

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**

March 30, 2023



APPLICATION NAME & NUMBER  
845 N. Broadway – Site Development Plan for  
Rooftop Solar [2023-013]

SBL  
122.12-4-28

MEETING DATE  
April 10, 2023

PROPERTY ADDRESS/LOCATION  
845 N. Broadway, NWP

**BRIEF SUMMARY OF REQUEST**

Installation of a 85.54kW DC (50kW AC) solar photovoltaic system on the roof. The system will consist of 73 Hanwha 485w panels, and 92 Znshine 545w panels with one SolarEdge 50kW inverter on a racking system.



PENDING ACTION:             Plan Review             Town Board Referral             Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CB	Office Use	Commercial	Rooftop Mounted Solar	2.6 acres

**PROPERTY HISTORY**

1977- North White Plains Elementary School closed by Valhalla School District.

1983 – Adaptive Reuse of the North White Plains Elementary School for Commercial Office Purposes.

**COMPATIBILITY with the COMPREHENSIVE PLAN**

In North White Plains, the emphasis should be on improving the Route 22 corridor (see Chapter 6) to enhance the attraction and viability of retail.

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.
3. It is recommended that the Planning Board schedule a public hearing regarding the amended site plan at this time.

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. However, if the panels will not be visible, it is not clear whether ARB approval would be required.
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 NYS Route 22.
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 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.
2. 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.
3. The Applicant should confirm that all panels will be flush mounted to the roof.
4. 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.
5. 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.

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.