

MEMORANDUM

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

Date: July 13, 2022

Subject: **Mid-Hudson Islamic Association Solar Array– Amended Site Plan and Special Permit**
Tax Lot 6258-02-628535

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

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

Sarah Brown, AICP
Senior Planner

Malcolm Simpson
Planner

cc: James Horan, Esq.
Barbara Roberti
Jon Bodendorf, PE
Michael Sheehan
Ahmad Shah (Applicant)

RESOLUTION
TOWN OF WAPPINGER PLANNING BOARD

RE: **MID-HUDSO ISLAMIC ASSOCIATION SOLAR ARRAY – RESOLUTION OF AMENDED SITE PLAN AND SPECIAL PERMIT APPROVALS**

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 _____ 2022 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	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The following resolution was moved by _____ and seconded by _____.

WHEREAS, the Planning Board received the applications of Mid-Hudson Islamic Association Inc (the “Applicant”) for Amended Site Plan and Special Permit Approvals for a roof top solar array (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is a 4.5-acre lot located at 125 All Angels Hill Road, is designated as tax lot 6258-02-628535 on the Town of Wappinger tax maps and is located within the R-40 Single Family Zoning District (the “Subject Property” or “Site”); and

WHEREAS, the Proposed Action includes the installation a 30kWp roof mounted solar array consisting of 82 panels and 3 inverters to the roof of an existing building (the “Project” or “Proposed Action”); and

WHEREAS, the Applicant has submitted for review an Application for Site Plan Approval form with no date; an Application for Special Permit Approval form with no date; A Short EAF form with no signature dated 5/23/22; and a site plan (5 sheets) generally entitled “Mid Hudson Islamic Assoc.” prepared by Suncommon and dated 11/18/21 last updated 6/27/22:

1. Sheet A000, “Site Plan”
2. Sheet A001, “Module Layout”
3. Sheet A002, “Roof Details”
4. Sheet E001, “3LD-I”

5. Sheet E002, "3LD-II"; and

WHEREAS, the Planning Board is familiar with the Subject Properties and their surroundings, and has reviewed the Project in accordance with the standards for approval contained in the Zoning Law and the Special Permit Regulations; and

WHEREAS, the Planning Board determined that the Project is a Type II Action with respect to the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board waived the Public Hearing at the 6/20/22 Planning Board Meeting; and

WHEREAS, the Planning Board is familiar with the Site and all aspects of the Project and is satisfied that the Project will comply with the Zoning Law including provisions relating to Special Permit Standards of Article VII of the Zoning Law as well as other applicable laws and regulations subject to the conditions below.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Planning Board hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The Planning Board hereby grants Amended Site Plan and Special Permit Approvals for the Rooftop Mounted Solar as defined above, in accordance with the provisions of Article VII of the Zoning Law, subject to the following conditions and modifications:
 - 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 Owners 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 Applicants shall submit a statement signed by the Town's Tax Collector that all taxes due on the Subject Properties have been paid in full.
 - c. The Owners of the Subject Properties shall submit copies of the current deeds to prove their ownership of said properties.
 - b. The Applicant shall obtain all necessary "outside" agency approvals for the Project.
3. 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.

4. In accordance with the Town's Schedule of Fees, the Applicants shall be responsible for the payment of all application review fees incurred by the Planning Board in review of this Project which are in excess of the application review fees paid by the Applicants to-date. Such fees shall be paid within thirty (30) days of the notification to the Applicants that such fees are due. If such fees are not paid within this thirty (30) day period and an extension therefor 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 not be made until six (6) months after the Approval of the Special Permit.
5. Except as specifically modified herein, the 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.
6. Within five (5) business days following the date of the adoption of this resolution, a copy of this resolution shall be filed with the Town Clerk.

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

Bruce M. Flower	_____
Robert Ceru	_____
Paul Freno	_____
Ralph Marinaccio	_____
Nicholas Maselli	_____
Markos Peratikos	_____
Lynne Versaci	_____

The resolution is hereby duly declared adopted.

Dated: _____, 2022
Wappingers Falls, New York

Bruce M. Flower, Chairman
Town of Wappinger Planning Board

Date

Ahmad Shah
Applicant & Owner

Date

The following endorsement hereby confirms that the Applicant has fulfilled all of the items in Condition 2 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

[https://d.docs.live.net/7f22deb506cdb6f/Documents/Torres Ground Mounted Solar Special Permit pm draft.mms.docx](https://d.docs.live.net/7f22deb506cdb6f/Documents/Torres%20Ground%20Mounted%20Solar%20Special%20Permit%20pm%20draft.mms.docx)