



TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
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PLANNING BOARD
Christopher Carthy, Chair

RESOLUTION

Action: Site Plan, Tree Removal and Wetland Permit Approvals [2022-041]
Application Name: 100 Business Park Drive
Applicant/Owner: Basis Industrial Acquisitions, LLC
Designation: 108.03-1-51
Zone: PLI Zoning District
Acreage: 11.27 acres
Location: 100 Business Park Drive
Date of Approval: October 23, 2023
Expiration Date: October 23, 2023 (1 Year)

WHEREAS, in 2021, the Applicant previously obtained approval to construct a 74,850 square foot warehouse with associated off-street parking and landscaping improvements; and

WHEREAS, the Applicant has proposed a modified project 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; and

WHEREAS, in addition, the Applicant is seeking to legalize the existing Jantile manufacturing space and the legalization of a 1,742 s.f. private gym; and

WHEREAS, the new building is proposed to be constructed in the undeveloped southern portion of the site, with the existing building proposed to remain; and

WHEREAS, the property is approximately 11.3 acres in size and lies within the PLI zoning district; and

WHEREAS, the site is currently developed with a 62,782 square foot office/light industrial building with associated off-street parking; and

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

- Plan labeled “C-000,” entitled “Cover Sheet,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-010,” entitled “Overall Site Existing Conditions Map,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-011,” entitled “Site Existing Conditions Map,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-020,” entitled “Site Demolition & Tree Removal Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-100A,” entitled “Overall Site Layout Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-100A,” entitled “Site Layout Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-120,” entitled “Fire Apparatus Turning Analysis,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-130,” entitled “Driveway Site Distance Profiles,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-200,” entitled “Site Grading Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-300,” entitled “Site Utilities Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-400,” entitled “Site Erosion & Sediment Control Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-500A,” entitled “Overall Site Landscaping & Wetland Mitigation Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-500,” entitled “Site Landscaping & Wetland Mitigation Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-600,” entitled “Site Lighting Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-800,” entitled “Existing Interior Landscaped Area Calculations Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-810,” entitled “Proposed Interior Landscaped Area Calculations Plan,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

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- Plan labeled “C-900,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-901,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-902,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-903,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-904,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-905,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “C-906,” entitled “Construction Details,” dated September 12, 2022, last revised September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.
- Plan labeled “G0-00,” entitled “Title Sheet & Drawing Index,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “G0-01,” entitled “GIS Aerial Map,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A0-00,” entitled “Plat of Survey,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A0-01,” entitled “Site Plan,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A1-01,” entitled “First Floor Plan,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A1-02,” entitled “Second Floor/Mezzanine Plan,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A1-03,” entitled “Third Floor Plan,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A1-04,” entitled “Roof Plan,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A2-01,” entitled “Building Elevation,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A2-01,” entitled “Building Perspective,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A2-03,” entitled “Building Perspective,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.

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- Plan labeled “A2-04,” entitled “Building Perspective,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A2-05,” entitled “Streetscape Photographs,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Plan labeled “A3-01,” entitled “Building Sections,” dated September 12, 2022, last revised September 6, 2023, prepared by Sullivan & Wilson P.C.
- Document entitled “Stormwater Pollution Prevention Plan,” dated September 11, 2023, prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC.

WHEREAS, the site plan depicts 4,612 s.f. outdoor storage area at the rear of the existing warehouse building; and

WHEREAS, the Applicant obtained a special use permit for the legalization of the existing recreation center as well as the proposed recreation use from the Town Board on September 13, 2023; and

WHEREAS, the proposed warehouse building does not meet the 100 foot minimum front yard setback; and

WHEREAS, the Applicant secured a 43 foot front yard variance from the Zoning Board of Appeals on April 1, 2021; and

WHEREAS, the proposed project does not comply with the maximum FAR permitted on the site; and

WHEREAS, a maximum FAR of 0.3 is permitted while the proposed FAR is 0.37; and

WHEREAS, the Applicant obtained a 0.08 FAR variance from the Zoning Board of Appeals on June 1, 2023; and

WHEREAS, the Applicant obtained a variance from the Town Board for the compensatory floodplain storage requirement of the Town Code; and

WHEREAS, the Architectural Review Board approved the proposed building design at the September 20, 2023 meeting; and

WHEREAS, the application for site plan approval was referred to the Westchester County Planning Board pursuant to § 239-m of New York State General Municipal Law (GML) on November 15, 2022; and

WHEREAS, the Applicant will need to obtain a County Stream Control Permit from the Westchester County Department of Public Works.

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WHEREAS, the plan depicts the disturbance to 5,615 square feet of Town-regulated wetland buffer; and

WHEREAS, the Applicant is proposing a 36,570 square foot mitigation area; and

WHEREAS, the Planning Board previously approved the removal of 235 Town-regulated trees and the trees have been removed from the property; and

WHEREAS, in addition, the Planning Board approved 38 additional trees to be removed (after the fact) on March 27, 2023; and

WHEREAS, 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; and

WHEREAS, the Conservation Board recommended approval of the wetlands permit in an August 5, 2023 memorandum to the Planning Board; and

WHEREAS, on October 23, 2023, the Planning Board, pursuant to §355-44 of the North Castle Code, conducted a duly noticed public hearing with respect to the site plan and wetlands permit applications, 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 Proposed Action would be classified as an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board, as Lead Agency adopted a Negative Declaration on September 11, 2023; and

WHEREAS the site plan was 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, the designation of no-parking zones, emergency vehicle access or any other issued deemed important to providing emergency services; and

WHEREAS, the Police Department, Fire Department and the Fire Inspector did not provide the Planning Board with comments; and

WHEREAS, the site plan was 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 capacity of the sewer and water infrastructure to handle the proposed amount of effluent and water demand; and

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WHEREAS, the Water and Sewer Department did not provide the Planning Board with comments; 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 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 reduces the loading requirement to that depicted on the site plan; and

BE IT FURTHER RESOLVED, that the application for site plan, tree removal permit and wetlands permit approvals, as described herein, is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, this site plan, tree removal permit and wetlands permit approvals 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 site plan shall be revised, to the satisfaction of the Planning Department, to include a note stating that once Jantile vacates the property, outdoor storage shall not be permitted.
- _____ 2. The site plan shall be revised to depict the location of overnight truck parking locations to the satisfaction of the Planning Department.
- _____ 3. The submitted elevations shall be revised to depict proposed Building Height (average grade to top of roof) to the satisfaction of the Planning Department. Building Height can't exceed 35 feet in the PLI Zoning District.

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- _____4. The plan proposes approximately 4.8 acres of disturbance, which will require the owner to obtain coverage under the NYSDEC General Permit (GP-0-20-001) for Stormwater Discharge from Construction Activities. The applicant shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control Plan to the satisfaction of the Town Engineer.
- _____5. 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.
- _____6. The site plan shall be revised to reference the compensatory floodplain storage variance issued by the Town Board and the date the Town Board granted the variance to the satisfaction of the Town Engineer.
- _____7. The Applicant amend the County Stream Control Permit to represent the revised project and owner to the satisfaction of the Town Engineer.
- _____8. The applicant shall submit a detailed quantity cost estimate for all improvements proposed for the wetland mitigation with the quantities certified by the applicant's engineer to the satisfaction of the Town Engineer.
- _____9. Submission to the Planning Board of a suitable legal agreement, in the 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 construction of the wetland mitigation plantings, maintenance and five year monitoring program, the amount of said bond or other surety to be determined by the Town Board. Such bond shall be released after the completion of the wetland mitigation and monitoring to the satisfaction of the Town Engineer.
- _____10. Payment of all applicable fees, including any outstanding consulting fees.
- _____11. The Applicant shall submit to the Planning Board Secretary one (1) PDF set of plans (with required signature block) 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.
- _____12. The Applicant shall submit final construction plans for site improvements to the Town Engineer for his approval of driveways, parking areas, storm drainage system, water and sewer connections, sidewalks, erosion and sediment controls and any other information requested by the Town Engineer to the satisfaction of the Town Engineer.

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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 demonstrate that a floodplain development permit was issued pursuant to Chapter 177 of the Town Code to the satisfaction of the Town Engineer.
- _____ 2. The applicant shall demonstrate documentation confirming that a Street Opening Permit was issued by the North Castle Highway Department.
- _____ 3. The Applicant shall provide proof of filing of the Notice of Intent and MS4 SWPPP Acceptance Form with the NYSDEC for coverage under SPEDES General Permit, GP-0-20-001, to the satisfaction of the Town Engineer.
- _____ 4. All proposed building/site signage will require ARB approval.
- _____ 5. Provide confirmation that the Wetland Mitigation Bond has been posted, to the satisfaction of the Town Engineer
- _____ 6. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.
- _____ 7. The proper construction type stickers shall be affixed to the building to the satisfaction of the Building Department.
- _____ 8. 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.
- _____ 9. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.
- _____ 10. Payment of all outstanding fees, including professional review fees.

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. The applicant shall submit documentation demonstrating that all conditions of the Westchester County Stream Control Permit have been satisfied to the satisfaction of the Town Engineer.

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- _____ 2. The applicant shall submit documentation demonstrating that Notice of Termination (NOT) filing for the NYSDEC General Permit has been completed to the satisfaction of the Town Engineer.
- _____ 3. The applicant shall submit documentation demonstrating that all conditions of the North Castle Highway Department Street Opening Permit and Curbcut permits have been satisfied to the satisfaction of the Town Engineer.
- _____ 4. The applicant shall submit documentation demonstrating that all conditions of the Floodplain Development Permit have been satisfied to the satisfaction of the Town Engineer.
- _____ 5. A Knox Box shall be installed at the main entrance to the building to the satisfaction of the Building Department.
- _____ 6. The fire department shall walk through during and post construction to review the fire safety system for the building to the satisfaction of the Building Department.
- _____ 7. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all wetland mitigation to the satisfaction of the Town Engineer.
- _____ 8. Prior to the issuance of a certificate of occupancy/compliance, the actual construction, installation and implementation of all landscaping shall be certified by a licensed landscape architect as being in compliance with the approved plans and conditions, at the sole cost and expense of the Applicant.
- _____ 9. The submission to the Town Building Inspector of an "As Built" site plan.

Other Conditions:

1. Once Jantile vacates the property outdoor storage shall not be permitted.
2. Vehicle washdown shall be prohibited.
3. Prior to the start of construction and throughout the construction period, area of disturbance lines shall be clearly delineated in the field with snow fence or another demarcation acceptable to the Building Department and Town Engineer, which shall be placed around the entire proposed construction area. Except as necessary to provide mitigation plantings, no encroachment beyond these limits by workers or machinery shall be permitted.

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4. Grading and clearing and other construction-related activities shall take place only within the delineated area of disturbance lines. These area of disturbance lines represent the maximum limits of construction activities. Every attempt shall be made to further reduce grading and clearing activities within the area of disturbance lines by maintaining natural vegetation and topography wherever practicable.
5. Prior to the commencement of any site work, the Applicant shall stake the location of the proposed construction for inspection and approval by the Building Department and Town Engineer.
6. All soil erosion and sedimentation control measures shown on this plan shall be in place prior to the start of any site work. The Building Department and Town Engineer shall have inspected the installation of all required soil erosion and sedimentation control measures prior to the authorization to proceed with any phase of the site work.
7. Throughout the construction period, a qualified professional retained by the Applicant shall, on at least a weekly basis, prior to any predicted rain event and after any runoff-producing rain event, inspect the soil erosion and sedimentation control measures to ensure their proper functioning. Soil shall be removed from the silt fence when bulges develop in the fence in accordance with Westchester County recommendations. Records shall be kept onsite and made available for review by Town personnel. Inspections shall be in accordance with the NYSDEC Phase II regulations.
8. If the Applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, he shall report such conditions immediately to the Building Department and Town Engineer. The Applicant may submit, if he so desires, his recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. The Building Department, without unnecessary delay, shall investigate the condition or conditions, and shall either approve the Applicant's recommendations to correct the conditions, order a modification thereof, or issue his own specifications for the correction of the conditions. In the event of the Applicant's disagreement with the decision of the Building Department, or in the event of a significant change resulting to the site plan or any change that involves the wetlands regulated areas, the matter shall be decided by the Planning Board. Any such conditions observed by the Planning Board or its agents shall be similarly treated.
9. Compliance with all applicable local laws and ordinances of the Town of North Castle and any conditions attached to permits issued thereunder.
10. The applicant shall provide sedimentation and erosion control measures to the satisfaction of the Town Engineer and in accordance with the measures set forth in the Westchester County Best Management Practices for Construction and Related Activities.

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11. All landscaping shown on this plan shall be maintained in a vigorous growing condition throughout the duration of the use. All plants not so maintained shall be replaced with new plants of comparable size and quality at the beginning of the next immediately following growing season.

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APPLICANT, agreed and understood as to contents and conditions, including expiration, contained herein

Date

Basis Industrial Acquisitions, LLC

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

Date

Joseline Huerta, Planning Board Secretary

KSCJ Consulting
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