

STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

May 26, 2022



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

SBL
 122.12-1-39

MEETING DATE
 June 13, 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.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> 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. 	<p>The Applicant obtained ARB approval for the project on June 16, 2021.</p> <p>The referral to Westchester County was made on May 25, 2021.</p> <p>The referral was made on May 25, 2021.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The submitted site plan depicts the 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. 2. The site plan depicts a total of 18-off street parking spaces located at 121 and 123 Lafayette Ave. However, 4 of those parking spaces are partially located in the Lafayette Avenue right-of-way in front of 121 Lafayette Ave. The Applicant is seeking a license agreement to utilize the right-of-way for parking, but the spaces can't be counted as meeting the off-street parking requirement. Therefore, the Applicant will need to obtain the following variances from the Zoning Board of Appeals: <ul style="list-style-type: none"> <input type="checkbox"/> 4 off-street parking space variance from Section 355-57 of the Town Code <input type="checkbox"/> A variance from Section 355-56.G of the Town Code to permit cars to back out into the Lafayette Ave right-of-way. 3. The Applicant will need to seek a license agreement from the Town Board to utilize the right-of-way for parking, 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. 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. 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. 7. 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>The Applicant obtained the required variance at the May 5, 2022 ZBA meeting.</p> <p>The Applicant should indicate the status of the license agreement.</p> <p>The Building Department should determine whether the utilization of the SunShield would be permitted.</p>

8. 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.

9. 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.