

**RESOLUTION AUTHORIZING TOWN SUPERVISOR TO NEGOTIATE FINAL
TERMS FOR AND EXECUTE HOST COMMUNITY AGREEMENTS WITH
DELAWARE RIVER SOLAR**

RESOLUTION 25-

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The following Resolution was duly presented for consideration by the Town Board:

WHEREAS, Delaware River Solar, LLC, including through its two limited liability companies NY Lansing I, LLC and NY Lansing II, LLC (hereinafter severally and together, “DRS”) applied for and received variances and site plan/special permitting approvals to construct and place into operation two solar projects along North Triphammer Road and, as part of such approvals, the project and affected lands were examined under the NYS ECL and a SEQRA review was undertaken, as well as a review under the Town Code pertaining to zoning, land use rules, and stormwater requirements, among other federal, state, and local regulations; and

WHEREAS, DRS understood that certain land and environmental impacts could not be eliminated but, through various siting and buffering and other conditions, and through certain voluntary acts by the applicant respecting the proposed land use, certain of such impacts could be mitigated or offset, with PILOTs, decommissioning agreements, land restoration requirements, fire safety training, and certain other requirements and concessions being just examples of the foregoing; and

WHEREAS, DRS voluntarily offered to execute a Host Community Agreement for NY Lansing I, LLC and a Host Community Agreement for NY Lansing II, LLC (together and severally, a “HCA”) to provide certain impact offsetting benefits to the Town, which offer was voluntary and not mandated by the town, other than by reciting the obligation to follow-through upon such gift and representation prior to commencement of construction; and

WHEREAS, after receiving the approvals as allowed DRS and the Town to know what was to be built, and where such was to be built, DRS did duly follow through on that promise and proposed each HCA, which the Town and DRS have negotiated to a final form acceptable to the Town; and

WHEREAS, as this matter was already made subject to a negative declaration under SEQRA and the conditions that led to such declaration are herein being fulfilled, and as an examination of the FEAFs and determinations has demonstrated that there is nothing in this HCA or its approval that would alter the prior declaration, or would tend to make any potential impact change a classification from none-to-small to moderate or large, or as would eliminate or negatively impact any mitigation of impacts as to require an environmental impact statement, the prior determination by the Town is determined not to need any further supplemental or other reviews, either by this board or the project’s lead agency; and

WHEREAS, based upon all of the foregoing, the Town Board of the Town of Lansing has hereby

RESOLVED, that each HCA presented to this meeting be and hereby are approved, that the Town Supervisor may negotiate the final form and language for the same so long as the material terms and consideration thereof do not change, and that the Town Supervisor may execute and deliver these agreements by, for, and in the name of the Town of Lansing.