

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

September 18, 2023



APPLICATION NUMBER - NAME  
 #2022-041 – 100 Business Park Drive  
 Amended Site Development Plan and  
 Wetlands Permit Approvals

SBL  
 108.03-1-51

MEETING DATE  
 September 28, 2023

PROPERTY ADDRESS/LOCATION  
 100 Business Park Drive

**BRIEF SUMMARY OF REQUEST**

Amended Site Plan approval to construct a proposed 26,461 square foot pickleball recreation center, a proposed 81,609 square foot self-storage facility and a new 8,038 s.f. warehouse. In addition, the Applicant is seeking to legalize the existing Jantile manufacturing space and possibly the legalization of a 1,742 s.f. private gym.

The property is approximately 11.3 acres in size and lies within the PLI zoning district. The site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking.



PENDING ACTION:       Plan Review       Town Board Referral       Preliminary Discussion

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
PLI Planned Light Industry District	Office/Warehouse/Recreation Center	Office and Industrial Uses	Proposed new recreation center, self storage and warehouse building	11.27 acres

**PROPERTY HISTORY**

1975 – Building Permit issued to HO Penn for office and warehouse building  
  
 2020 –Approval to store 5,000 cubic yards of fill  
  
 2021 – Approval to construct a 74,850 s.f. warehouse

**COMPATIBILITY with the COMPREHENSIVE PLAN**

Avoid expansion of the existing retail areas in Town, focusing on enhancing them through transportation improvements, landscaping and beautification, strong site design and targeted infill housing as appropriate.  
  
 Explore adjusting the PLI and DOB-20A zoning to facilitate the location of a modern hotel with amenities and entertainment/cultural or ancillary education uses.

**STAFF RECOMMENDATIONS**

1. The Applicant should be directed to address all outstanding staff and consultant’s comments.
2. The project is compatible with the Comprehensive Plan.
3. Once all staff and consultant’s comments are addressed, the Planning Board should give consideration to approving the requested permits.

<u>Procedural Comments</u>	<u>Staff Notes</u>
<ol style="list-style-type: none"> <li>1. The Applicant will need to obtain a special use permit for the legalization of the existing recreation center as well as the proposed recreation use from the Town Board.</li> <li>2. The Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA).</li> <li>3. A Public Hearing for the proposed site plan and wetlands permit application will need to be scheduled.</li> <li>4. The site plan should be forwarded to the Chief of Police, Fire Inspector and the Armonk Fire Chief so that they may make any pertinent recommendations to the Planning Board including, but not limited to, emergency vehicle access or any other issued deemed important to providing emergency services.</li> <li>5. The site plan should be forwarded to the Water and Sewer Department so that they may make any pertinent recommendations to the Planning Board including, but not limited to, the provision of additional water and sewer services on the subject site.</li> <li>6. 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 I-684.</li> <li>7. The Applicant will need to obtain a County Stream Control Permit from the Westchester County Department of Public Works.</li> <li>8. The Applicant will need to obtain a curb cut permit from the North Castle Highway Department for the proposed new driveway on Business Park Drive.</li> <li>9. Pursuant to Section 340-5.B of the Town Code, the Conservation Board is required to review the proposed wetland application and, within 45 days of receipt thereof, file a written report and its recommendation concerning the application with the Planning Board. Such report is required to evaluate the proposed regulated activity in terms of the findings, intent and standards of Chapter 340.</li> <li>10. 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.</li> <li>11. The Applicant obtained a variance from the Town Board for the compensatory floodplain storage requirement of the Town Code.</li> </ol>	<p>The Applicant obtained the required special use permits from the Town Board on September 13, 2023.</p> <p>The Planning Board adopted a Negative Declaration on September 11, 2023.</p> <p>The project was referred on November 15, 2022.</p> <p>The project was referred on November 15, 2022</p> <p>The project was referred on November 15, 2022.</p> <p>The Conservation Board recommended wetland permit approval in an August 5, 2023 communication to the Planning Board.</p> <p>The Applicant obtained ARB approval on July 19, 2023.</p> <p>The Town Attorney will need to determine whether the previously granted variance is applicable to the current modified project.</p>
<p><u>General Comments</u></p> <ol style="list-style-type: none"> <li>1. The Planning Board at the June 26, 2023 meeting directed that the site plan be revised to connect all parking lots with sidewalks (completed); limit outdoor storage to Jantile (completed) and that once Jantile vacates outdoor storage shall not be permitted (a note stating such on the site plan should be added; depiction of overnight truck parking locations (not depicted); Submit new building floor plans and elevations for review (completed).</li> <li>2. The site plan has been revised to depict a 4,612 s.f. outdoor storage area at the rear of the existing warehouse building.</li> <li>3. The Planning Board at the November 14, 2022 meeting directed the Applicant to describe Jantile site operations.</li> </ol>	<p>The Planning Board will need to determine whether the proposed outdoor storage area is acceptable.</p> <p>The Planning Board should review the November 28, 2022 Zarin &amp; Steinmetz letter to the Planning Board containing the requested information.</p>

<p>4. The proposed warehouse building does not meet the 100 foot minimum front yard setback. The Applicant previously secured a 43 foot front yard variance from the Zoning Board of Appeals.</p> <p>5. The proposed project does not comply with the maximum FAR permitted on the site. Specifically, a maximum FAR of 0.3 is permitted while the proposed FAR is 0.37.</p> <p>6. The Byram River is located at the rear of the property. The site plan depicts 5,615 s.f. of Town-regulated wetland buffer disturbance. A 36,570 s.f. mitigation plan that is twice the size of the proposed amount of disturbance is required to be submitted.</p> <p>7. The Planning Board previously approved the removal of 235 Town-regulated trees and the trees have been removed from the property. In addition, the Planning Board approved 38 additional trees to be removed (after the fact) on March 27, 2023.</p> <p>8. The site plan calculates that 18 loading spaces are required and that 18 loading spaces are proposed. However, it appears that several loading spaces are not fully accessible.</p> <p>9. The submitted elevations shall be revised to depict proposed Building Height (average grade to top of roof). Building Height can't exceed 35 feet in the PLI Zoning District.</p>	<p>The Town Attorney will need to determine whether the previously granted variance is applicable to the current modified project.</p> <p>The Applicant obtained a 0.08 FAR variance from the Zoning Board of Appeals on June 1, 2023.</p> <p>The Planning Board will need to determine whether the proposed amount of Town-regulated wetland buffer disturbance is acceptable.</p> <p>The Applicant has confirmed that no additional tree removal is proposed.</p> <p>The Planning Board pursuant to Section 355-58.C(4) of the Town Code, upon consideration of all factors entering into the loading and unloading needs of each use, the Planning Board may make appropriate reductions in the loading requirements...</p>
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