

**Town Board of the Town of Dryden  
Resolution No. \_\_ of 2021**

**Adopting Local Law No. \_\_ of 2021 amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code**

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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 model stretch code that will be 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 Board of the Town of Dryden is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

WHEREAS, the Town Planning Board recommended adoption of NYStretch by Resolution No.8 (2021) at their meeting on March 25, 2021, such resolution incorporated by reference;

WHEREAS, the Town Board is considering amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add NYStretch; and

WHEREAS, a public hearing was held on May 20, 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 Town Board as Lead Agency, concludes that the proposed action meets the criteria of a “Type II Action” under SEQRA; now, therefore, be it further

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

LOCAL LAW NO. of 2021

A LOCAL LAW amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code;

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

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

The Town Board of the Town of Dryden seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, became effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. 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 ECCCNYS. This proposed Local Law amendment seeks to modify the Town of Dryden Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

### **Section 2. Amendment**

Local Law 1 of 2007 Section 2 Definitions is hereby amended to replace the “Energy Code “ definition with the following:

“Energy Code” shall mean the Energy Conservation Construction Code of New York State (ECCCNYS) as currently in effect and as hereafter amended from time to time. The Energy Code includes 19 NYCRR Part 1240. In addition 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, substantial renovations, alterations and additions, as required by the 2020 ECCCNYS as amended by NYStretch.

### **Section 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 4. 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 6. Effective Date**

This local law shall take effect September 1, 2021 pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

AND BE IT RESOLVED, that the Town of Dryden Clerk is hereby directed to publish the following Notice of Adoption:

NOTICE OF ADOPTION

TAKE NOTICE that after a public hearing was held by the Town Board of the Town of Dryden on May 20, 2021, the Town Board, at that meeting adopted Local Law No. [#] of 2021 as follows: “A local law amending Local Law 1-2007 “Providing for the Administration and Enforcement of New York State Uniform Fire Prevention and Building Code” to add provisions for a local energy code.

SUMMARY OF LOCAL LAW

These code provisions make the Town of Dryden Code consistent with revisions to the New York State Energy Conservation and Construction Code and adopt more stringent regulations as they relate to new construction or substantial renovation projects.

Copies of the local law are on file in the Town of Dryden Clerk’s Office, Monday through Friday, from 8-4:30 pm.

BY ORDER OF THE TOWN BOARD  
TOWN OF DRYDEN