

MEMORANDUM

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

Date: April 16, 2021

Subject: **Torres Ground-Mounted Solar Array–1352 Route 376–Special Permit Review**
Tax Lot 6359-03-008237

As requested, we reviewed the application submitted by Regina Kowalski, PlugPV, LLC (the “Applicant”) on behalf of Adrian Torres (the “Owner”) for Special Use Permit Approval for a ground-mounted solar array.

The Property

The subject property is known as Tax Lot 6359-03-008237 on the Town of Wappinger Tax Assessment Maps and is located at 1352 Route 376 in the Town of Wappinger within the 1 Family Residence District (R-80) zoning district (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing to subdivide a ground-mounted solar array on a 9.37 acre lot with an existing single family home (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Site Plan Approval dated 3/29/21; an Application for Special Permit Approval dated 2/26/21; a Short Environmental Assessment Form (Short EAF) dated 3/3/21; and the following plans generally entitled “Adrian Torres” prepared by PlugPV LLC, dated 11/10/20:

1. Sheet PV1, “Cover Page,”
2. Sheet PV2, “Site Plan,”
3. Sheet PV3, “Aerial Site Plan,”
4. Sheet PV3, “Adjacent Properties,”
5. Sheet PV3, “Single Line Diagram,”
6. Sheet PV3.1, “Three Line Diagram,”
7. Sheet PV4, “System.”

Also submitted were detail sheets (3 sheets) generally entitled “Torres Residence” prepared by PlugPV LLC, dated 11/19/20.

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Special Permit.

- a. In accordance with §240-57.A(1)(a) of the Zoning Law, the surface area of the solar collectors cannot exceed 50% of the square footage of the footprint of the existing home. The area of the building footprint should be provided.
- b. In accordance with §240-57.C(1) & (2) of the Zoning Law, 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, and 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. The bulk table should be provided including both the requirements and what is provided by the proposed solar array. New impervious cover calculations should also be provided. Set backs from the property line to the proposed solar array should be shown in the bulk table and called out on the plans.
- c. In accordance with §240-57.C(6) of the Zoning Law, a note should be provided on the plan stating that there shall be 10-feet of brush free area around the ground-mounted solar array.
- d. The Applicant should verify the zoning district of the Subject Property.

2. Site Plan. The Site Plan is missing essential elements, including but not necessarily limited to a Project Survey, an approval block, and an owner's consent note. Additionally, the submitted plans have different numbering systems, and repeated sheet numbers, making their review complicated and prone to error. Future submissions should use a single and consistent sheet numbering system.

3. Wetlands and Floodplains. Dutchess County Parcel Access identifies ACOE wetlands and flood prone areas on the Site. These should be shown on the Site Plan, including a 100' buffer on the ACOE wetlands, to evaluate their relation to the Proposed Action. Disturbance of these areas, including the 100' buffer, will require a Town Wetlands Permit.

4. SEQRA.

- a. The Proposed Action is considered an Unlisted action pursuant to SEQRA.

- b. The EAF mapper notes that the Site may contain species of animals that are considered threatened or endangered including the Indiana Bat. The Applicant should contact the NYSDEC for review and comment. All correspondence to and from this agency should be submitted to the Planning Board.
- c. The EAF mapper notes that the Site is in an area designated as sensitive for archeological sites in the NYS Site Inventory. The Applicant should contact the New York State Office of Parks, Recreation and Historic Preservation for review and comment. All correspondence to and from this agency should be submitted to the Planning Board.
- d. The EAF mapper should be included with the submitted EAF form.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

David H. Stolman, AICP, PP
Practice Lead - Planning

Malcolm Simpson
Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Regina Kowalski (Applicant)

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