

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

September 23, 2020

APPLICATION NUMBER - NAME
#2020-038 – 80 Lafayette Ave
Site Development PlanSBL
122.12-1-11MEETING DATE
September 30, 2020PROPERTY ADDRESS/LOCATION
80 Lafayette Ave**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

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
IND-A Zoning District	Industrial	Industrial	None	0.9 acres

PROPERTY HISTORY	COMPATIBILITY with the COMPREHENSIVE PLAN
1966 Site Plan for Bakery 2016 – Site Plan for Second Floor Addition to warehouse	<ul style="list-style-type: none">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.

<p><u>Procedural Comments</u></p> <ol style="list-style-type: none"> 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. 	<p><u>Staff Notes</u></p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> 1. The Applicant should explain what types of activities would occur within the building and what type of material would be stored within the warehouse. <p>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.</p> <p>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.</p> <p>The Applicant should specifically address whether chemical processing, mixing or blending is proposed at this facility.</p> <p>The Applicant should indicate whether a NYSDEC permit for chemical bulk storage/containment would be required.</p> <p>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).</p> <p>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.</p> <ol style="list-style-type: none"> 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. 	<p>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.</p> <p>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.</p> <p>The Building Department shall determine that the building structure and systems meet all applicable codes relating to the storage of chemicals.</p>

- 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 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.

Automobile

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.