Town of Machias

DATE: _____

RESOLUTION NUMBER: ____ YEAR: __2026___

MOVED BY: _____ SECOND BY: _____

TITLE: **RESOLUTION PERTAINING TO RENEWAL OF SPECIAL USE PERMIT FOR 4578 FELTON ROAD WEST**

WHEREAS, the Town Board has approved an application for approval of a Type 1 SPS from GSPP 4578 Felton Hill Road West LLC in accordance with Local Law 1-2021 of the Town of Machias. The project involves the construction of +/- 5-Megawatt (MW) solar facility on a portion of an existing parcel located at 4578 Felton Hill Road, in the Town of Machias, Cattaraugus County, New York (Parcel Id# is 21.003-2-17.1). The facility will include one (1) 20-foot wide gravel access road with a turn around and gate, an equipment pad for transformers/inverters, a perimeter fence, ground- mounted solar photovoltaic (PV) arrays, underground collection lines throughout the site and an overhead transmission line interconnection. PV panels will be mounted on racking systems that will be pile-driven into the ground and then the solar facilities will be connected to the electric grid via the overhead transmission line interconnection. Tree clearing and grubbing will be required, and

WHEREAS, on May 15, 2023, the Machias Town Board reviewed the Special Use Permit application and site plan submitted by 4578 Felton Road West, LLC, determined that the application was complete according to the Town's Local Law No. 1-2021, and issued a Special Use Permit for this project,

NOW, THEREFORE, be it

RESOLVED, that the Machias Town Board approves the renewal of the annual Special Use Permit for the 4578 Felton Road West Solar Project, from August 17, 2026 through August 16, 2027, based on the application materials submitted and upon the following conditions:

1. The Applicant has been issued a Building Permit through the Town CEO prior to any work being completed on site. This Building Permit application contains product information for all of the materials and equipment to be used on site. No substitutions to these materials shall be permitted without written approval from the Town of Machias CEO.
2. This approval is for the operation of a 5.66 MW (AC) solar facility as indicated on the plans. The size of this facility shall not be increased without written approval from both the Machias Town Board and the Town of Machias CEO.
3. The Applicant shall be responsible for obtaining permit coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity GP-0-20-001, or newest revision.

4. Solar panels installed at this site shall not utilize cadmium telluride or other materials commonly known to be potentially toxic or carcinogenic.
5. If the solar panels are found to cause glare or glint onto neighboring structures or public highways, the Applicant shall be responsible for addressing the glare through additional screening or other methods. If these issues are not addressed in a timely manner, the Special Use Permit will not be renewed.
6. No herbicides or pesticides will be used on site.
7. Upon completion of decommissioning, the Applicant shall be responsible for deep ripping the topsoil and overburden layers to de-compact the soils.
8. Construction activities shall not occur outside of the work hours listed in the EAF Part 1 for this project, 7:00 am to 7:00 pm, Monday through Saturday.
9. The Applicant shall be required to establish a decommissioning fund, based on the estimated decommissioning costs, through bond, escrow, or other means acceptable to the Machias Town Attorney, prior to issuance of a Building Permit.
10. Execution of a Community Benefit Agreement approved by the Attorney for the Town.
11. This Special Use Permit must be renewed annually in accordance with the Town of Machias Local Law No. 1 of the Year 2021.
12. Issuance of this Special Use Permit does not relieve the Applicant from adhering to any and all local, state, or federal laws, rules and/or regulations.
13. Violations of any of the conditions of this Special Use Permit, site plan approval or any other local, state or federal laws, rules or regulations, shall be grounds for the revocation of the Special Use Permit or site plan approval. Revocation may occur after the applicant is notified in writing of the violations and the Town of Machias Town Board holds a hearing on the same.