

**TOWN OF PORTLAND
LOCAL LAW NO. 3 FOR THE YEAR 2019**

**A LOCAL LAW TO EXTEND THE MORATORIUM ON THE REVIEW AND APPROVAL OF CERTAIN WIND
ENERGY CONVERSION SYSTEMS IN THE TOWN OF PORTLAND**

Be it enacted by the Town Board of the Town of PORTLAND as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law to Extend the Moratorium on the Review and Approval of Certain Wind Energy Conversion Systems in the Town of Portland”.

Section 2. Purpose and Intent.

By Local Law No. 1 of 2019, the Town Board of the Town of Portland enacted a six (6) month moratorium on the processing and approval of new applications for zoning approvals for certain wind energy conversion systems. The Moratorium became effective on June 26, 2019 and is set to expire on December 26, 2019.

The Town Board, in conjunction with the Town Planning Board, is undertaking a comprehensive review of the Town Zoning Law relating to wind energy conversion systems, and the Town Board’s desires to complete its review of the Zoning Law free from any pressure or concerns related to timing concerns raised by the possible expiration of the moratorium. The moratorium is set to expire on or about December 26, 2019 and it is anticipated the Town Board will need additional time to complete this process, the related environmental review, and the required procedure for the adoption of a local law. Accordingly, the Town Board desires to extend the current moratorium for an additional six (6) month period

The Town Board finds that pursuant to 6 N.Y.C.R.R. 617.5(c)(30) the extension of the moratorium is a Type II action under the New York State Environmental Quality Review Act (“SEQRA”) which has been determined not to have a significant impact on the environment or is otherwise precluded from environmental review under Article 8 of the Environmental Conservation Law and is therefore not subject to review under 6 N.Y.C.R.R. Part 617 or the Environmental Conservation Law.

Section 3. Moratorium; Extended Term.

A. Local Law No. 3 of 2019, imposing a six-month moratorium on the on the review and approval of new applications for certain wind energy conversion systems in the Town of Portland shall be extended for a six (6) month period of time through May 31, 2020.

B. Except as otherwise amended herein, all provisions of Local Law No. 3 of 2019, including but not limited to the scope of controls and hardship variance procedures contained therein, shall be extended for a six (6) month period of time through May 31, 2020.

Section 4. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this law which can be given effect without such invalid part or parts.

Section 5. Suspension and Supersession of Other Laws.

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended through May 31, 2020. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of New York Town Law under the Town's Municipal Home Rule powers, pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3), §10(1)(ii)(a)(14), and §22. In particular, this Local Law supersedes any inconsistent provisions of New York Town Law §267, §267-a, §267-b, §274-a, §274-b, §276 and §277 for the purpose of vesting the Town Board of the Town of Portland with the authority to accept, hear, process and determine applications for variances from this Local Law.

Section 6. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.