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## MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	4/10/2024
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	Jackson Ground Mounted Solar
<i>cc:</i>	Kyle Barnett, Barbara Roberti, Bea Ogunti, Lawrence Paggi		
<i>Subject:</i>	Jackson Photovoltaic Ground Mounted Solar Special Permit Review Tax Lot 6356-01-027985		

As requested, we reviewed the application of Infinity Solar Systems, (the “Applicant”) on behalf of Darin Jackson (the “Owner”) for Special Permit Approval for a ground mounted solar energy system.

### The Property

The subject property is known as Tax Lot 6356-01-027985 on the Town of Wappinger Tax Assessment Maps and is located at 25 Dugan Lane. The subject property is 2.8 acres in size and is located in the Single Family Residential (R-20/40) zoning district (the “Subject Property” or “Site”).

### The Proposal

The Applicant is proposing a 40-panel ground mounted solar array system with a total of 16.4 kilowatts (kW) in the backyard of the existing property currently developed with a single family residence (the “Project” or “Proposed Action”).

### Submission

The Applicant has submitted for review an Application for Site Plan Approval dated 3/21/24; an Application for Special Permit Approval dated 3/21/24; a short Environmental Assessment Form Part 1 dated 4/3/24 prepared by Infinity Solar Systems; a narrative with no date prepared by Jan Bergus; and a set of plans (13 pages) general titled Photovoltaic Ground Mount System – Darin Jackson Residence dated 2/22/2024.

## **REVIEW COMMENTS**

The Application is for a ground mounted solar energy system special permit and as such is subject to the conditions of Section 240-36.3 Solar Energy Systems and Section 240-57 A, C, & D.

### 1. Special Permit.

- a. Section 240-57 makes the distinction between an accessory use solar array and a solar farm using the ratio of the surface area of the proposed solar array to the footprint of the primary structure on the parcel. The Applicant should confirm the solar array surface area of 20' x 45.75' and confirm the footprint of the primary structure on the Site.
- b. Section 240-57.C states that, "All portions of the ground-mounted solar energy system must meet all applicable setback requirements for primary structures in the zoning district in which it is located". As the Site is in the R-20/40 zoning district, the Applicant should confirm if there is on-site or municipal water and sewer services to determine what the applicable setback requirements should be. The Applicant should then provide a bulk table demonstrating the proposed array's compliance with the applicable setback requirements.
- c. Section 240-57.C states that, "Solar collectors shall not be included in any calculation of impervious surface or impervious cover; however, the base or foundation of the solar collector shall be included in any calculation". This should be reflected in the bulk table provided.
- d. The setbacks labeled should show the shortest distance from the proposed array and the property lines. This should be revised.
- e. Section 240-57.C states that, "Where a ground-mounted solar energy system is located within 100 feet of an adjacent property in a residential district or a street, it shall be screened by existing vegetation or topography or through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area. The buffer shall comply with the requirements of § 240-25B". Despite previous comments made in this memo about the need to revise the setback labels, it is clear that the proposed solar array is within 100 feet of the adjacent property. The Applicant should address the existing screening and if additional screening is being proposed.
- f. Section 240-57.C states that, "There shall be a ten-foot brush-free area around the ground-mounted solar energy system and suitable access means for firefighting equipment or such other clearances that may be required by the Uniform Code". The plans should be revised to show this and should include a note describing it.

2. SEQRA. The Application is categorized as an unlisted action with respect to SEQRA. The Planning Board should determine if they would like to pursue a coordinated or uncoordinated review.

If you have any questions with respect to the above, please let us know.

Malcolm Simpson,  
Planner

cc:

Kyle Barnett, Esq.  
Barbara Roberti  
Lawrence Paggi, PE.