



**TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898**

PLANNING BOARD
Christopher Carthy, Chair

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R E S O L U T I O N

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|-------------------------|--------------------------------|
| Action: | Site Plan Approval [#2021-023] |
| Project Name: | 121 Lafayette Ave |
| Owner: | Michael Bellantoni, Inc. |
| Applicant: | Green Hybrid Energy Solutions |
| Designation: | 122.12-1-39 |
| Zoning District: | IND-A |
| Location: | 121 Lafayette Ave |
| Area: | 0.15 acres |
| Approval Date: | June 27, 2022 |
| Expiration Date: | June 27, 2023 (1 year) |

WHEREAS, on May 6, 2021, an application for site plan approval was submitted to the Planning Board and the requisite fee was paid; and

WHEREAS, the application consists of the following drawings:

- Plan labeled "A 1.1," entitled "Installation Overview," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "A 1.2," entitled "Site Plan," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "A 1.3," entitled "Stringing & Ballast," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "B 1.1," entitled "Electrical Diagram," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "B 1.2," entitled "Electrical Calculations," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "B 1.3," entitled "PV Labels," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.1," entitled "SolarEdge Optimizer Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.2," entitled "SolarEdge Inverter Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.3" entitled "Module Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.4," entitled "RM5 Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.5," entitled "RM5Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "C 1.5," entitled "Sunmodo Awning Data Sheet," dated April 10, 2021, prepared by Sunil Saigal, PE.
- Plan labeled "1," entitled "Site Plan," dated August 2021, prepared by AC Engineering, PLLC.

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WHEREAS, the Applicant is seeking to a 76 panel 32.68 kW rooftop mounted solar system at the subject site; and

WHEREAS, however, 121 Lafayette Ave does not have a valid site development plan approved by the Planning Board; and

WHEREAS, in order for the new use to be established on the site, the Planning Board must first adopt a site plan for the property; and

WHEREAS, the Applicant obtained Architectural Review Board approval on June 16, 2021; and

WHEREAS, other than the proposed rooftop solar system, the Applicant is not proposing any new construction, the goal of this limited site plan review is to ensure that all uses established and proposed on the site comply with the use requirements of the IND-A Zoning District and that off-street parking meets the minimum required for the uses existing and proposed on the site; and

WHEREAS, the submitted site plan depicts the property being used as an office and warehouse; and

WHEREAS, the site plan depicts a parking configuration where the 18 spaces fronting Lafayette Avenue would be required to back-out into Lafayette Avenue; and

WHEREAS, pursuant to Section 355-56.G of the Town Code, access drives shall provide unobstructed access to and from the street and shall be designed so as to avoid the backing of any vehicle across the sidewalk or into the street right-of-way; and

WHEREAS, the Applicant obtained the required variance to permit the backing of vehicles onto the road from the Zoning Board of Appeals on May 5, 2022; and

WHEREAS, 18 off-street parking spaces are required and the subject site contains 10 off-street parking spaces; and

WHEREAS, the Applicant obtained an 8 space off-street parking variance from the Zoning Board of Appeals on May 5, 2022 (four for 121 Lafayette Ave and four on 123 Lafayette Ave); and

WHEREAS, the approximately 0.15 acre property is located in the IND-A Zoning District and is designated on the Tax Maps of the Town of North Castle as lot 122.12-1-39; and

WHEREAS, an Environmental Assessment Form dated May 6, 2021 was prepared by the Applicant and submitted to the Planning Board for its review and consideration; and

WHEREAS, the Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

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WHEREAS, the application for site plan approval requires referral to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) since the subject site is located within 500 feet of the Bronx River Parkway; and

WHEREAS, the project was referred to the County; and

WHEREAS, the site plan was 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; and

WHEREAS, a duly advertised public hearing regarding the site plan was conducted on June 27, 2022 at which time all those wishing to be heard were given the opportunity to be heard; and

WHEREAS, the Planning Board has requested, received and considered comments from the Town Attorney, the Consulting Town Engineer and Planner regarding the proposed development; and

WHEREAS, the Planning Board is familiar with the nature of the site, the surrounding area and the proposed development; and

WHEREAS, the requirements of the Zoning Ordinance and the Town of North Castle Comprehensive Plan Update have been met; and

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record the Planning Board finds that the proposed action will not result in any significant adverse environmental impacts and hereby adopts a Negative Declaration pursuant to the requirements of Article 8 of the New York State Environmental Quality Review Law and 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED that, the application for site plan approval, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan approval shall expire one (1) year after the date of this resolution unless all of the conditions and modifications identified below have been substantially completed or an extension of time has been requested by the applicant or granted by the North Castle Planning Board.

Prior to the Signing of the Site Plan:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____1. The Applicant is proposing a roof addition (overhang) for additional solar panels. The Applicant shall submit a site plan depicting the location of the roof addition in relation to the property lines to the satisfaction of the Planning Department. The plan shall also contain a zoning conformance table dimensioning the roof overhang to adjacent property lines to the satisfaction of the Planning Department.
- _____2. The Applicant shall submit a proposed building elevation depicting the roof modifications to the satisfaction of the Planning Department. The elevation shall clearly depict the height of the proposed roof addition over the driveway. The Applicant shall demonstrate that the proposed roof addition would not preclude vehicles and trucks from utilizing the driveway.
- _____3. 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 shall confirm that the SunShield will only be utilized over the driveway and that the balance of the solar installation will be flush mounted to the satisfaction of the Building Department.
- _____4. It is noted that the 9 parking spaces fronting on Lafayette Avenue are not located entirely on the subject lot. The Applicant will need to obtain a license from the Town Board to utilize the right-of-way for parking to the satisfaction of the Planning Department.
- _____5. Pursuant to Section 127-17 of the Town Code, the applicant shall submit a detailed quantity cost estimate for all site improvements proposed, with the quantities certified to by the applicant's engineer, to the satisfaction of the Town Engineer.
- _____6. Payment of all applicable fees, including any outstanding consulting fees.
- _____7. The Applicant shall submit to the Planning Board Secretary one PDF set of plans (with required signature block) incorporating all required amendments to the plans as identified in this resolution of approval to the satisfaction of the Town Planner, Town Engineer and Town Attorney.

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Prior to the Issuance of a Building Permit:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. 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.
- _____ 2. The Applicant shall submit confirmation that a copy of the project summary, electrical schematic, and site plan have been submitted 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.
- _____ 3. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 4. The submission of a complete set of building plans for review and approval by the Town Building Inspector prior to the issuance of a building permit.
- _____ 5. Payment of all outstanding fees, including professional review fees.
- _____ 6. The applicant shall establish an engineering inspection escrow account equal to 3% of the estimated cost of construction.

Prior to the Issuance of a Certificate of Occupancy/Compliance:

(The Planning Board Secretary's initials and date shall be placed in the space below to indicate that the condition has been satisfied.)

- _____ 1. Submission to the Planning Board of 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

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condition precedent to the validity of any permits issued or to be issued in connection with this approval.

- _____2. 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.
- _____3. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

- 1. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.

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APPLICANT, agreed and understood as to contents and
conditions, including expiration, contained herein

Date

Michael Bellantoni, Inc.

Date

Green Hybrid Energy Solutions

NORTH CASTLE PLANNING OFFICE,
as to approval by the North Castle Planning Board

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS CONSULTING
As to Drainage and Engineering Matters

Date

Joseph M. Cermele, P.E.
Consulting Town Engineer

STEPHENS BARONI REILLY & LEWIS LLP
As to Form and Sufficiency

Date

Roland A. Baroni, Jr. Esq., Town Counsel

NORTH CASTLE PLANNING BOARD

Date

Christopher Carthy, Chairman