

RESOLUTION AUTHORIZING TOWN OF LANSING SUPERVISOR TO SIGN COMMERCIAL PROJECT DEVELOPER'S AGREEMENT BETWEEN DELAWARE RIVER SOLAR AND THE TOWN OF LANSING AND TO ESTABLISH AN ESCROW ACCOUNT FOR REVIEW COSTS

RESOLUTION 25-

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

WHEREAS, NY Lansing I LLC and NY Lansing II LLC, also known as Delaware River Solar, (the "Developer") has proposed the development of two solar energy facilities on lands located at Tax Parcel Numbers 44.-1-1.2 and 44.-1-3.3, such systems and improvements to be owned and operated by the Developer (the "Project"), and the Town, in order to review the Project and examine the Project's impacts and requirements, including stormwater, environmental, site planning, subdivision, zoning, and various other review criteria as are set forth in the Town Code, such as but not limited to Chapters 270 and 225 therein (herein, the "Code"); and

WHEREAS, the Developer desires to facilitate project reviews, including, but not limited to, initial evaluations in relation to site plan review elements, permit reviews, New York State Environmental Quality Review Act ("SEQRA") reviews, and other reviews of the Project by the Town Board, the Planning Board, the Zoning Board of Appeals, and the Town's engineers, attorneys, and other consultants now existing or hereafter to be hired or retained; and

WHEREAS, in connection with these reviews and the Project, there are and will be expenses incurred by the Town, such as but not limited to site plan review expenses, inspections, review of building permit applications, stormwater reviews, and certain SEQRA review expenses, some or all of which will require that the Developer obtain approvals, findings, determinations, conditions, permits, or review findings or related clearances to be able to proceed with the Project (the "Approvals"); and

WHEREAS, the Developer acknowledges and agrees that any expense, liability, risk, or loss assumed, undertaken or incurred by the Developer under, pursuant to, or in connection with this Agreement is at the Developer's sole and own risk as: (i) the Town, by authorizing and executing this Agreement, makes no direct or implied representations or promises as to the feasibility or approval of the Project, conditioned or otherwise; and (ii) the Developer acknowledges and agrees that any expenses undertaken or incurred by Developer before Project approval for Project materials or for Developer-hired services are at the Developer's sole and own risk, and

WHEREAS, such agreement has been reviewed by and is generally acceptable to the Town Board, and upon consideration and deliberation upon the foregoing, the Town Board of the Town of Lansing has hereby

RESOLVED, to authorize the Town of Lansing Supervisor, to sign said agreement, and

RESOLVED, to establish an Escrow Account to allow for segregated accounting for such funds provided by the Developer to cover anticipated Review Costs incurred by the Town specific to the Delaware River Project.