

RESOLUTION AUTHORIZING REFUND OF DATA CENTER OVERPAYMENT OF SITE PLAN REVIEW FEES

RESOLUTION 26-

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

WHEREAS, the Town had long known it needed to update its fee schedules and commenced that work in 2025 to ensure fees were reasonable and fair for all sorts of varying projects of differing sizes, an interim adjustment to the Planning Fee Schedules was approved at the April 6, 2026 Town Board meeting, and a consultant is in the process of being engaged to continue this ongoing and necessary work; and

WHEREAS, the applicant presented valid legal and equitable arguments respecting the fee and reserved all rights paying such fee under protest, and the Town Board finds that the fee policy and existing law each and both support the refund of the excess amounts paid; and

WHEREAS, this action is classified as a Type II SEQRA Action and, upon due deliberation by the board, it is hereby RESOLVED as follows:

1. Based upon the maximum site plan application and review fee of \$4,000, the Town Supervisor be and hereby is authorized to refund, or cause to be refunded, to the applicant that paid such site plan review fee all amounts paid in excess of the proper fee of \$4,000.
2. Such refund and this determination are: (i) without prejudice to the Town's authority, right, or ability to develop and use payment in lieu of tax agreements, host community agreements, and escrow and developer agreements for certain project review costs or extraordinary expenses, including but not limited to the recovery of certain allowed costs and expenses for other permits, applications, and reviews, any needed or desirable environmental and stormwater analyses and reviews, and costs for any special districts that may be formed for or in support of the project; and (ii) limited in scope and application only to the site plan review fee as paid.

The question of the adoption of such Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Judy Drake –	Councilperson Laurie Hemmings –
Councilperson Christine Montague –	Councilperson Joseph Wetmore –
Supervisor Ruth Groff –	

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on May 20, 2026.