

August 7, 2023

**Sent Via Email**

Christopher Carthy, Chair  
Town of North Castle Planning Board  
17 Bedford Road  
Armonk, NY 10504



**Re: Basis Industrial Acquisitions LLC  
Special Permit Referral – BaySpace Armonk  
100 Business Park Drive (108.03-1-51)**

Dear Chairman Carthy and Members of the Board:

This firm, in collaboration with JMC and SGW Architects, represents Basis Industrial Acquisitions LLC (“Applicant”), owner of the property located at 100 Business Park Drive (“Property”), in connection with an Amended Site Plan Approval Application currently pending before your Board, as well as an application for a Special Use Permit currently pending before the Town Board. The Special Use Permit application seeks approval of the existing recreational center in the Jantile warehouse building on the Property,<sup>1</sup> as well as an approximately 26,460 s.f. recreational area in the proposed building to accommodate eleven pickleball courts.

On July 12, 2023, the Town Board referred the Special Use Permit application to the Town and County Planning Boards, and scheduled a public hearing for September 13, 2023. Accordingly, we respectfully request placement on the Planning Board’s September 11, 2023 meeting agenda in connection with the Town Board’s referral.

Section 355-23 of the Town Zoning Code permits recreational centers in the Planned Light Industrial (“PLI”) zoning district by special permit. For the reasons fully explained in our submission to the Town Board, attached hereto for your convenience, it is respectfully submitted that this application meets all of the general and specific special permit standards set forth in Sections 355-37 and 355-40(Z) of Article VII of the Zoning Code.

We look forward to returning to your Board on September 11<sup>th</sup>, and we respectfully request that the Planning Board issue a report recommending that the Town Board approve the recreational center Special Use Permit.

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<sup>1</sup> Approximately 1,740 s.f. of space in the existing Jantile warehouse building is occupied by The Room, a private gym facility to be used exclusively by employees, family, and friends of the tenant at 100 Business Park Drive.

Thank you for your consideration. Should you require anything further, please do not hesitate to contact us.

Respectfully Submitted,

ZARIN & STEINMETZ LLP

*Kory Salomone*

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Kory Salomone  
Kasey Brenner

cc: Anthony Scavo  
Paul R. Sysak, RLA, ASLA  
Paul Dumont, P.E.  
Marino Velarde  
Chris Michalek

# **EXHIBIT A**

June 21, 2023

**[Via Email]**

Supervisor Michael Schiliro and the  
Honorable Members of the North Castle Town Board  
15 Bedford Road  
Armonk, NY 10504

***Re: Basis Industrial Acquisitions, LLC  
Recreational Center Special Permit Application  
100 Business Park Drive (108.03-1-51)***

Honorable Supervisor Schiliro and Members of the Town Board:

**I. INTRODUCTION**

This firm, in collaboration with JMC and SGW Architecture & Design, represents BASIS Industrial Acquisitions LLC (“Applicant”), owner of the property located at 100 Business Park Drive (“Property”), in connection with this application for a Special Use Permit pursuant to § 355-23 of the North Castle Zoning Code. The purpose of this application is to obtain approval for the existing recreational center in the Jantile warehouse building<sup>1</sup> and approximately 26,460 s.f. of recreational area in the proposed building to accommodate eleven pickleball courts.

Section 355-23 of the zoning code permits recreational centers in the Planned Light Industrial (“PLI”) zoning district, subject to meeting the general and specific special permit standards contained in Article VII of the zoning code. As will be discussed in more detail below, it is respectfully submitted that this application meets all of the conditions and standards contained in §§ 355-37 and 355-40(Z) of Article VII.

**II. DESCRIPTION OF SITE AND ZONING**

The Property is located at 100 Business Park Drive and is identified on the Assessment Map of the Town of North Castle as Section 108.03, Block 1, Lot 51. The site is 11.27 acres and is located in the PLI – Planned Light Industrial District. The Property is currently improved with a 2-story, 62,782 s.f. office/light industrial building with associated off-street parking. The existing improvements are located in the central and northern portion of the site. The proposed self-

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<sup>1</sup> Approximately 1,740 s.f. of space in the existing Jantile warehouse building is occupied by The Room, a private gym facility to be used exclusively by employees, family, and friends of the tenant at 100 Business Park Drive

storage/warehouse/recreational building will be located to the south of the existing building.

### **III. 2020/2021 APPROVALS**

In 2020/2021, the previous property owner processed a site plan application before the Planning Board. On May 24, 2021, the Planning Board granted Site Plan, Tree Removal, and Wetland Permit<sup>2</sup> approvals for the construction of a single-story, 74,850 s.f. warehouse with associated parking and landscaping improvements. Additionally, in order to construct the building in its approved location, the Owner received a 43-foot front yard variance from the Zoning Board of Appeals (“ZBA”). This approval from the ZBA allowed the proposed warehouse building to be constructed 57 feet from the front property line instead of the required 100 feet. In connection with this approval, the prior owner also proposed 36,750 s.f. of wetland mitigation area and entered into an easement agreement with the Town of North Castle in order to provide the Town with a 200-foot control radius for the existing water supply well, which is located across the street from the proposed southern driveway access.

### **IV. CURRENT PROPOSAL**

In September of 2022, the Applicant submitted an application to the Planning Board proposing to construct an approximately 146,650 s.f. self-storage/warehouse building<sup>3</sup>. The self-storage portion of the building was proposed to be 3-stories and 92,700 s.f., with a footprint of 30,900 s.f. The warehouse portion of the building was proposed to be 1-story and 53,950 s.f., including a 10,000 s.f. mezzanine. The total footprint of the warehouse was proposed to be 43,950 s.f. In connection with that proposal, the Applicant needed to obtain variances from the ZBA from the minimum floor area ratio (an FAR of 0.3 is permitted and an FAR of 0.43 was proposed) and the minimum number of required parking spaces (277 spaces were required and 220 were proposed).

Since our initial submission, we have appeared numerous times before the Planning Board and ZBA. Additionally, we have held several meetings with our neighbors to discuss our proposal. Based on feedback received from the Planning Board, ZBA, and our neighbors, we have significantly revised our plans. The Applicant now proposes a new, mixed-use 116,108 s.f. building, with a 59,372 s.f. footprint, which is 15,478 s.f. smaller than the 74,850 s.f. warehouse building that was previously approved on the Property in 2021. This revised plan includes a significant increase in the number of parking spaces provided, thereby eliminating the need for a variance. Further, the reduced square footage of the building reduced the required FAR variance from 0.13 to 0.08. The ZBA approved the FAR variance on June 1, 2023.

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<sup>2</sup> It should be noted that the Conservation Board reviewed this application and recommended approval of the wetlands permit in a memorandum issued on July 1, 2020.

<sup>3</sup> Please note that the footprint of the proposed building was 74,850 s.f., which is identical to the footprint of the previously approved warehouse building.

The proposed new building includes reduced warehouse space, and comprises a one-story 8,038 s.f. warehouse; a three-story 81,609 s.f. self-storage warehouse, with a 27,203 s.f. footprint; and a one-story (with mezzanine) 26,461 s.f. recreation facility with a 24,131 s.f. footprint, containing eleven 30' x 60' pickleball courts, retail area, and small party space. It is this recreational space and the small recreational space in the existing building (collectively "Recreational Center") that drives the need for a special permit from your Board. In support of this application, the following plans are enclosed herewith:

1. Overall Site Layout Plan (Sheet C-100A), prepared by JMC, dated September 12, 2022, last revised June 7, 2023; and
2. Overall Landscaping Plan (Sheet C-500A), prepared by JMC, dated September 12, 2022, last revised June 7, 2023.

## **V. SPECIAL PERMIT STANDARDS AND REQUIREMENTS**

**A. Necessity for Special Permit:** As set forth above, the Property is located in the PLI zoning district. Pursuant to § 355-23, recreational centers are permitted in the PLI zone, subject to the issuance of a special permit by your Board. Both the general special permit criteria contained in § 355-37 and the specific criteria contained in § 355-40(Z) of the code are applicable to this application.

**B. Statutory Standards:** A special use permit is defined in the State enabling statute as:

an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

Town Law § 274-B(1). Accordingly, if a proposed specially permitted use meets the requirements imposed by the zoning ordinance, then it is deemed to be in harmony with such zoning law and will not adversely affect the neighborhood.

**C. North Castle General Standards:** Section 355-37(A-F) sets forth the general standards of review for all special permit uses. The general standards are as follows:

1. The location and size of the use, the nature and intensity of the operations involved in it or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located and that it complies with all special requirements for such use established in this chapter.

*It is respectfully submitted that the proposed Recreational Center satisfies this condition. The property is located in the PLI zoning district, which is designed for light industrial and recreational uses like those proposed for the site. Access to the Property is gained via Business Park Drive, which has direct access to State Route 22, a principal arterial roadway. There are other, larger, recreational uses along North Castle Drive such as the IBM Community Park and the Gym that have been operational for decades, which have established recreational uses as appropriate in this zoning district. Accordingly, the location and size of the use, the nature and intensity of the operations involved with the proposed special permit use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to it are such that the proposed special permit is in harmony with the appropriate and orderly development of the district.*

2. The location, nature and height of buildings, walls, fences and the nature and extent of existing or proposed plantings on the site are such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

*It must be noted that the proposed building is smaller than the previously approved building and is fully zoning compliant. It is respectfully submitted that the location, nature and height of the existing and proposed buildings, walls, fences and the nature and extent of the existing or proposed plantings on the site will not hinder or discourage the appropriate development and use of the adjacent land and buildings. In fact, the proposed building, fencing, and plantings will improve the appearance of the Property and will encourage the appropriate development and use of adjacent land and buildings.*

3. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted uses not requiring a special permit.

*It is respectfully submitted that no operations in connection with the special use will be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristics than would be the operations of any permitted use.*

4. Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum convenience and safety.

*It is respectfully submitted that the parking areas associated with the site are of adequate size for the proposed use. There are no adjoining residential uses. Furthermore, the access drives to the site are laid out in a fashion that achieves maximum safety and convenience.*

5. Where required, the provisions of Chapter 177, Flood Damage Prevention.

*The proposed project fully complies with the requirements of Chapter 177.*

6. The Town Board finds that the proposed special permit use will not have a significant adverse effect on the environment.

*It is respectfully submitted that the proposed Recreation Facility will not have a significant impact on the environment.*

**D. North Castle Specific Standards:** Section 255-40(Z)(1-5) sets forth the specific special permit standards applicable to recreation centers. The specific standards are as follows:

1. Purpose. It is the purpose and intent of this subsection to encourage the use of land in certain commercial and industrial districts for recreational centers to provide for the recreational need of the Town. In addition, it is the purpose and intent of this subsection to assure that such diverse types of recreation center uses are developed and managed so as to protect the quality of the environment, property values, and quality of life of adjacent and nearby properties.

*It is respectfully submitted that the proposed Recreation Center provides for the recreational needs of the Town within an industrial district. As we all have seen over the past few years, pickleball is one of the fastest growing recreational sports in the country. Currently, there is no recreational facility in Town that provides indoor courts solely for pickleball. Accordingly, the proposed special permit use diversifies the recreational offerings of the Town by providing indoor pickleball courts. The pickleball center will be developed and managed so as to protect the quality of the environment, property values, and the quality of life of adjacent and nearby properties.*

2. Use.
  - a. The intensity of use shall be limited by the Town Board to the extent necessary to assure that the expected traffic generation of such use will not adversely impact the surrounding streets and neighborhood.

*Pursuant to the ITE Trip Generation Manual, it is anticipated that the maximum trips generated by this use during the AM or PM peak weekday hours will be 44 trips (4 cars per court). This assumes that each player will arrive in their own vehicle. Given that traffic to and from the site will be obtained via Route 22, a principal arterial roadway, it is respectfully submitted that the traffic generated by the project will not create a significant impact on either Route 22 or Business Park Drive.*



- b. Uses and facilities customarily part of a recreation center shall be permitted as accessory uses, including, but not limited to cafes and limited retail.

*In this case, the recreation center will include a modest 2,330 s.f. mezzanine to host children's parties, etc., as well as small retail area that will provide products related to pickleball.*

3. Buffer Area. A landscaped buffer area of at least 25 feet in width shall be required along all lot lines adjoining or across the street from properties in residential districts, unless a larger buffer area is required by any other provision of [the zoning code].

*There are no residential districts adjoining or across the street from the Property.*

4. Special Setback Requirements. All active recreational facilities, such as tennis courts, playing fields and swimming pools, shall meet the setback requirements for principal buildings in the district in which it is located. However, where the scale and intensity of such facilities are such that the location of such uses may have a negative impact on surrounding properties, the Town Board may increase the required setback as may reasonably necessary to achieve appropriate relationship between recreational facilities and adjacent sites, buildings, properties, and roads.

*It is respectfully submitted that this provision is inapplicable to this application because the pickleball courts are located within the principal building on the Property. It must be noted that the principal building is fully compliant with all setback requirements of the PLI district.*

5. Other requirements. In addition to the special standards described above, any recreation center shall comply with any other requirements deemed appropriate by the Town Board in accordance with the requirements of Article VIII [of the zoning code].

*While the Applicant does not believe that any additional requirements will be requested by the Town Board in connection with this application, should additional requirements be deemed appropriate by the Town Board, the Applicant will work with the Town to meet those requirements.*

## **V. CONCLUSION**

Attached hereto as **Exhibit A**, please find a completed Special Permit application form together with the application fee of \$200.00. As demonstrated above, the Applicant meets all of the general and specific special permit standards contained in the North Castle Zoning Code. It is respectfully requested that you place this matter on your June 28, 2023 agenda for an initial presentation and referral to the Planning Board.

Thank you for your attention to this matter. Should you require anything further, please do not hesitate to contact us.

Respectfully submitted,

ZARIN & STEINMETZ LLP

*Kory Salomone*

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Kory Salomone

Kasey Brenner

cc: Anthony Scavo  
Paul R. Sysak, RLA, ASLA  
Paul Dumont, P.E.  
Marino Velarde  
Roland Baroni, Esq.  
Adam Kaufman, AICP  
John Kellard, P.E.

# **EXHIBIT A**



TOWN OF NORTH CASTLE  
Town Hall - 15 Bedford Road  
Armonk, New York 10504  
northcastleny.com

Established 1735

ALISON SIMON  
Town Clerk

(914) 273-3000 x42  
asimon@northcastleny.com

**SPECIAL USE PERMIT APPLICATION**

FEE \$200

APPLICANT: Basis Industrial Acquisitions LLC

ADDRESS: 4800 North Federal Hwy, Suite B-200-34, Boca Raton, FL 33431

PHONE: (718) 702-6739 E-MAIL anthony@basisindustrial.com

PROPERTY OWNER:\* Same as Applicant

\* Property owner must complete Verification form on attached page 2.

ADDRESS: 100 Business Park Drive, Armonk, NY 10504

PHONE: \_\_\_\_\_

PREMISES: Tax ID # 108.03 1 51

situated on the East side of Business Park Drive (street)

1,800 feet from the intersection of NYS Route 22

\_\_\_\_\_ (street).

Description of proposed use and improvements to the premises:  
(Include overall square footage of building(s) when applicable.)

Please see enclosed cover letter.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anthony Scar  
Signature of Applicant

6/21/2023  
Date

**SPECIAL USE PERMIT APPLICATION**

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**VERIFICATION BY PROPERTY OWNER**

I, Anthony Scavo, being duly sworn, depose and say that I am the property owner in the foregoing application, that I have read the same and that the same is true and correct.

Anthony Scavo  
Signature of Property Owner

Sworn to before me this 21<sup>st</sup>  
day of June, 2023.

Sabrina Arnold  
Notary Public

