

SECTION 1. TITLE.

This Local Law shall be known as Local Law No. 3-2023 and entitled "Amendment and Restatement of Local Law 1-2023 to a Six- Month Moratorium on the approval of Solar Farms in the Town of Machias."

SECTION 2. PURPOSE AND INTENT.

Pursuant to the statutory powers vested in the Town of Machias to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Machias hereby amends and restates its six-month moratorium on the approval of Solar Farms for construction in the Town as enacted by Local Law No. 1-2023. The Town has received prior applications for Solar Farm approval for construction on property within the Town which are exempted by this local law from Local Law No. 1-2023 because those applications were submitted to the Town in reliance on the Town's existing regulations and have been issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act and those Applicants have worked with the Town to address the concerns of the Town. However, the Town anticipates receiving new applications for Solar Farms and requires the Moratorium to ensure that the integration of Solar Farms for new applications is consistent with the Town's existing residential and agricultural land use emphasizing the need for suitable siting, regulation, and control. The Town Board of the Town of Machias desires to address, in a careful manner, the existing provisions of a Local Law for the approval of Solar Farms within the Town of Machias.

SECTION 3. SCOPE OF CONTROLS.

(a) During the effective period of this Local Law:

1. Except for applications for Solar Farms that were submitted to the Town of Machias prior to the enactment Local Law No. 1-2023 and which were issued a Negative Declarations pursuant to the New York State Environmental Quality Review Act, The Town of Machias shall not grant any

2. Except for applications for Solar Farms that were submitted to the Town of Machias prior to the enactment Local Law No. 1-2023 and which were issued a Negative Declarations pursuant to the New York State Environmental Quality Review Act, The Code Enforcement Officer of the Town of Machias shall not issue any permit that would result in the approval of a Solar Farm within the Town.

3. Notwithstanding anything contained in any Local Law of the Town of Machias, this Moratorium on Solar Farms shall not apply to applications for Solar Farms that were submitted to the Town of Machias prior to the enactment Local Law 1 of 2023 and which were issued a Negative Declarations pursuant to the New York State Environmental Quality Review Act.

(b) The Town Board of the Town of Machias reserves the right to direct the Code Enforcement Officer of the Town of Machias to revoke or rescind any Permits or Certificates approving a Solar Farm issued in violation of this Local Law.

SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS.

No applications for approval of Solar Farms affected by this Local Law shall be considered by any Board Officer or agency of the Town of Machias while the moratorium imposed by this Local Law is in effect.

SECTION 5. TERM.

The moratorium imposed by this Local Law shall be in effect for a period of six months from the effective date of Local Law No. 1-2023.

SECTION 6. EFFECTIVE DATE.

This Local Law shall take effect immediately when it is filed with the office of the New York State Secretary of State in accordance with §27 of the Municipal Home Rule Law.

DULY ADOPTED, this 17th day of April, 2023, by the following vote:

Supervisor Cornwall Voted Aye

Councilman Shenk Voted Aye

Councilman Reese Voted Aye

Councilman Green Voted Nay

Councilman Bork Voted Absent