

**STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT**  
 May 2, 2024



APPLICATION NAME & NUMBER  
 126 Lafayette Ave [2024-018] – Site Development  
 Plan for Rooftop Solar

SBL  
 122.12-1-7

MEETING DATE  
 May 13, 2024

PROPERTY ADDRESS/LOCATION  
 126 Lafayette Avenue, NWP

**BRIEF SUMMARY OF REQUEST**

**48 panel 17.3 kW rooftop mounted solar system.**



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	Auto Repair	Industrial	Rooftop Mounted Solar	0.24 acres

**PROPERTY HISTORY**

1967 – The Reliable Tree Expert Co.

**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.

**STAFF RECOMMENDATIONS**

1. The Applicant should be required to address staff comments.

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 Applicant should indicate the current use(s) of the property. 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 The Reliable Tree Expert Co.  
  
If the site is a private garage (auto repair), such use is permitted provided that no automobile repair work, except emergency work, shall be done outdoors; no workshop shall be nearer than 25 feet to any street or residential lot line; no opening shall be located in any side or rear walls or roof facing any adjoining residential lot line, except as required by fire safety and building code regulations, and no such opening shall be located within 15 feet of any other side or rear lot line, except for vehicles within 200 feet of a school, church, hospital, fire station, police station or institution for aged persons or children. The Applicant will need to demonstrate compliance with the Town Code requirements.  
  
In addition, the site plan will need to depict reasonable and appropriate off-street parking requirements since a private garage is not listed in the off-street parking requirement chart.
2. 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.
3. 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.
4. The Applicant should confirm that all panels will be flush mounted to the roof.
5. 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.

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 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.

6. 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.