

## STAFF REPORT - TOWN OF NORTH CASTLE PLANNING DEPARTMENT

September 23, 2020

APPLICATION NUMBER - NAME

#2020-038 – 80 Layfayette Ave

Site Development Plan

MEETING DATE September 30, 2020 SBL

PROPERTY ADDRESS/LOCATION

80 Lafayette Ave

122.12-1-11

#### **BRIEF SUMMARY OF REQUEST**

The Applicant is seeking to legalize the existing chemical warehouse on the site. The Applicant, in 2016, obtained site plan approval for a second floor addition, but that site plan was never brought to fruition; therefore, the Applicant is seeking site development plan approval for a change of use from the last approved use, bakery, to the current warehouse use.



PENDING ACTION: ■ Plan Review ☐ Town Board Referral ☐ Preliminary Discussion SURROUNDING **EXISTING EXISTING LAND** SITE SIZE OF PROPERTY **ZONING** USE **ZONING & LAND IMPROVEMENTS** USE **IND-A Zoning** Industrial Industrial None 0.9 acres District

# PROPERTY HISTORY

1966 Site Plan for Bakery

2016 – Site Plan for Second Floor Addition to warehouse

# **COMPATIBILITY with the COMPREHENSIVE PLAN**

 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 & PLANNING BOARD POLICY DECISIONS

1. The Applicant should be directed to address the comments contained in this report.

#### **Procedural Comments**

- 1. The Proposed Action would be classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA).
- 2. 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). This referral is required because the subject site is located within 500 feet of the Bronx River Parkway.
- 3. A public hearing regarding the site plan will need to be scheduled.
- 4. The notice of public hearing will need to be sent to the Towns of Greenburgh and Mt. Pleasant Town Clerk pursuant to § 239-nn of New York State General Municipal Law (GML). This referral is required because the subject site is located within 500 feet of the Towns of Greenburgh and Mt. Pleasant.
- 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 issue deemed important to providing emergency services.

## Staff Notes

#### **General Comments**

 The Applicant should explain what types of activities would occur within the building and what type of material would be stored within the warehouse.

If chemical storage is proposed, the Applicant should submit SDS sheets for all products proposed to be stored within the warehouse. It is recommended that the sheets be forwarded to all emergency service providers for comment and filing.

In addition, the Applicant should submit a Spill Prevention, Control and Countermeasure Plan (SPCCP) and a Site Specific Health and Safety Plan (HASP) for review.

The Applicant should specifically address whether chemical processing, mixing or blending is proposed at this facility.

The Applicant should indicate whether a NYSDEC permit for chemical bulk storage/containment would be required.

The Applicant should provide documentation that site workers in the warehouse portion of the facility and those responsible for the routine handling and testing of the stored compounds have met all OSHA required health and safety training including 24-hour HAZWOPER technician training and annual refresher training requirements pursuant to 29CFR1910.120(q).

The Applicant should provide a narrative to the Planning Board stating whether a spill has occurred at this facility or on any vehicle traveling to and/or from this facility. If so, please provide the Planning Board with a description of the spill, the circumstances of the spill, the remediation conducted as well as plans enacted to prevent future spills.

2. The site plan depicts multiple loading docks where trucks would need to back into the loading dock from Lafayette Avenue. Any situation that requires large trucks to back into the site from Lafayette is not desirable and could be dangerous. The Applicant should provide additional information to the Planning Board indicating the types of vehicles that would be utilizing the site as well as how those vehicles will safely access the site.

Once the Planning Board has a good grasp of the type of activities proposed on the site as well as a complete list of chemicals proposed to be stored on-site, it is recommended that the Planning Board hire Hydro Environmental Solutions (HES) to review the subject proposal with respect to issues associated with the proposed chemical storage pursuant to Section 355-79.B(1) of the Town Code.

In addition, it is recommended that the Applicant schedule a meeting with the Building Department, North White Plains Fire Department and North Castle Police Department to review firefighting/emergency response protocols.

The Building Department shall determine that the building structure and systems meet all applicable codes relating to the storage of chemicals.

- 3. The Planning Board will need to determine whether to permit all of the perpendicular spaces in the front of the building. Pursuant to Section 355-56.G of the Town Code, access drives for ingress and egress to and from the parking and loading areas for sites located in commercial and multifamily residential districts are required to be designed so as to avoid the backing of any vehicle across the sidewalk or into the street right-of-way. The site plan should be revised to demonstrate compliance with the Town Code. It appears that the vehicles parked in front of 80 Lafayette Ave. do not meet the Town Code requirement.
- 4. The Applicant and the Planning Board should take this opportunity to make improvements to the site's frontage along Lafayette Avenue. Particular attention should be given to architectural enhancements, plantings and/or planters in front of the buildings. At a minimum, it is recommended that the Applicant provide a planting plan for existing shrub and trees planting area along the building frontage.

The Applicant should give consideration to similar types of modest improvements previously approved by the Planning Board.

 The Planning Board previously proposed improvements along the site frontage to maximize off-street parking and to reconfigure loading activities. The Planning Department recommends that these previously approved improvements be proposed at this time.

If these improvements are implemented, an off-street parking variance would not be required.

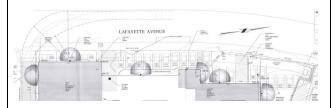
- 6. Pursuant to Section 355-45.M of the Town Code, the site plan should provide adequate security and safety lighting. All proposed lighting fixtures should be full cutoff downlit box type lights. In addition, if proposed, details of any poles (including height) should be submitted. Furthermore, the Applicant should submit a photometric plan for review.
- 7. The off-street parking requirement for warehouse use is 1 per employee on the largest work shift, but not fewer than 1 per 1,200 square feet of gross floor area, plus 1 for each commercial vehicle garaged on the lot. The parking analysis should indicate the total number of employees and the number of garaged commercial vehicles on the site.

The off-street parking analysis breaks out office use as a separate use in the building. The Applicant should provide additional information. If the office uses are associated with the <u>warehouse</u> use then the office use should be calculated as part of the warehouse use. If the offices are separate corporate offices not directly related to the warehouse use, then the off-street parking calculations are correct.

- 8. The Applicant will need to obtain an Operating Permit for the proposed chemical storage from the Building Department. The documentation for an Operating Permit should include, but not be limited to, Safety Data Sheets (SDS), CAS (Chemical Abstract Service) numbers, location of chemical storage, change in either the chemical or the amount of chemical stored, and whether a drum is increased in size to over 1,000 kg. The Operating Permit should include:
- Annual outside consultant inspection of the facility and operations by a Chemical Engineer or Qualified and/or licensed environmental professional familiar with chemical bulk storage and handling.
- Submission of documentation annually demonstrating that all personnel have adequate health and safety training to the satisfaction of the Planning Department and the Town's environmental professionals.

The Applicant received a variance from the Zoning Board of Appeals at their August 2015 meeting. The Building Inspector will need to determine whether the variance remains in effect.





The Applicant received a variance from the Zoning Board of Appeals at their August 2015 meeting for 5 Parking Spaces. The Building Inspector will need to determine whether the variance remains in effect. As submitted, the Applicant would need an off-street parking variance of 7 spaces.

- Submission of a Spill Prevention, Control and Countermeasure Plan (SPCCP) to the satisfaction of the Planning Department.
- Submission of documentation that all personnel have received technician training pursuant to 29CFR1910.12(q)(6)(iii) (or as amended in the future) (currently OSHA 24-hour HAZWOPER Training) including annual refresher training pursuant to 29CFR1910.12(q)(8)(i) (or as amended in the future).
- Submission of a site-specific Health and Safety Plan (HASP) for the facility to the satisfaction of the Planning Department.
- Submission of documentation that the Applicant has consulted with the North White Plains Fire Department with respect to chemicals stored and firefighting coordination at a minimum on an annual basis along with an updated stored chemical database.
- Ability for the Town to inspect the facility at any time and unannounced as well as request an updated chemical inventory.
- At a minimum, the facility shall be provided with an on-site shift supervisor who shall be fluent in English.
- The SPCC and Site Specific Health and Safety Plan shall be maintained on-site.
- The SDS documentation, SPCC and Site Specific Health and Safety Plan shall be updated and redistributed to the Town and Fire Department upon any change to the chemicals stored on-site.
- All warehouse inventory shall include an English label with CAS number.
- 9. It is recommended that the Planning Board require that the Applicant provide the following insurance to protect against the financial impacts of potential on-site or off-site environmental impacts that might be associated with the proposed use. Such insurance shall comply with the following requirements:

## General

All insurers must be licensed and admitted in the State of New York and have a current Best's rating of not less than A , VIII.

The policy shall be endorsed to provide the Town of North Castle sixty (60) days advance written notice by certified mail, return receipt requested, for any cancellation or material reduction of coverage.

The policy shall be renewed annually. The Applicant shall be responsible for such renewals until the Town of North Castle gives written direction the below policies may be cancelled.

All policies must be on an occurrence basis with per claim deductibles not to exceed \$50,000.

### **General Liability**

Liability insurance coverage shall be obtained on an occurrence basis for limits not less than \$1,000,000 each occurrence and shall include an aggregate limit of not less than \$2,000,000.

Liability insurance coverage shall be obtained in a manner that names the Town of North Castle, their assigns, officers, employees, volunteers, representatives, and agents as an additional insured. The Applicant's insurance policy shall be primary and non contributory to any the Town of North Castle may have.

Includes a waiver of subrogation endorsement including the Town of North Castle, their assigns, officers, employees, volunteers, representatives, and agents.

## **Environmental Site Liability**

The policy shall cover losses arising from or in any way related to pollution conditions, both sudden and non-sudden (gradual), which arise from or in connection with the tenant's operations at the site. The policy shall provide clean-up costs, third party bodily injury and property damage, and defense costs for environmental releases on, at, or migrating from the leased site. In addition, the Environmental Site Liability policy shall have the following minimum limits:

\$10,000,000 per occurrence/per claim \$10,000,000 Annual Aggregate

Coverage provides shall include the following:

New conditions coverage
Natural resource damages
Transportation coverage
Coverage shall be made primary
Waiver of subrogation in favor the Town of North Castle, their assigns,
officers, employees, volunteers, representatives, and agents
Medical monitoring costs
Diminution in property value

## **Umbrella Liability**

The policy limits must be at least \$5,000,000 per occurrence and in the annual aggregate.

Such policy shall provide coverage over General Liability, Automobile, Liability, and Workers Compensation Insurance.

### <u>Automobile</u>

Automobile Liability that includes transportation of pollution materials with limits not less than \$1,000,000 Bodily Injury/Property Damage covering all owned, non owned and hired vehicles. Said policy must include the Town of North Castle, their assigns, officers, employees, volunteers, representatives, and agents as an additional insured and Waiver of Subrogation.

### Workers Compensation

Workers Compensation and Employers Liability Policy covering operations in New York State that includes a waiver of subrogation endorsement including the Town of North Castle, their assigns, officers, employees, volunteers, representatives, and agents

Employers Liability limits must be unlimited.

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