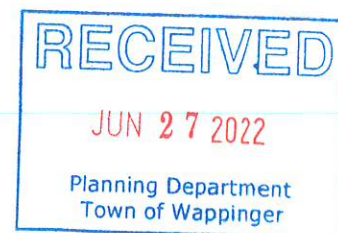


I. PROPOSAL SUMMARY INFORMATION



DATE: June 23, 2022

APPLICANT:

Breanne Mocaby with Black & Veatch
19801 SW 72nd Ave Suite 200
Tualatin, OR 97062

Telephone: 503-443-4462
Email: MocabyB@bv.com

PROPERTY OWNER:

Unterreiner Properties LLC

TENANT:

JP Morgan Chase

REQUEST:

Site Plan Permit

PARCEL NUMBER:

135689-6157-02-650897-0000

LOCATION:

1460 Route 9 Wappingers Falls, NY 12590

ZONING:

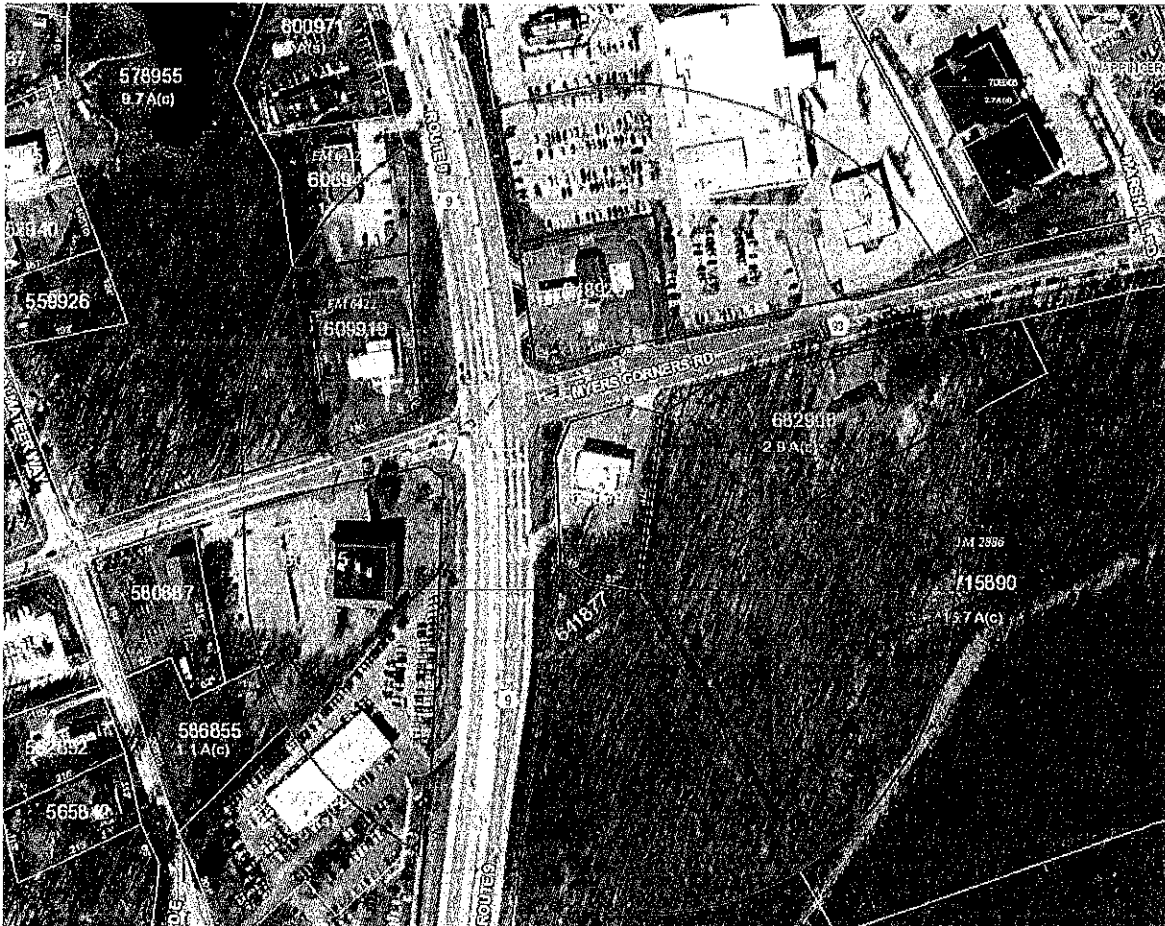
HB Highway Business District



II. PROJECT DESCRIPTION

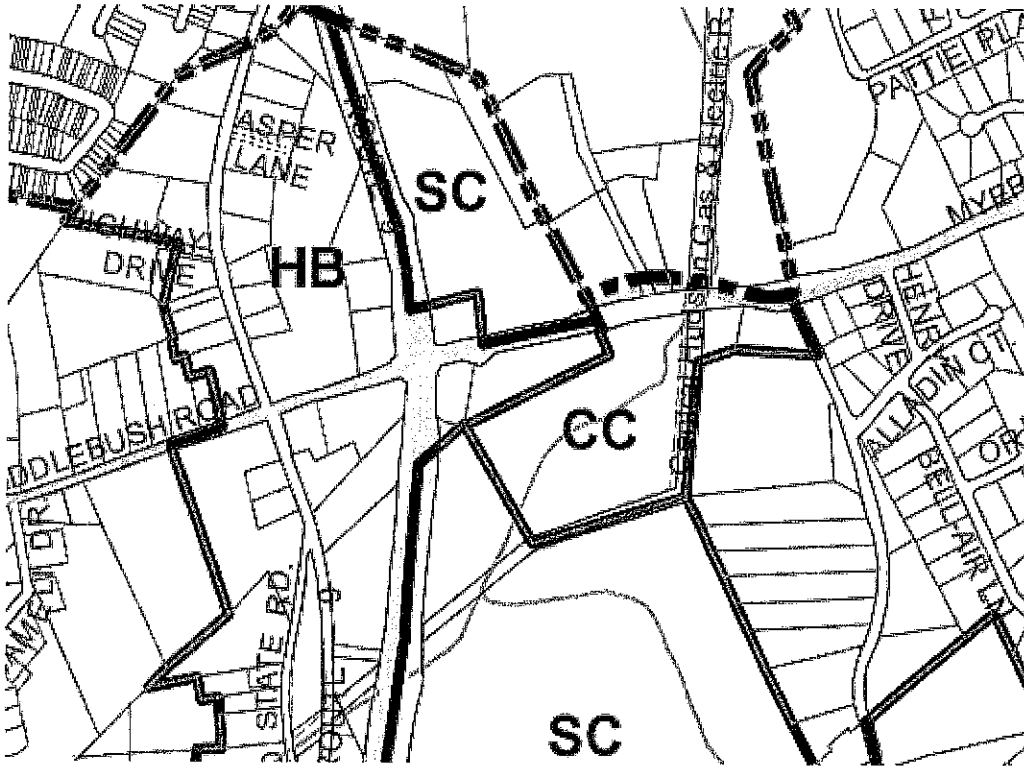
JP Morgan Chase is requesting approval to obtain the applicable permits required to install, maintain, and operate (46) Mission Solar Modules on the parapeted flat roof. The solar installation will also include (1) PV System Utility Disconnect Switch, (1) Metering and Surge protection cabinet, and (1) inverter mounted on the wall of the East side of the building.

500' buffer



Surrounding Area- The proposed rooftop solar installation will be located on an existing bank roof-top. There are no buildings proposed with this solar installation. The parcel is located on the corner of Route 9 and Myers Corners Rd. The parcel is zoned for HB Highway Business District. All surrounding properties are HB zoning as well. The two adjacent lots east and south are vacant and the properties across the street are commercial (office, gas station, bank).

ZONING MAP:



Materials & Colors- The proposed installation has been designed to blend with the design aesthetic of the existing commercial bank building. The solar panels, installed on a flat roof with a parapet, will not be visible from the ROW or adjacent properties.

The accessory equipment will be placed near existing side mounted building equipment away from the right of way. The equipment and conduit (except the inverter (white) which cannot be painted for safety reasons) will be painted to match the existing brick.

Photo Simulations of the installation are attached to this application.

III. APPLICABLE SECTIONS OF THE ZONING ORDINANCE

The following sections of Zoning Ordinances are applicable to this application:

Town of Wappinger Zoning Ordinance:

Chapter 240 Article 5 240-36.3 Solar Energy systems

Purpose and intent.

(1) Solar energy is a renewable energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the electrical grid where excess solar power is generated.

(2) Federal and state subsidies and tax incentives make the installation of solar energy systems financially attractive to the residents and property owners of the Town of Wappinger and may result in reduced energy costs.

(3) The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town's current and long-term sustainability agenda.

(4) This section aims to promote the accommodation of solar energy systems and the provision for adequate sunlight and convenience of access necessary therefor.

Noted

B. Applicability.

(1) This section shall apply to all solar energy systems installed after its effective date.

Modifications to an existing solar energy system that increases the solar energy system's area by more than 5% of the original footprint or changes the solar panel type (e.g., photovoltaic to solar thermal) shall be subjected to this section.

(2) Solar energy systems for which a valid certificate of completion or occupancy has been issued prior to the effective date of this section are not subject to the requirements of this section but shall be maintained in good working order and are subject to the New York State Uniform Code³³ and other applicable laws, rules and regulations.

(3) Any building permit for a solar energy system that has been properly issued prior to the effective date of this section but shall be maintained in good working order and is subject to the New York State Uniform Code and other applicable laws, rules and regulations.

This zoning code applies to this installation.

C. General provisions.

(1) No solar energy system shall be installed or operated in the Town of Wappinger except in compliance with this chapter.

Noted

(2) All solar energy systems, including those installed as on-farm equipment in an Agricultural District, shall require a building permit and a certificate of occupancy/compliance upon completion.

Once we have zoning approval we will work with the Town of Wappinger on appropriate Construction Permits.

(3) No solar energy system shall be operated without a certificate of occupancy or a certificate of compliance.

Noted.

(4) All solar energy systems shall comply with the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code established pursuant to New York Executive Law § 381(2) ("NYS Uniform Code")

This solar installation will comply with all applicable local and state codes.

(5) The installation of all photovoltaic panel systems must be performed by a qualified solar installer.

The installation will be performed by a licensed solar installer.

(6) Any connection to the electric grid must be made under an approved interconnection agreement and must be inspected and approved by the electric utility.

We are actively working with Central Hudson on an interconnection agreement.

(7) Solar energy systems shall be maintained in good working order.

Noted.

E. Rooftop-mounted solar energy systems.

(1) Rooftop-mounted solar energy systems are permitted accessory uses in all zoning districts.

Noted.

(2) Rooftop-mounted solar energy systems installed on one-family dwellings and accessory buildings for one-family dwellings are permitted accessory uses in all zoning districts.

Not applicable to this application.

(3) Rooftop-mounted solar energy systems installed on new or existing buildings, other than one-family dwellings, are subject to site plan or special permit approval in the same manner as the building in which they are installed.

Noted.

(4) Notwithstanding the provisions of § **240-22**, solar collectors may exceed the maximum height limitations for the zoning district, provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve; however, in no event shall the solar collector exceed the height limitation in the district by more than six feet.

This installation will not exceed the height of the existing building.

(5) Nonconforming uses. Rooftop-mounted solar energy systems are permitted to be installed on a building housing a nonconforming use, provided that they conform to the other requirements of this section.

Not applicable to this application.

(6) Dimensionally nonconforming buildings. Rooftop-mounted solar energy systems may be installed on existing buildings that do not conform to the setback requirements of the district, provided that they do not increase the nonconformity. Rooftop-mounted solar energy systems may be installed on existing buildings that do not conform to the height requirements of the district, provided that they comply with Subsection **E(4)** above.

This site and building have several existing nonconforming dimensions which have been previously approved. The installation of roof-top solar and side-mounted building equipment will not impact approved variances for front or rear yards, parking spaces or exterior lighting at property line.

(7) Roof-mounted photovoltaic systems installed on one- or two-family dwellings may be reviewed under the Unified Solar Permit.

Not applicable to this application.

Chapter 240 Article 4 Site Development Plans 240-89 Standards for site development plan approval

The Planning Board shall not approve a site plan unless it shall find that such plan conforms to the requirements of this chapter as well as to other applicable laws and regulations and is properly related to the policies and recommendations of the Town Comprehensive Plan. In reviewing the site plan, the Planning Board shall also take into consideration the public health, safety and general welfare and shall set appropriate conditions and safeguards which are in harmony with the general purpose and intent of this chapter, particularly in regard to achieving the following standards:

A. Traffic access. The number, location and design of all proposed driveways, in terms of their width, length, grade, alignment, visibility and relationship to the street system and neighboring properties and land uses, shall be such that maximum safety and function will be achieved.

Installation of roof-top solar will not impact existing traffic access.

B. Traffic. The effect of the proposed development on traffic conditions on existing streets

Installation of roof-top solar will not impact traffic.

C. Fire lanes, on-site circulation and parking. Adequate and convenient off-street parking and loading spaces shall be provided to prevent parking in public streets of vehicles belonging to any persons connected with or visiting the proposed use. The interior circulation system shall be adequate to provide safe access to all buildings, structures and required off-street parking, including fire lanes and access for firefighting and for the handicapped. The interconnection of parking facilities via access drives between adjacent lots, designed to provide maximum safety, convenience and efficiency of traffic circulation and to minimize curb cuts on neighboring streets, shall be provided where practicable.

The proposed installation will not impact existing circulation or parking.

D. Pedestrian circulation. An adequate and safe pedestrian circulation system shall be provided to permit safe access to uses on the site from the street and from all parking areas, including consideration of the location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces.

The proposed installation will not impact existing pedestrian circulation.

E. Landscaping and buffering. All parking, loading and service areas shall be screened in a reasonable manner at all seasons of the year from the view of adjacent residential lots and streets. The general landscaping of the site shall be designed in an attractive manner and, wherever possible, desirable natural features existing on the site shall be protected and retained.

The installation of roof-top solar and building mounted equipment will not impact existing landscaping on the site.

F. Lighting. Outdoor lighting shall be provided on the site to assure the safe movement of vehicles and persons and for security purposes. Such lighting shall be properly designed and shielded so as to avoid glare, prevent visibility of the source of the light from areas off site and other undesirable impacts on neighboring properties and streets.

The proposed installation will not impact existing lighting.

G. Protection of natural and cultural resources. The Planning Board shall endeavor to adequately protect any resources of local, state and/or national significance.

The proposed installation of roof-top solar will not impact any natural or cultural resources.

H. Drainage. The proposed stormwater drainage system shall be adequate to properly drain the site, maximize groundwater recharge, prevent downstream flooding and prevent the degradation of water quality. Prior to the granting of site development plan approval, the applicant shall apply to the Town Board for any and all approvals relating to a drainage district(s) that may be required for the project.

The installation of roof-top solar and building mounted equipment will not impact existing drainage on the site.

I. Water and sewage. The proposed systems for water supply and sewage disposal shall be adequate to serve the needs of all proposed uses on the site without adversely impacting off-site facilities, neighboring properties or uses. Prior to the granting of site development plan approval, the applicant shall apply to the Town Board for any and all approvals relating to water or sewer districts that may be required for the project.

The installation of roof-top solar and building mounted equipment will not impact existing water and sewage.

J. Solid waste. Adequate provisions shall be made for the storage, collection, recycling and disposal of solid waste. All dumpsters and other large refuse containers shall be surrounded by a solid wooden, masonry or PVC enclosure which is at least six feet in height and which is architecturally compatible with the principal building(s) on the lot. Said refuse enclosure shall not be comprised of wooden stockade fencing or chain-link material. As part of site development plan approval, the Planning Board shall determine whether the refuse enclosure

shall be buffered with vegetative screening. Such facilities shall be designed and located so as to minimize visual and aesthetic impacts to neighboring properties or public facilities.

The installation of roof-top solar and building mounted equipment will not impact existing water and sewage.

K. Building design. The height, location and size of the proposed buildings shall be in conformity with the requirements of this chapter. All such buildings, utilities and other structures shall harmoniously relate to each other, the site and neighboring properties.

The installation of roof-top solar and building mounted equipment will not impact existing building design.

L. Signage. All proposed signs, including on-site directional signs and building signs, shall meet the requirements of this chapter and shall be adequate to convey reasonable information to the public and shall be in harmony with the design of the site and buildings and with neighboring properties.

The installation does not propose any signage other than notification signage on the equipment required by building code.

M. Hours of operation. For uses that could create negative impacts to neighboring properties by reason of noise, traffic, lighting or other impacts, the Planning Board may limit the hours of operation to mitigate such impacts.

The installation of roof-top solar and building mounted equipment will not impact existing hours of operation of the bank. Solar is a permitted use in all zones.

N. Performance standards. The applicant shall demonstrate conformance with the performance standards.

The installation will comply with Town of Wappinger Performance Standards.

O. Park reservations.

(1) General standards. The Planning Board may require that land be reserved within site plans containing residential units for a park or parks suitably located for playground or other recreational purposes. Such locations shall be as designated on the Town Development Plan or Official Map or as otherwise deemed appropriate by the Planning Board. Each reservation shall be of suitable size, dimensions, topography and general character and shall have adequate street access for the particular purpose or purposes envisioned by the Planning Board, taking into consideration the recommendations of the Recreation Commission. The area shall be shown and marked on the plat as "Reserved for Park Purposes."

(2) Land for park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute.

(3) Minimum size. The Planning Board may require the reservation of up to 10% of the area of the site plan for recreation purposes. In general, it is desirable that land reserved for park and playground purposes have an area of at least three acres. The Board may require that such areas be located at a suitable place on the edge of the site plan so that additional land may be added at such time as the adjacent land is developed.

(4) Ownership of park areas. The ownership of reservations for park purposes shall be clearly indicated on the site plan and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance.

(5) Cash payment in lieu of reservation. Where the Planning Board makes a finding pursuant to Subsection O(2) of this section that the proposed site plan presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes but determines that a suitable park or parks of adequate size to meet the requirement cannot be properly

located on such site plan, the Board may require, as a condition to approval of any such site plan, a payment to the Town in an amount set forth in Chapter **122**, Article **IV**, § **122-16N(3)** of the Code. In making such determination of suitability, the Board shall assess the size and suitability of lands shown on the site plan which could be possible locations for park or recreational facilities, as well as practical factors, including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes, pursuant to the provisions of this section, shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

(6) Notwithstanding the foregoing provisions of this section, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to Chapter **217**, Subdivision of Land, of the Town Code, the Planning Board shall credit the applicant for any land set aside or money donated in lieu thereof under such subdivision plat approval. In the event of resubdivision of such plat, nothing shall preclude the additional reservation of parkland or money donated in lieu thereof.

Noted.

P. Underground utilities. In order to assure greater safety and improved appearance, all utility lines and related equipment for providing power and communication services shall be installed underground in the manner prescribed by the regulations of the utility company having jurisdiction. Underground utility lines shall be located outside of the traveled way of the streets but, except in unusual circumstances, within the street right-of-way.

No new above ground Central Hudson Utility lines are proposed with this installation.

Q. Other public needs. The Planning Board shall assure that other public needs, including other needed services, are adequately and properly met.

The Town of Wappinger has established the public need to promote the use of solar energy as a “necessary component of the Town’s current and long-term sustainability goals”. This design and installation fully comply with all Solar energy system general provisions with minimal aesthetic impacts.

R. Except as provided in § **240-36.2** of the Zoning Code, all applications for outdoor tables and seating (hereinafter "outdoor seating") shall require site development plan approval or amended site development plan approval in accordance with Article **IX** of the Zoning Code and shall be subject to the following criteria:

(1) Such outdoor seating, and any related appurtenances, such as tables, chairs, umbrellas, planters, dividers, or outdoor ornaments, shall be placed and/or located so as to create at least three feet of unimpeded pedestrian sidewalk clearance and shall be placed/located so as not to obstruct doorways or means of ingress and egress or otherwise impede or obstruct designated fire lanes;

(2) If such outdoor seating is proposed within 10 feet of any existing or proposed parking spaces, safety barriers shall be provided between the parking areas and such outdoor seating;

(3) No outdoor service bar or counter shall be permitted without the approval of the New York State Liquor Authority and/or the New York State Alcoholic Beverage Control Board (SLA and ABC), and such proof of such approvals shall be submitted to the Town's Zoning Administrator prior to the issuance of any certificate of occupancy or certificate of compliance as hereinafter provided.

Not applicable to this application.

S. Outdoor music or sound amplification associated with any restaurant or other food service establishment shall only be permitted in the following Zoning Districts: SC, HB, GB and HD, and

shall be further subject to the issuance of a special use permit upon demonstration of compliance with the following special use permit conditions:

[Added 3-24-2014 by L.L. No. 1-2014]

(1) Demonstration of ability to comply with the Town's Noise Code;^[3]

(2) Any source of outdoor music or sound amplification shall be located at a minimum distance of 400 feet from any residential property.

Not applicable to his application.