format that allows the decommissioning plan to be recorded at the Office of the Montgomery County Clerk and indexed to the subject property.

- xiii. A new Subsection H Road Use Agreement is hereby added, as follows:

Where the haul route reviewed and approved by the Planning Board includes use of Town-owned roadways, a road use agreement shall be executed prior to the

issuance of the building permit and commencement of construction. Said agreement shall include provision for an existing condition survey of the approved hauling routes using Town roads be undertaken by the applicant at the applicant's expense, prior to issuance of a building permit and commencement of construction. Any road damage during construction caused by the operator or its subcontractors on Town roads shall be repaired or reconstructed to the satisfaction of the Town Highway Superintendent at the operator's expense.

- xiv. A new Subsection I Host Community Agreement is hereby added, as follows:
1. The applicant shall enter into a community host agreement providing a public benefit fee of no less than \$5,000 per MW of energy generating capacity per year either for the life of the project or for a negotiated timespan which will be determined through meeting between the solar energy companies and the Town of Amsterdam.
  2. These funds shall be used to mitigate the additional burdens placed on the town as a result of the project, as a source of funding for prospective costs, for expenses associated with and related to anticipated municipal services, for municipal projects that benefit the community, and additional infrastructure improvements to be provided as a result of the project's presence within the town, as well as for potential tax relief for non-project property owners. These funds are to be paid to the Town by the solar energy company, not by the leasing landowner.

#### **4. Severability**

The provisions of this chapter are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses, or parts of this chapter.

#### **5. Effective Date**

This local law shall take effect immediately, upon filing with the Secretary of State, as provided under NYS law.

Adopted 02/19/2025

(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. 2 of 2025 of the ~~(County)(City)(Town)(Village)~~ of AMSTERDAM was duly passed by the AMSTERDAM TOWN BOARD on FEBRUARY 19, 2025, 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 \_\_\_\_\_ 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.

\* 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: 02-24-2025

(Seal)



283 Manny's Corners Road  
Amsterdam, New York 12010

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Town of Amsterdam  
Notice of Public Hearing  
Utility-Scale Solar Energy Systems Zoning Law Amendments

PLEASE TAKE NOTICE that a public hearing will be held by the Town of Amsterdam on February 19, 2025 at 5:50 pm at the Town Hall located at 283 Manny's Corner's Road, Amsterdam, NY, regarding the adoption of Local Law No. 2 of the Town of Amsterdam, for the year 2025 which would enact certain changes to the Town's Zoning Law relating to utility-scale solar energy systems. The proposed text amendments would limit these developments to the Town's M-1 Manufacturing zoning district and enact certain other changes to the applicable use-specific standards in the Town's zoning law, including, without limitation, provisions relating to visual impacts, decommissioning plans, use of Town roadways, etc.

Any resident of the Town of Amsterdam is entitled to be heard upon said proposed Local Law at such public hearing. Copies of said proposed Local Law are available at Town Hall during normal business hours of 9:00 a.m. – 4:00 p.m. and digital copies are available at [www.townofamsterdam.org](http://www.townofamsterdam.org).

Dated: January 16, 2025

BY ORDER OF THE TOWN BOARD

Linda Bartone Hughes  
Town Clerk

To be published in Recorder on Saturday, February 8, 2025.