

# 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 Croton-on-Hudson

Local Law No. 06 of the year 2024

A local law TO AMEND THE ZONING LAW OF THE VILLAGE OF  
(Insert Title)  
CROTON-ON-HUDSON, CHAPTER 230, TO PROVIDE FOR THE  
ADMINISTRATION AND REGULATION OF GEOTHERMAL ENERGY SYSTEM

Be it enacted by the Village Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Croton-on-Hudson as follows:

see attached.

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

**VILLAGE OF CROTON-ON-HUDSON  
BOARD OF TRUSTEES**

**LOCAL LAW NO. 6-2024**

**A LOCAL LAW TO AMEND THE ZONING LAW OF THE VILLAGE OF  
CROTON-ON-HUDSON, CHAPTER 230, TO PROVIDE FOR THE  
ADMINISTRATION AND REGULATION OF GEOTHERMAL ENERGY  
SYSTEMS**

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

**Section One:** The Zoning Law of the Village of Croton-on-Hudson, Chapter 230, is hereby amended to add a new Section 230-48.3 entitled “Geothermal Energy Systems” to read as follows:

**§ 230-48.3 Geothermal energy systems.**

- A. Legislative intent and purpose. The purpose of this section is to allow and encourage non-solar renewable energy systems that harness geothermal energy within the Village according to certain safeguards and conditions. The intent is to balance the desirability and demand for geothermal energy systems with maintaining the aesthetics of the Village and minimize the potential for any negative impact by these systems and to protect the health, safety and welfare of the residents of the Village.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated.

**GEOTHERMAL ENERGY SYSTEM**

An energy system that uses heat or power from underground for heating, cooling, or generating other types of energy.

**GEOTHERMAL ENERGY EQUIPMENT**

Any device, supply lines, return lines, control valves, wiring, meters, switches, modules, inverters or other equipment associated with the installation or function of a geothermal energy system.

- C. General design standards for geothermal energy systems and equipment.
  - 1. Any aboveground geothermal energy equipment shall not be located in any front yard, and shall be subject to side and rear yard setback requirements for accessory structures.
  - 2. At the discretion of the Village Engineer, outdoor aboveground geothermal energy equipment shall be screened from adjacent properties by landscaping, fencing, or other methods to minimize the aesthetic impact of the geothermal energy equipment on adjacent properties.

3. All underground components of geothermal energy systems, including borings, loops, and other equipment shall be set back at least five feet from side and rear lot lines.
4. All borings and loops shall be set back at least 10 feet from the foundation of any structure, unless the foundation is a concrete slab, in which case all borings and loops shall be set back at least 5 feet from the foundation of any structure.
5. Geothermal energy systems shall not encroach on any public or private utility or right-of-way easement.

**D. Procedure.**

1. Site plan approval. Site plan approval is not required for any geothermal energy system except where Planning Board review is specifically required by § 230-67.
2. An application with plan shall be submitted to the Village Engineer as a requirement for the issuance of a building permit for any geothermal energy system. Such plan shall indicate all existing and proposed grading, excavating, filling, paving, fencing, tree removal, wetlands, utilities, easements, erosion and sediment control devices, and screening as it may relate to the proposed geothermal energy system. The plan shall also indicate the location of all property lines and shall comply with the requirements and standards of this section.

**Section Two: Severability.**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**Section Three:**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of 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. 06 of 2024 of the (County)(City)(Town)(Village) of Croton-on-Hudson was duly passed by the Village Board of Trustees on March 27 2024, 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 \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk, or  
officer designated by local legislative body *PAULINE DEBONO*

Date: \_\_\_\_\_

*4/3/24*

(Seal)



On motion of TRUSTEE SIMON, seconded by TRUSTEE NICHOLSON, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York with A 5-0 vote:

Resolution #56-2024

WHEREAS the Village would like to amend Section 230, Zoning, of the Village Code to provide for the administration and regulation of geothermal energy systems, and

WHEREAS Local Law Introductory No. 1 of 2024 was drafted for such purposes, and

WHEREAS on January 24, 2024, the Village Board of Trustees declared itself Lead Agency for SEQRA purposes, and

WHEREAS on March 13, 2024, the Village Board of Trustees undertook the process and review described in detail in Parts 2 and 3 of the Full EAF "Determination of Significance" attached hereto, and

WHEREAS the Village Board held a public hearing to consider Local Law Introductory No. 1 of 2024, which was opened and closed on March 13, 2024, and

WHEREAS the Village Board has received a recommendation of consistency from the Waterfront Advisory Committee with the Village's Local Waterfront Revitalization Program, and

WHEREAS the Village Board must make its own determination of consistency with the LWRP policy standards and conditions, and

WHEREAS on March 13, 2024, the Village Board reviewed the LWRP policy standards and conditions,

NOW THEREFORE BE IT RESOLVED as follows:

The Village Board of Trustees makes the following findings regarding the applicability of the LWRP policies and the consistency of the Proposed Action with those policies and conditions of the LWRP which it found applicable:

*POLICY 1A: Existing planning and zoning documents should be reviewed and amended where necessary to ensure development within the community is consistent with adopted goals and policies.*

*POLICY 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.*

*POLICY 6A: To expedite permit procedures, the Village shall coordinate all relevant local laws into a development package for applicants and/or make all local laws available to applicants proposing development activities.*

*POLICY 7F: Construction activity of any kind must not cause a measurable increase in erosion or flooding at the site of such activity, or impact other locations. Construction activity shall be timed so that spawning of anadromous fish species and shellfish will not be adversely affected.*

*POLICY 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil.*

The remaining policies and conditions of the LWRP not specifically discussed above, were reviewed and found not to be applicable, and

BE IT FURTHER RESOLVED that based upon the above, the Village Board of Trustees confirms its determination that the Proposed Action, the adoption of a local law to amend Section 230, Zoning, of the Village Code to provide for the administration and regulation of geothermal energy systems, complies with the policy standards and conditions set forth in the Village's LWRP, and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby issues and adopts the EAF Parts 2 and 3 Determination of Significance attached hereto and adopts a Negative Declaration in connection with this action, and

BE IT FURTHER RESOLVED that the Village Board of Trustees hereby adopts Local Law Introductory No. 1 of 2024, to amend Section 230, Zoning, of the Village Code to provide for the administration and regulation of geothermal energy systems, which upon adoption becomes Local Law No. 6 of 2024.

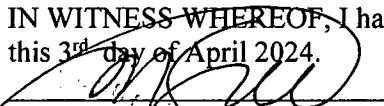
Dated: March 27, 2024

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State of New York            )  
  ss:  
County of Westchester        )

I, Pauline DiSanto, Clerk of the Village of Croton-on-Hudson, in the County of Westchester, State of New York, do hereby certify that the annexed resolution is a copy of an original on file in my office and has been duly adopted at a regular meeting of the Board of Trustees of said Village held on the 27<sup>th</sup> of March 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said Village this 3<sup>rd</sup> day of April 2024.

  
\_\_\_\_\_  
Village Clerk

(Seal)

