

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

January 28, 2022



APPLICATION NAME & NUMBER
 121 Lafayette Ave [2021-023] – Site Development
 Plan for Rooftop Solar

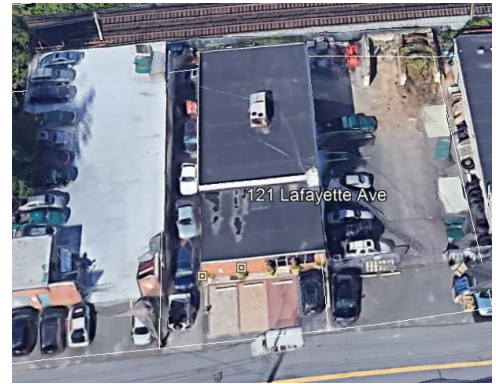
SBL
 122.12-1-39

MEETING DATE
 February 14, 2022

PROPERTY ADDRESS/LOCATION
 121 Lafayette Avenue, NWP

BRIEF SUMMARY OF REQUEST

76 panel 32.68 kW rooftop mounted solar system with roof addition.



PENDING ACTION: Plan Review Town Board Referral Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
IND-A	Office Use	Industrial	Rooftop Mounted Solar	0.15 acres

PROPERTY HISTORY

1977 – Building Addition for office use

 1995 – Notice of Violation re: need for site plan for change of use. Site Plan not submitted to Planning Board

COMPATIBILITY with the COMPREHENSIVE PLAN

The Comprehensive Plan states the following with respect to the IND-A Zoning District:

- Consider amendments to the IND-A district to incorporate standards for landscaping and sidewalks, to improve conditions along Virginia Road and Lafayette Avenue.

The proposed action is consistent with the Comprehensive Plan.

STAFF RECOMMENDATIONS

1. It is recommended that the Planning Board approve the requested site plan.
2. The project is compatible with the Comprehensive Plan.

Procedural Comments

1. Pursuant to Section 12-18(1) of the Town Code, all site development plans submitted to the Planning Board are required to be referred to the Architectural Review Board (ARB) for review and comment.
2. The application for special permit approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML). This referral is required because the site is within 500 feet of the Bronx River Parkway.
3. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).
4. A Public Hearing for the proposed site plan will need to be scheduled.
5. The site plan should be forwarded to the Chief of Police, Fire Inspector and the North White Plains Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services.

General Comments

1. The submitted site plan depicts the existing property being used as an office and warehouse. It is noted that the Planning Department does not have any site plan approval for this site on record. Documentation in the Building Department indicates that the site was formerly an office building. Prior to the Planning Board being able to approve the requested solar project, the Planning Board will also need to adopt and approve a site plan for the property.

It appears that the off-street parking required for 121 Lafayette Ave is to be provided on 123 Lafayette Ave per documents in the Building Department files. However, it appears that 123 Lafayette is being used as a landscaping/contractor's yard.

Staff Notes

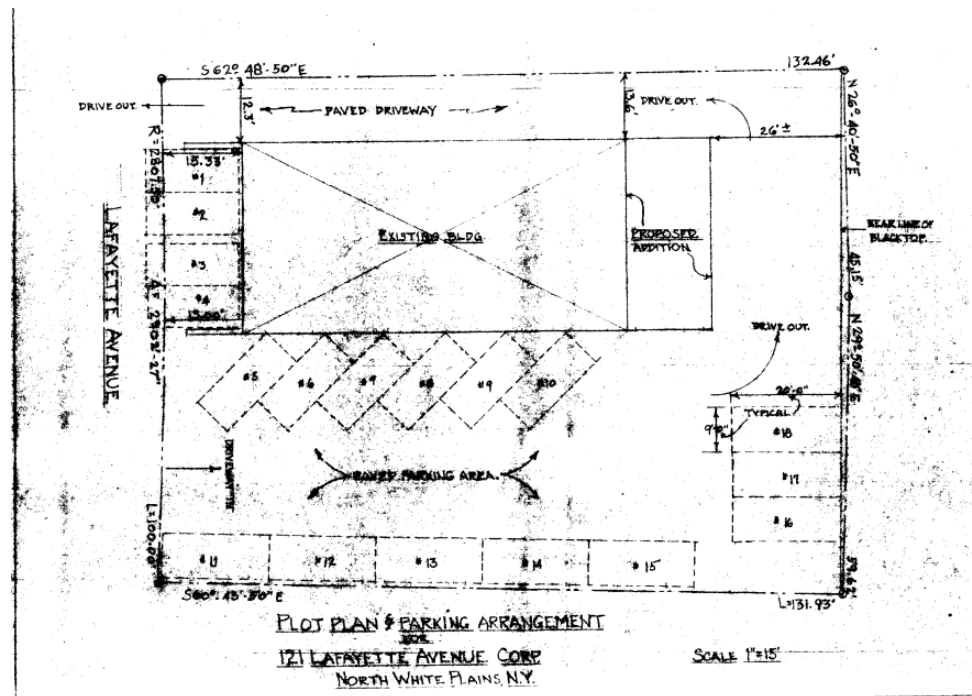
The ARB should opine whether this application is required to be reviewed by the ARB. The ARB, for the similar project at 1 Bedford Banksville Road determined that ARB review was not required.

The referral to Westchester County was made on May 25, 2021.

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The Building Department will need to confirm that the current uses on the site are permitted and that there are no current issues regarding the existing use of the property.

The Applicant should provide additional clarity to the Planning Board regarding off-street parking provisions for this lot.



<p>2. The site plan depicts three separate lots combined together: 119 Lafayette Ave (122.12-1-38, 121 Lafayette Ave 122.12-1-39, and another lot identified as 121 Lafayette Ave (122.12-1-6).</p> <p>The Applicant should explain whether the Applicant is proposing to merge the three lots at this time.</p> <p>If not, the site plan should be revised to depict the boundaries of each lot.</p> <p>If the Applicant is proposing to merge the three lots, the site plan will need to be updated to depict existing and proposed uses on all three properties and update the off-street parking chart to include all uses and required parking for the three properties.</p> <p>If the lots are to remain separate, the Applicant will need to demonstrate that the proposed 121 Lafayette Avenue parking on 119 Lafayette Ave is in excess of what is required at 119 Lafayette Ave and provide a legal instrument, satisfactory to the Town Attorney, assuring the continued existence and use of said parking spaces in connection with the land uses and structures they serve, pursuant to Section 355-56.A(2) of the Town Code.</p> <p>3. The site plan depicts an outdoor yard area, temporary bins for organic recycling and outdoor materials and storage. The Town Code permits the proposed outdoor uses only when determined by the Planning Board as accessory and essential to a permitted use and only when such storage areas do not exceed 15% of the lot area, are suitably screened and are approved by the Planning Board as to location and screening.</p> <p>4. The Applicant is proposing a roof addition (overhang) for additional solar panels. The Applicant should submit a site plan depicting the location of the roof addition in relation to the property lines. The plan shall also contain a zoning conformance table.</p> <p>5. The Applicant should submit a proposed building elevation depicting the roof modifications. The elevation should clearly depict the height of the proposed roof addition over the driveway. The Applicant should demonstrate that the proposed roof addition would not preclude vehicles and trucks from utilizing the driveway.</p> <p>6. It is not clear whether the proposed SunShield Awning would be permitted as Chapter 258 requires all rooftop mounted solar to be flush mounted to the roof. The Applicant should confirm that the SunShield will only be utilized over the driveway at that the balance of the solar installation will be flush mounted.</p> <p>7. The Applicant should indicate whether there are any building or ground mounted equipment at the point of interconnection. If so, those elements should be depicted on the site plan.</p> <p>8. The Applicant shall provide a plan for the operation and maintenance of the solar installation to the satisfaction of the Building Department. The plan shall include measures for maintaining safe access to the installation, adequate security as well as general procedures for operational maintenance of the installation.</p> <p>9. The Applicant will need to submit a project summary, electrical schematic, and site plan to the North White Plains Fire Chief. In addition, upon request, the Applicant shall cooperate with emergency service providers in developing an emergency response plan. All means of shutting down the solar installation shall be clearly marked in the plan and in the field. In addition, the Applicant shall identify a responsible person for public inquiry throughout the life of the installation.</p>	<p>The Applicant will need to contemplate how to address this issue and communicate such to the Planning Board.</p> <p>The site plan should be revised to depict the percentage of the lot used for outdoor uses.</p> <p>The Building Department should determine whether the utilization of the SunShield would be permitted.</p>
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10. The Applicant shall submit a suitable legal agreement, in form satisfactory to the Town Attorney, assuring the Town that the applicant will deposit cash or file a surety bond or other security acceptable to the Town Board (such as a Letter of Credit) for the removal and restoration of the site should the solar collector cease to perform its originally intended function for more than 12 consecutive months. The amount of said bond or other security shall be determined by the Town Board.

In the event that the issuer of the bond or other security furnished to the Town hereunder becomes insolvent or, for any reason, disaffirms the validity of such security, the applicant shall notify the Town Board immediately and replace the invalid security with a new bond or other security acceptable to the Town Board within thirty (30) days thereafter. The existence of a valid bond, letter of credit or other security shall be a condition precedent to the validity of any permits issued or to be issued in connection with this approval.