

Michael E. Miele, PE

Licensed Professional Engineer
Licensed In New York, New Jersey, Connecticut & California
New York License # 079676
New Jersey License # 44042
Connecticut License # 23158
California License # 31508

March 2, 2020

Town of Wappinger Building Department
The Office of the Building Inspector
20 Middlebush Rd
Wappingers Falls, NY 12590

Re: Jason Gordon - 116 Dusty Trail, Wappingers Falls, NY 12590
Single Family Residence, Solar Panel Loading Certification
Town of Wappinger, County of Dutchess, State of New York

Dear Building Department

I am the engineer of record for the above referenced project. I have prepared the attached plans dated March 2, 2020 that consists of the installation of (92) Jinko 320W solar panels on a ground mount installation at the above referenced location.

I can hereby certify that the ground mount installation with the installed solar panels meets the requirements of The New York State Residential Code -Table 301.2(1) Climatic and Geographic Design Criteria as well as the 2017 Uniform Code Supplement.

The design loads were as follows,

Wind Design Load: 110mph

If you have any questions, please feel free to call me at any time. Thanks in advance.

Sincerely Yours,



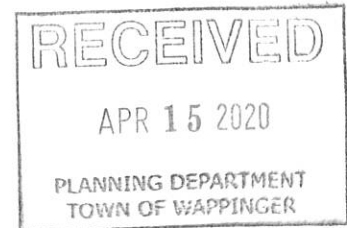
Michael E. Miele, PE





Jason Gordon
98-116 Dusty Trail
Wappinger 125900
Re: Reasons for Appeal

- A. The solar system will consist of two arrays no more than 12ft high to be installed on an 18.77-acre property that is naturally well-screened. There will be no negative changes as a result of this solar system.
- B. A variance is needed in order for this homeowner to go solar. Unfortunately, the homeowners cannot achieve going solar by installing on their roof due to the lack of space and required fire setbacks needed for roof installations.
- C. We are seeking a variance of 1072 sq ft. The solar system is a total of 1775 sq ft (for both arrays) and although there are a few different structures on this property the primary residence footprint is only 1406 sq ft. This may seem substantial but would not be so on a property of this capacity. The array needs to be this size in order to offset the power usage for the structures on the property.
- D. The system will not be visible from any main road and will be naturally well-screened from any surrounding neighbors.
- E. This variance came about because the homeowners are looking to offset their high electricity bills. This is the best option in order for them to achieve this goal.
- F. The property is unique in that it is large and consists of several structures which use a lot of electricity (i.e. House, cottage, barn, detached garage, etc.). Being able to go solar would greatly benefit these homeowners.



4/10/20
Town of Wappinger
Attn: Zoning Department

Enclosed please find the zoning board application for and area variance the following project:

Jason Gordon
98-116 Dusty Trail
Wappinger 125900
Ground-Mounted Solar System
Reason for Area Variance: System is larger than 50% of the primary structure footprint.

We were recommended by the Planning Board on to seek an area variance on March 16th, 202. Please contact me once the next meeting has been set and do no hesitate to reach out should you need anything further.

Sincerely,

Erin McConnell
Empire Solar Solutions
Director of Operations
2-8 Johnes Street Newburgh NY 12550
Phone: 845-728-2165
Fax: 845-245-6584
<http://www.empiresolarny.com>
erin@empiresolarny.com



RECEIVED
APR 15 2020
PLANNING DEPARTMENT
TOWN OF WAPPINGER

TOWN OF WAPPINGER
P.O. Box 324 ~ 20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590

Zoning Board of Appeals
Office: 845.297.1373 ~ Fax: 845.297.4558
Zoning Enforcement Officer
Office: 845.297.6257
www.townofwappinger.us

Application for an Area Variance

Appeal # 20-7697

Dated: April 16, 2020

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I(We), Jason Gordon residing at 116 Dusty Trail, Wappingers Falls NY 12590

(phone), hereby appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated _____, 200__, and do hereby apply for an area variance(s).

Premises located at 116 Dusty Trail, Wappingers Falls NY 12590 *Planning Board's recommendation on March 16th, 2020*
Tax Grid # 6057-04-744305
Zoning District R40/80

1. Record Owner of Property Jason Gordon
Address 116 Dusty Trail, Wappingers Falls NY 12590
Phone Number 9146664866
Owner Consent: Dated: 3/17/20

Signature: *Jason Gordon*
Printed: Jason Gordon

2. Variance(s) Request:

Variance No. 1

I(We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

240-57(2)(a)

(Indicate Article, Section, Subsection and Paragraph)

Required: Array cannot be greater than 50% of primary structure footprint
Applicant(s) can provide: _____

Thus requesting: A variance of 1072 sq ft

To allow: The home owner to go solar.

Variance No. 2

I(We) hereby apply to the Zoning Board of Appeals for a variance(s) of the following requirements of the Zoning Code.

(Indicate Article, Section, Subsection and Paragraph)

Required: _____

Applicant(s) can provide: _____

Thus requesting: _____

To allow: _____

3. **Reason For Appeal** (Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary): *See Attached*

A. If your variance(s) is(are) granted, how will the character of the neighborhood or nearby properties change? Will any of those changes be negative? Please explain your answer in detail.

B. Please explain why you need the variance(s). Is there any way to reach the same result without a variance(s)? Please be specific in your answer.

C. How big is the change from the standards set out in the zoning law? Is the requested area variance(s) substantial? If not, please explain, in detail, why it is not substantial.

D. If your variance(s) is(are) granted, will the physical environmental conditions in the neighborhood or district be impacted? Please explain, in detail, why or why not.

E. How did your need for an area variance(s) come about? Is your difficulty self-created? Please explain your answer in detail.

F. Is your property unique in the neighborhood that it needs this type of variance? Please explain your answer in detail.

4. List of attachments (Check applicable information)

Survey Dated 2005, Last Revised 3/2/20 and Prepared by Spectra Engineering / Michael B. Mule, PE.

Plot Plan Dated 3/2/20

Photos

Drawings Dated 3/2/20

Letter of Communication which resulted in application to the ZBA. Planning Board Recommendation on March 16th 2020
(e.g., recommendation from the Planning Board/Zoning Denial)

Letter from _____ Dated: _____
Letter from _____ Dated: _____

Other (please list): _____

5. Signature and Verification

Please be advised that no application can be deemed complete unless signed below.

The applicant hereby states that all information given is accurate as of the date of application.

SIGNATURE Jane Bell DATED: 3-17-20
(Appellant)

SIGNATURE _____ DATED: 3/17/20
(If more than one Appellant)

FOR OFFICE USE ONLY

1. THE REQUESTED VARIANCE(S) **WILL** / **WILL NOT** PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD.
2. **YES** / **NO**, SUBSTANTIAL DETRIMENT WILL BE CREATED TO NEARBY PROPERTIES.
3. THERE **IS (ARE)** / **IS (ARE) NO OTHER** FEASIBLE METHODS AVAILABLE FOR YOU TO PURSUE TO ACHIEVE THE BENEFIT YOU SEEK OTHER THAN THE REQUESTED VARIANCE(S).
- 4 THE REQUESTED AREA VARIANCE(S) **IS (ARE)** / **IS (ARE) NOT** SUBSTANTIAL.
5. THE PROPOSED VARIANCE(S) **WILL** / **WILL NOT** HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT.
6. THE ALLEGED DIFFICULTY **IS** / **IS NOT SELF-CREATED.**

CONCLUSION: THEREFORE, IT WAS DETERMINED THE REQUESTED VARIANCE IS
 GRANTED **DENIED.**

CONDITIONS/STIPULATIONS: The following conditions and/or stipulations were adopted by resolution of the Board as part of the action stated above:

FINDINGS & FACTS ATTACHED.

DATED: _____

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____
(Chairman)

PRINT: _____



Town of Wappinger
20 Middlebush Road
Wappingers Falls, NY 12590

Planning Department
Office: 845.297.1373 ~ Fax: 845.297-0579
www.broberti@townofwappinger.us

Owner Consent Form

To be filed when the applicant is not the building or property owner

Project # 20-7697 Date: 3/17/20
Grid # 6057-04-744305 Zoning District: R40/80

Location of project: 116 Dusty Trail, Wappingers Falls NY 12590

Name of Applicant: Jason Gordon
Print name and phone number

Description of project: Installation of a 29.44 kW ground-mounted solar array system. Seeking an area variance- array is 1775 sq ft which is greater than 50% of the footprint of the primary structure which is 1406 sq ft.
Requesting a variance of 1072 sq ft.

I Jason Gordon, owner of the above land/site/building hereby give permission for the Town of Wappinger to approve or deny the above application in accordance with local and state codes and ordinances.

Date 3-17-20
9146664866
Owner's Telephone No.

Jason Gordon
Owner's Signature
Jason Gordon
Print Name and Title ***
116 Dusty Trail, Wappingers Falls NY 12590
Owner's Address

***If this is a Corporation or LLC please provide documentation of authority to sign.
If this is a subdivision application, please provide a copy of the deed.

Short Environmental Assessment Form

Part 1 - Project Information

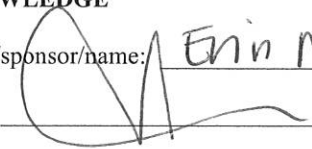
Instructions for Completing

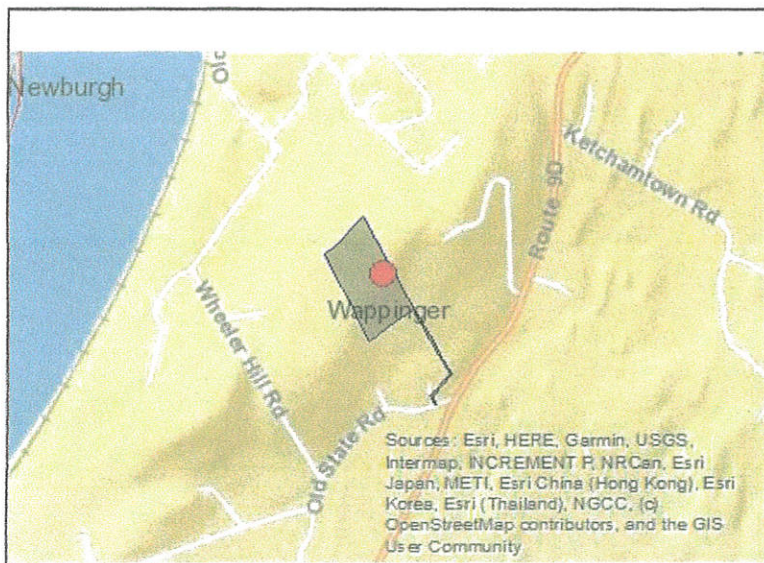
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information				
Name of Action or Project: Gordon- Solar Ground Mount				
Project Location (describe, and attach a location map): 116 Dusty Trail, Wappingers Falls NY 12590				
Brief Description of Proposed Action: Installation of a 29.44 kW ground-mounted solar array system.				
Name of Applicant or Sponsor: Empire Solar Solutions, LLC		Telephone: 845-728-2165 E-Mail: erin@empiresolarny.com		
Address: 2-8 Johnes St				
City/PO: Newburgh		State: NY	Zip Code: 12550	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			18.77 acres 1775 sq ft 1775 sq ft acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ N/A - no wetlands or waterbodies identified on property			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Atlantic Sturgeon, Bald Eag...	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Erin McConnell</u> Date: <u>3/31/20</u> Signature: <u></u> Title: <u>Director of Operations</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon, Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No