

TOWN OF ULSTER PLANNING BOARD

584 EAST CHESTER BYPASS KINGSTON, NY 12401
PHONE – 845-340-3884 Email - Planningzoning@townofulster.ny.gov

APPLICATION FOR SITE PLAN/SPECIAL USE PERMIT

Date 10/29/24

Applicant 's Name Tuytenbridge PV LLC Phone # 845-418-7284

Company Name Lightstar Renewables (c/o Olivia Feldman)

Address 501 Boylston Street, 10th Floor, Boston, MA 02116

Email olivia.feldman@lightstar.com

Owner's Name DSC Sisters, Inc. Phone # 845-331-3331

Address 9904 Rockwood Road, Charlotte, NC 28215

Email N/A

Site Address Tuytenbridge Road, Kingston, NY 12401 Zoning District R10 - Residential
R60 - Residential,
RC - Region Commercial,

Section Block & Lot 39.20-2-22

Site Acreage of parcel +/- 68.8

Is the site located in an existing municipal water district Yes No

Is the site located in an existing municipal sewer district Yes No

The following documents should be submitted with the application:

Written Narrative Describing the proposed action (one page preferred)

Site Plan per Chapter 145 of the Code of the Town of Ulster (contact Planning Department for # of copies) All submissions shall bear a signature, seal, and license number of professional responsible for preparing each item.

Electronic copy of all documents

Signed SEQRA Environmental Assessment Form (EAF), Part 1

Filing Fee and Escrow

Additional items may be required.

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ALL DOCUMENTS MUST BE SUBMITTED 2 WEEKS PRIOR TO THE MEETING SEE WEBSITE FOR DATES

Based on documentation available from the New York State Department of Environmental Conservation (NYSDEC), lands throughout the Town of Ulster are known to be, or have the potential to be, habitat for two (2) protected wildlife species: the Bald Eagle, and the Northern Long-eared Bat. Applicants should be aware of this protection and the standards that limit land development or land use changes on, or in proximity to, the habitat of these species

I, DSC Sisters, Inc., give my permission for Tuytenbridge PV LLC

to act as my agent in all aspects of my application that has been submitted to the Town of Ulster Planning Board.

I Hereby give permission to the Town or the Town’s legal representative to visit the site and conduct an on-site inspection

I understand that my agent will attend all meetings on by behalf and act as a liaison between myself and the Planning Board.

Cheryl Scott vice president 09/11/24
Owner’s Signature Date

Received on _____

File # P- _____

**DOCUMENT PREPARED BY AND
AFTER RECORDING RETURN TO:**

Michael Kerman, Esq.
Eversheds Sutherland (US) LLP
999 Peachtree Street NE, Suite 2300
Atlanta, Georgia 30309-3996
Phone # 404-853-8326

Tax Parcel ID Number: 39.20-2-22, SWISS 515400

**MEMORANDUM OF OPTION AND GROUND LEASE
FOR SOLAR ENERGY SYSTEM**

This MEMORANDUM OF OPTION AND GROUND LEASE FOR SOLAR ENERGY SYSTEM (the "**Memorandum**") is made and entered into as of December 16th 2022 by and between DSC Sisters, Inc. ("**Owner**"), and NY SOLAR 1001 LLC, a Delaware limited liability company ("**Lessee**").

PRELIMINARY STATEMENT

WHEREAS, pursuant to that certain Option and Ground Lease for Solar Energy System dated November 30th 2022 by and between Owner and Lessee (the "**Option to Lease**"), Owner has granted to Lessee the option to lease the land off Tuytenbridge Rd., Town of Lake Katrine, Ulster County, New York more particularly described in Exhibit A1 attached hereto and made a part hereof (the "**Premises**").

WHEREAS, the parties hereto desire to enter into this Memorandum so that third parties shall have notice of the existence of the **Option to Lease** and of the rights and obligations of Owner and Lessee thereunder.

AGREEMENT

NOW, THEREFORE, the parties hereto do hereby certify and agree as follows:

1. Owner grants to Lessee the option to lease the Premises in accordance with the terms and provisions of the Option to Lease for valuable consideration of [REDACTED]
2. The term of the Option to Lease (the "Term") commenced on November 30th, 2022, with a twelve (12) month term. The Option to Lease includes two extensions of twelve (12) months each.
3. The optioned leased Premises are more particularly described in Exhibit A1. All of the terms, conditions and agreements contained within the Option to Lease are fully incorporated herein by reference as if fully set forth herein. This Memorandum is not intended to change the terms of the Option to Lease, and in the event of a conflict between the terms and conditions of this Memorandum, the terms and conditions of Option to Lease shall control.
4. Installations and improvements to the Premises during the Term shall not be deemed to be permanent fixtures (even if permanently affixed to the Premises) and shall be and remain at all times the sole personal property of Lessee, subject to the rights of any lender of Lessee, unless, in writing, agreed to be otherwise.
5. This Memorandum shall be governed by the laws of the State of New York.
6. The parties agree that this Memorandum may be executed in multiple counterparts which, when signed by all parties, shall constitute a binding agreement.
7. Concurrent herewith, Landlord and Tenant will execute, for placement in escrow, a termination of the Option and termination of the Lease, together with TP-584 Forms or equivalent, with all original documents to be held by the Tenant's attorney in the event of a default or termination of the Option or Lease. The non-leased lands are free of any and all of record encumbrances by Tenant and that said lands shall be lawfully subdivided from the Property prior to exercise of the Lease.

Signature Pages Follow

