



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

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**PLANNING BOARD  
Christopher Carthy, Chair**

**R E S O L U T I O N**

<b>Action:</b>	Site Plan Approval
<b>Application Name:</b>	1 Bedford Banksville Road Solar Installation
<b>Owner/Applicant:</b>	Grand Slam Health & Tennis LP
<b>Designation:</b>	102.04-1-21
<b>Zone:</b>	CB-B Zoning District
<b>Acreage:</b>	Approximately 3.68 acres
<b>Location:</b>	1 Bedford Banksville Road
<b>Date of Approval:</b>	XXXXXX XX, 2020
<b>Expiration Date:</b>	XXXXXX XX, 2021 (1 Year)

WHEREAS, the Town of North Castle Planning Board received an application for the installation of 448 rooftop solar modules (177kW 7,840 sqft); and

WHEREAS, the solar panels will be installed on the roof of the existing building roof facing the rear of the property; and

WHEREAS, the solar panels will not be visible from Bedford Banksville Road; and

WHEREAS, no Town-regulated trees are proposed to be removed; and

WHEREAS, the property is located within the CB-B Zoning District; and

WHEREAS, pursuant to Section 258-4.J of the Town Code, the proposed solar installation requires site plan approval by the Planning Board; and

WHEREAS, in connection with the proposed development, the Applicant has submitted the following plans:

- Plan labeled, "Z-000.01," entitled "Zoning Information Site Plan," dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, "G-000.01," entitled "General Notes," dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, "A-000.01," entitled "Building Overview," dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, "A-001.01," entitled "Building Overview," dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, "A-002.01," entitled "Racking Details," dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.

- Plan labeled, “E-000.01,” entitled “A/C Electrical Wiring Diagram,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-001.01,” entitled “D/C Electrical Roof 1 String Diagram,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-002.01,” entitled “AC Electrical Plan and Elevations,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-003.01,” entitled “Equipment Details,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-004.01,” entitled “Conduit & Racetray Details,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-005.01,” entitled “Grounding Details,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-100.01,” entitled “One Line Drawing 3-Line Drawing Elec. Calculations,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “E-200.01,” entitled “Monitoring Diagram,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “L-000.01,” entitled “Labels,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.
- Plan labeled, “G-000.01,” entitled “Labels,” dated May 10, 2020, last revised August 5, 2020, prepared by PhRGD.

WHEREAS, the site plan does not depict the removal of any Town-regulated trees; and

WHEREAS, the application for site development plan approval was referred to the Westchester County Planning Board pursuant to Section 239 L, M and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code on September 9, 2020; and

WHEREAS, the site plan was forwarded to the Chief of Police, Fire Inspector and the Banksville Fire Chief so that they may make any pertinent recommendations with respect to the designation of no-parking zones, emergency vehicle access or any other issue deemed important to providing emergency services; and

WHEREAS, the Planning Board, conducted a public hearing on XXXXX XX, 2020, pursuant to § 355-44 of the North Castle Code, with respect to the site plan application, at which time all those wishing to be heard with respect to the site plan were given an opportunity to be heard; and

WHEREAS, the Applicant received approval from the Architectural Review Board on XXXX XX, 2020; and **[PLANNING DEPARTMENT CHECKING WITH ARB AS TO WHETHER THIS PROJECT REQUIRES ARB REVIEW]**

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

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

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

WHEREAS, the requirements of the Zoning Ordinance of the Town of North Castle have been met by said application; and

NOW THEREFORE BE IT RESOLVED, that based upon its review of the full environmental record 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 shall be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan 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 submitted plans shall be revised to contain the seal and signature of the professional preparing the plans to the satisfaction of the Planning Department.
- \_\_\_\_\_2. The Applicant shall submit a fully complete Application for Site Development Plan to the satisfaction of the Planning Department.
- \_\_\_\_\_3. Payment of all applicable fees, including any outstanding consulting fees.
- \_\_\_\_\_4. 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. **[IS THIS REQUIRED?]**
- \_\_\_\_\_5. The applicant shall submit to the Planning Board Secretary two sets of plans (with required signature block at lower right corner of plan sheets) 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.

**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 Banksville 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 fee equal to 3% of the estimated cost of construction. **[IS THIS REQUIRED?]**

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

- \_\_\_\_\_2. The submission to the Town Building Inspector of an "As Built" site plan.
- \_\_\_\_\_3. Payment of all outstanding fees, including professional review fees.
- \_\_\_\_\_4. 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.

**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

\_\_\_\_\_  
Grand Slam Health & Tennis LP

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valerie Desimone, Planning Board Secretary  
Certified as Approved by the North Castle Planning Board

KELLARD SESSIONS CONSULTING P.C.  
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