



PLANNING BOARD
Christopher Carthy, Chair

TOWN OF NORTH CASTLE
WESTCHESTER COUNTY
17 Bedford Road
Armonk, New York 10504-1898

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RESOLUTION

Action:	Amended Site Plan Approval
Application Name:	Beehive Outdoor Dining Patio Expansion [#2021-016]
Owner/Applicant:	TJ Royal Properties Inc.
Designation:	107.04-2-14
Zone:	RB Zoning District
Acreage:	0.22
Location:	30 Old Rt 22
Original Date of Approval:	April 13, 2009
Date of Approval:	June 14, 2021
Expiration Date:	June 14, 2021, 2022 (1 Year)

WHEREAS, the Applicant is seeking permission to enlarge the existing outdoor dining patio, remove the existing trellis and install a new fabric canopy that has removable side panels in an effort to accommodate additional outdoor dining and install a new covered entrance to the front of the restaurant; and

WHEREAS, an outdoor dining permit, issued by the Building Department, will be required prior to utilizing covered patio area for outdoor dining.

WHEREAS, the property is 0.22 acres and is located at 30 Old Route 22 and located within the RB Zoning District; and

WHEREAS, the site is currently developed with an existing restaurant and apartment; and

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

- Plan labeled "A.01," entitled "Patio Expansion," dated April 27, 2021, prepared by O'Neill Architects.
- Plan labeled "A.02," entitled "Awning at Patio and Entrance," dated April 27, 2021, prepared by O'Neill Architects.

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 April 27, 2021; and

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WHEREAS, the Planning Board, pursuant to § 355-44 of the North Castle Code, conducted a duly noticed public hearing on June 14, 2021 with respect to the site plan application, 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 a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); 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 issue deemed important to providing emergency services; and

WHEREAS, the Applicant received approval from the Architectural Review Board for the proposed building modifications on May 14, 2021; and

WHEREAS, the proposed site plan modifications require the issuance of several variances; and

WHEREAS, the minimum front yard setback in the RB Zoning District is 10 feet and where 0.5 feet is provided; and

WHEREAS, the minimum rear yard setback in the RB Zoning District is 50 feet and whether 2.31 feet provided; and

WHEREAS, the maximum lot coverage in the RB Zoning District is 25% and where 30.4% is provided; and

WHEREAS, the maximum FAR permitted in the RB Zoning District is 0.3 and where 0.489 is provided; and

WHEREAS, the required number of off-street parking spaces is 48; and

WHEREAS, the Applicant previously obtained a 24 spaces off-street parking variance from the ZBA; and

WHEREAS, the Applicant will need to obtain an additional off-street parking variance of 13 spaces for the floor area associated with the dining patio and covered walkway; and

WHEREAS, the Applicant obtained the required variances from the Zoning Board of Appeals on June 3, 2021; 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

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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 the application for site plan approval, as described herein, be and is hereby conditionally approved, subject to the following conditions and modifications; and

BE IT FURTHER RESOLVED that, the site plan approval shall expire one 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 plan includes what appears to be a copy of a previously approved Site Plan. Specific reference to the Approval Resolution should be included on the plan, to the satisfaction of the Town Engineer.
- _____ 2. The plan shall illustrate the location of required “Accessible Parking” and “No Parking” signs and include construction details, to the satisfaction of the Town Engineer.
- _____ 3. The plan shall include details of construction for the drop curb ramp, as well as the pavement restoration that will be required within the Town right-of-way, to the satisfaction of the Town Engineer.
- _____ 4. The Applicant shall submit a completed site development plan application to the satisfaction of the Planning Department.
- _____ 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. Payment of all applicable fees, including any outstanding consulting fees.

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- _____7. The Applicant shall submit to the Planning Board Secretary two sets 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.

- _____8. 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.

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 obtain a Street Opening Permit from the Town Highway Department.

- _____2. The approved site plan shall be signed by both the Planning Board Chair and Town Engineer.

- _____3. 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.

- _____4. The applicant shall submit an engineering inspection fee equal to 3% of the estimated cost of construction.

- _____5. 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 provide confirmation that the Street Opening Permit has been closed, to the satisfaction of the Town Highway Department.

- _____2. The submission to the Town Building Inspector of an "As Built" survey.

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Other Conditions:

1. An outdoor dining permit, issued by the Building Department, will be required prior to utilizing covered patio area for outdoor dining.
2. Compliance with all applicable federal, state, county and local laws and ordinances and any conditions attached to permits issued thereunder.
3. 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.

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

Date

TJ Royal Properties Inc.

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

Date

Valerie B. Desimone, Planning Board Secretary

KELLARD SESSIONS 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