

**MEMORANDUM**

To: Bruce M. Flower, Chairman, and  
the Town of Wappinger Planning Board

Date: July 2, 2020

Subject: **Gordon Ground-Mounted Solar Array – 116 Dusty Trail – Special Permit and  
Site Plan Applications**  
Tax Lot 6057-04-744305

As requested, we have prepared the attached **Resolution of Site Plan and Special Permit Approvals** for your review and consideration.

We look forward to discussing this resolution with you at the Planning Board meeting.

David H. Stolman, AICP, PP  
Principal

Sarah L. Brown, AICP  
Senior Associate/Planning

cc: Lisa Cobb, Esq.  
Paul Ackermann, Esq.  
Barbara Roberti  
Peter D. Setaro, PE  
Michael Sheehan  
Erin McConnell, Applicant ([erin@empiresolarny.com](mailto:erin@empiresolarny.com))

**RESOLUTION  
TOWN OF WAPPINGER PLANNING BOARD**

**RE: GORDON GROUND-MOUNTED SOLAR ARRAY – RESOLUTION OF SITE DEVELOPMENT PLAN AND SPECIAL PERMIT APPROVAL**

At a regular meeting of the Planning Board of the Town of Wappinger, Dutchess County, New York, held at Town Hall, 20 Middlebush Road, Wappingers Falls, New York on the \_\_\_\_ day of \_\_\_\_\_, 2020 at 7:00 P.M.

The meeting was called to order by the Chairman Bruce M. Flower and the Planning Board member attendance was as follows:

Bruce M. Flower	_____
Robert Ceru	_____
Paul Freno	_____
Ralph Marinaccio	_____
Nick Maselli	_____
Markos Peratikos	_____
Robert L. Valdati	_____

The following resolution was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Town of Wappinger Planning Board received application from Empire Solar Solutions, LLC (the “Applicant”) on behalf of Jason Gordon (the “Owner”) for Special Permit and Site Development Plan Approvals to install a ground-mounted solar array on a property containing a single-family home (the “Project”); and

WHEREAS, the property, located at 116 Dusty Trail, is 18.77 acres in size and is designated as tax lot 6057-04-44305 on the Town of Wappinger tax map and is within the R40/80 1-Family zoning district (the “Site” or “Subject Property”); and

WHEREAS, The Applicant has submitted an Application for Site Plan Approval form dated 2/24/20; an Application for Special Permit Approval form dated 2/24/20; a Short Environmental Assessment Form (SEAF) dated 3/2/20; and the following 11x17-sized plans generally entitled, “Solar Panel Installation Gordon Residence” prepared by Empire Solar:

1. Drawing 1A of 6, “Project Survey and Notes,” last revised 6/15/20;
2. Drawing 1 of 5, “Project Site Plan and Notes,” last revised 6/15/20;
3. Drawing 2A of 5, “Solar Panel Layout Plan,” last revised 6/15/20;
4. Drawing 2B of 5, “Solar Panel Layout Plan,” dated 3/2/20;
5. Drawing 3 of 5, “Solar Panel & Inverter Specifications,” dated 3/2/20;

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6. Drawing 4 of 5, "Solar Panel Signage," dated 3/2/20;
7. Drawing 5A of 5, "Solar 3-Line Diagram," dated 3/2/20;
8. Drawing 5 of 5, "Solar 3-Line Diagram," dated 3/2/20; and

WHEREAS, the Planning Board determined that the Proposed Action is an Unlisted Action with respect to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, on May 12, 2020, the Zoning Board of Appeals granted a variance from Section 240-57.A(1)(a) of the Zoning Law to allow the surface area of the solar collectors to exceed 50% of the square footage of the footprint of the existing home; and

WHEREAS, a duly advertised public hearing on the Project was held on July 6, 2020 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board is familiar with the Subject Property and its surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Town Zoning Law.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Planning Board hereby adopts and incorporates as findings and determinations the recitations and statements set forth above as if fully set forth and resolved herein.
2. Pursuant to the State Environmental Quality Review Act regulations, the Planning Board hereby adopts a Negative Declaration on the grounds that the Proposed Action will not result in any significant adverse environmental impacts since there will be 10 feet of brush-free area around the ground-mounted solar array and, due to the existing vegetation and the size of the Subject Property, the array will not have any adverse visual impact with respect to adjacent properties.
3. The Planning Board hereby adopts this Resolution of Site Development Plan and Special Permit Approval for the installation of a ground-mounted solar array on a property containing a single-family home, as described above and as shown on the above listed drawings, in accordance with the provisions of Article IX of the Zoning Law, subject to the following being fulfilled prior to the Planning Board Chairman endorsing the Site Development Plan:
  - a. The Planning Board Chairman shall endorse a copy of this resolution certifying its correctness. After it has been initially endorsed by the Chairman, the Owner and

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Applicant shall also sign a copy of this resolution acknowledging receipt of the resolution, and shall submit the signed copy to the Zoning Administrator for filing.

- b. The Owner of the Subject Property shall submit a copy of the current deed(s) to prove its ownership of said property.
- c. The Applicant shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Property have been paid in full.

When all of the items set forth in Condition 3 above have been satisfied, six (6) copies of the above referenced plan, revised as necessary, shall be submitted for endorsement by the Planning Board Chairman, certifying that the plans comply with the terms of this resolution, at which time, the Chairman shall also endorse this resolution in the space provided below, certifying that the Applicant has complied with said conditions of approval and that the issuance of a Building Permit is authorized for the improvements set forth in this Project.

One (1) copy of the endorsed plan will be returned to the Applicant, one (1) copy will be retained by the Planning Board, and one (1) copy each will be provided to the Town Building Inspector, Town Engineer, Town Highway Superintendent, and the Fire Prevention Bureau.

- 4. In accordance with the Town's Schedule of Fees, the Applicant shall be responsible for the payment of all application review fees incurred by the Planning Board in the review of this Project which are in excess of the application review fees paid by the Applicant to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicant that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefore has not been granted by the Planning Board, this Resolution shall be rendered null and void. Refunds of any remaining funds within the escrow account for the applications will only be made in accordance with the provisions of Chapter 240 Attachment 6:1, Planning and Zoning Departments Fees and Escrow Funds.
- 5. In accordance with Article IX of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Site Development Plan Approval shall expire and become void one (1) year from the date of the adoption of this Resolution if an application for a Building Permit has not been made, or three (3) years from the date of the adoption of this Resolution if construction in conformance with the approved Site Development Plan has not been completed, if the construction is not prosecuted with reasonable diligence, or if the premises has been substantially vacant or inactive for more than three (3) years.

An application for extension of Site Development Plan Approval shall be made by the Applicant to the Planning Board prior to the expiration of the specific time period sought to

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be extended. The Planning Board may extend all time limits for good cause shown, if the Board deems such extension warranted.

6. In accordance with Article VII of the Zoning Law, unless otherwise extended by the Planning Board for good cause shown, this Special Use Permit Approval shall expire and become void if the approved use of the Site shall cease for more than one (1) year for any reason, if Site Development Plan Approval expires, or if all required improvements are not maintained and all conditions and standards complied with throughout the duration of the approved use.
7. If required by the Town Building Department, the Applicant shall provide an as-built survey of the subject property prior to the issuance of a Certificate of Compliance.
8. No Building Permit or Certificate of Compliance shall be issued for the Project except in accordance with the approved Site Development Plan. No further modifications to the Site shall be made without prior approval of the Planning Board. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are desired.
9. The continued validity of any Building Permit or Certificate of Occupancy issued in accordance with this Resolution of Site Development Plan Approval shall be subject to continued conformance with such Site Development Plan Approval.
10. Except as specifically modified herein, any prior resolutions of approval and any amendments thereto for the Subject Property previously adopted by the Planning Board shall remain valid and in full force and effect.

The question of adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Bruce M. Flower	Voting: _____
Robert Ceru	Voting: _____
Paul Freno	Voting: _____
Ralph Marinaccio	Voting: _____
Nick Maselli	Voting: _____
Markos Peratikos	Voting: _____
Robert L. Valdati	Voting: _____

The resolution is hereby duly declared adopted.

Dated: \_\_\_\_\_, 2020  
Wappingers Falls, New York

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\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jason Gordon  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Empire Solar Solutions, LLC  
Applicant

\_\_\_\_\_  
Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 3 of this resolution and that the above-mentioned drawings may be endorsed by the Planning Board Chairman.

\_\_\_\_\_  
Bruce M. Flower, Chairman  
Town of Wappinger Planning Board

\_\_\_\_\_  
Date