



TOWN OF HENRIETTA
County of Monroe
State of New York

475 Calkins Road, Rochester, NY 14623
(585) 334-7700 • www.henrietta.org

TOWN OF HENRIETTA
APPLICATION TO TOWN BOARD

(Modification of)
SP2022-049
Appeal No. SP-2021-051

SPECIAL USE PERMIT – RESTAURANT

Date 11/9/22

Applicant: Brittany Murphy, SWBR _____
Name Email

387 E. Main St. Rochester NY 14604 _____
No. & Street City State Zip Code Phone Number

Business Owner: Magnolia Property Holdings, LLC _____
Name Email

37 Shetland Cir. Rochester NY 14624 _____
No. & Street City State Zip Code Phone Number

Business Name: Roc Pho Shop

Business Address: 339 Jefferson Rochester NY 14623
No. & Street City State Zip Code

Property Owner: Magnolia Property Holdings, LLC _____
Name Email

37 Shetland Cir. Rochester NY 14624 _____
No. & Street City State Zip Code Phone Number

Architect/Engineer: Brittany Murphy, SWBR _____
Name Email

387 E. Main St. Rochester NY 14604 _____
No. & Street City State Zip Code Phone Number

Hereby request from the Town Board for a Special Use Permit for the property located at:

339 Jefferson Rd. Rochester NY 14623
No. & Street City State Zip Code

161.06-01-05.2 Commercial B-1 (MURA)
Tax Map No. Zoning District

If property is under a purchase option, indicate date option expires: _____

Under the Zoning Ordinance, a Special Permit is requested pursuant to:

Article: VI Section: 295 Subsection: 14 Paragraph: B(12) of the Zoning Ordinance.

Description of Proposal: Dine in and takeout restaurant serving Vietnamese and Thai food, with indoor and outdoor seating. Open 7 days a week, 11am-11:30pm .

IMPORTANT: Please check only those operational subtypes which you intend to operate now or in the very near future. The Town is required to assess each subtype for potential impacts, therefore if you select operational subtypes which are not truly intended to be utilized, you may unnecessarily subject your proposal to further mitigation which may not otherwise have been required.

- Sit Down Meal Service Take-Out Meal Service Drive-Through Service
 Outdoor Seating Bands, DJs, or Similar Loud Entertainment Alcohol to be Served

Printed Name: Brittany Murphy Signature: Brittany Murphy

J. Fried 12/14/22 TBD
Received By Date of Meeting* (unless rescheduled) Time

*A meeting date will be assigned when applications are turned in but if the application is deemed incomplete, it will not be scheduled and the Applicant will be notified.

**Statement of Applicant and Owner with Respect to Reimbursement
of Professional and Consulting Fees**

In conjunction with an application made to the Town of Henrietta, the undersigned states, represents and warrants the following:

- 1) I/We am/are the applicant and owner with respect to an application to the Town of Henrietta.
- 2) I/We have been advised of, are aware of and agree to comply with the obligation to reimburse the Town of Henrietta for any and all professional and consulting fees incurred by the Town in conjunction with this and any other applications by me/us, including but not limited to engineering and/or legal fees, all as more fully set forth in the Henrietta Town Code.
- 3) I/We have been provided with, or have otherwise reviewed the Henrietta Town Code provisions related to the obligation to reimburse the Town with respect to professional and consulting fees, and agree to comply with the same.
- 4) I/We understand that this obligation shall not be dependent upon the approval or success of the application.
- 5) I/We further agree that in the event the Town of Henrietta is required to refer for collection an outstanding debt for such professional and/or consulting fees due to the Town of Henrietta, I/we shall be obligated to pay the reasonable attorney's fees incurred as a result of the Town's efforts to collect such fees. Reasonable attorney's fees shall also include any and all disbursements that may result from the commencement of litigation.
- 6) Each party to the application, including the applicant and the owner, shall be jointly and severally liable for all consulting and professional fees and expenses incurred in conjunction with the application.

Applicant: Brittany Murphy

By: _____

Title: Landscape Designer

Dated: 11/9/22

Signed: Brittany Murphy

Owner: _____

By: _____

Title: President

Dated: 11/9/22

Signed: Vicky Byrd



ROCHESTER OFFICE
387 East Main St
Rochester NY 14604
585 232 8300
rochester@swbr.com

Architecture
Graphic Design
Interior Design
Landscape Architecture
Structural Engineering

November 7, 2022

Stephen Schultz
Town Supervisor
Henrietta Town Hall
475 Calkins Rd
Rochester, NY 14623

Re: Magnolia Property Roc Pho Shop Restaurant
Special Use Permit Extension Application
339 Jefferson Rd, Rochester, NY 14623
SWBR Project No. 22199.00

Dear Mr. Schultz and Board Members:

On behalf of Magnolia Property Holdings, LLC, SWBR submits the enclosed application for the extension of a Special Use Permit granted to Roc Pho Shop located at 339 Jefferson Rd in the Town of Henrietta.

The applicant is requesting an extension of the Special Use Permit SP-2021-051 to operate a restaurant, granted in September 2021. They will be serving Vietnamese and Thai food for dine in and takeout, open 7 days a week, operating 11am-11:30pm. The project is on property zoned B-1 with Mixed Use Redevelopment Overlay District.

We are requesting that this application be placed on the Town Board's Special Use Permit December 14th meeting agenda for extension of SP-2021-051. For your review, we have enclosed the following application materials:

- Completed Special Use Permit Application
- Proposed Site Plan, 4 copies (SWBR drawing L-101)
- Statement of the Applicant and Owner with Respect of Professional and Consulting Fees
- Letter of Authorization for representative of applicant
- A check for the application fee of \$75

We acknowledge the requirement to post a sign giving the public notice of the Town Board meeting. Please let us know if you have any questions or require additional information to support this application.

Sincerely,


Brittany Murphy
Landscape Designer

Xc: V. Sysavath, Magnolia Property Holdings, LLC

J:\2022\22199.00 MAGNOLIA PROPERTY ROC PHO REST SD-CD12-PROJECT MGT\2.08_APPLICATIONS\TOWN BOARD (SPECIAL USE PERMIT)\TB LETTER OF INTENT ROC PHO 110722.DOCX





ROCHESTER OFFICE
387 East Main St
Rochester NY 14604
585 232 8300
rochester@swbr.com

Architecture
Graphic Design
Interior Design
Landscape Architecture
Structural Engineering

November 7, 2022

Stephen Schultz
Town Supervisor
Henrietta Town Hall
475 Calkins Rd
Rochester, NY 14623

Re: Magnolia Property Roc Pho Shop Restaurant
Special Use Permit Modification Application
339 Jefferson Rd, Rochester, NY 14623
SWBR Project No. 22199.00

Dear Mr. Schultz and Board Members:

On behalf of Magnolia Property Holdings, LLC, SWBR submits the enclosed application for the modification of a Special Use Permit granted to Roc Pho Shop located at 339 Jefferson Rd in the Town of Henrietta.

The applicant is requesting a modification of the Special Use Permit SP-2021-051 (granted in September 2021) to operate a restaurant, to add outdoor dining use. They will be serving Vietnamese and Thai food for dine in and takeout, open 7 days a week, operating 11am-11:30pm. The project is on property zoned B-1 with Mixed Use Redevelopment Overlay District.

We are requesting that this application be placed on the Town Board's Special Use Permit December 14th meeting agenda for extension of SP-2021-051. For your review, we have enclosed the following application materials:

- Completed Special Use Permit Application
- Proposed Site Plan, 4 copies (SWBR drawing L-101)
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- Letter of Authorization for representative of applicant
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Sincerely,


Brittany Murphy
Landscape Designer

Xc: V. Sysavath, Magnolia Property Holdings, LLC

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387 East Main St
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Architecture
Graphic Design
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November 7, 2022

Stephen Schultz
Town of Henrietta
475 Calkins Rd
Rochester, NY 14623

Re: Magnolia Property Roc Pho Restaurant
339 Jefferson Rd. Rochester, NY 14623
SWBR Project No. 22199.00

Dear Mr. Schultz:

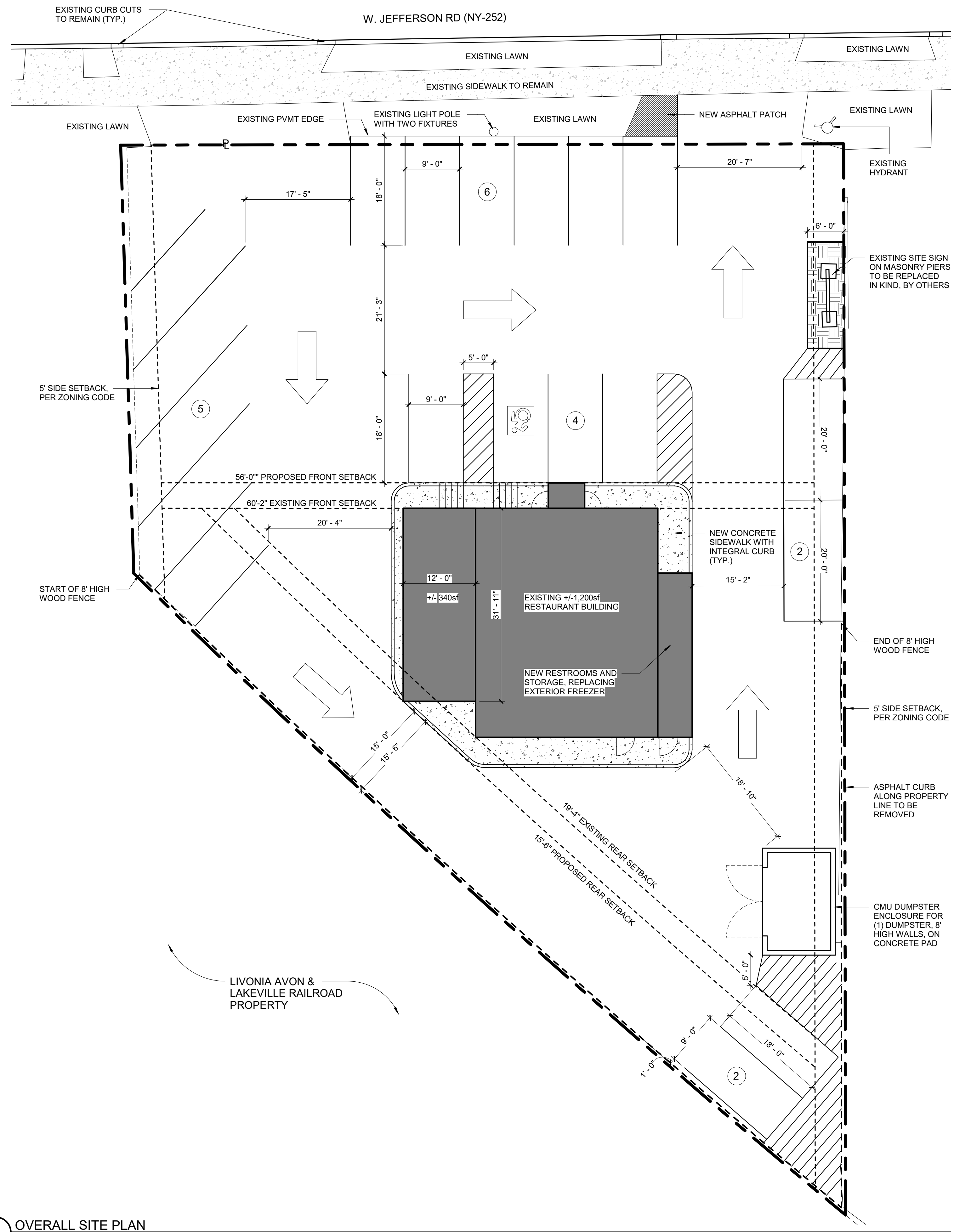
As the owner of the aforementioned property, I hereby designate SWBR to serve as agent in seeking approval for the extension and modification of the previously approved special use permit, including preparing and submitting the applications and supporting documents and representing me at the Town Board Special Use Permit meeting. This designation shall expire with approval, denial, or withdrawal of the application.

Contact me via email at laisysavath@gmail.com with questions or comments. Thank you.

Sincerely,

Vilay Sysavath
Owner, Magnolia Property Holdings, LLC

J:\2022\22199.00 MAGNOLIA PROPERTY ROC PHO REST SD-CD\2-PROJECT MGT\2.08_APPLICATIONS\TOWN BOARD (SPECIAL USE PERMIT)\TB LETTER OF AUTH OF REP V2.DOCX



SITE DATA

- 1. TAX ACCOUNT NUMBER: 161.06-01-05.2
- 2. PARCEL ADDRESS: 339 JEFFERSON RD
- 3. TOTAL PARCEL AREA: 0.33 ACRES
- 4. EXISTING ZONING: B-1 WITH MIXED USE REDEVELOPMENT OVERLAY DISTRICT
PROPOSED ZONING: B-1 WITH MIXED USE REDEVELOPMENT OVERLAY DISTRICT
- 5. EXISTING USE: RESTAURANT
PROPOSED USE: RESTAURANT
- 6. AREA REQUIREMENTS:

	REQUIRED	PROPOSED
SETBACK		
FRONT	125' (60'-4" SET BACK FOR EXISTING STRUCTURE)	56' *
REAR	60' (19'-4" SET BACK FOR EXISTING STRUCTURE)	15'-6"
SIDE	5'	30'-10"
BUILDING		
HEIGHT	30' PER ZONING 40' PER BUILDING CODE	15'-6"
PARKING		
STALLS	21 (BASED ON 53 CUSTOMERS & 5 STAFF)	19
ADA STALL	1 (PER IBC 2018)	1
STALL SIZE	18' x 9' 20' x 10' PARALLEL	18' x 9' 20' x 10' PARALLEL

* ON THE SAME SIDE OF JEFFERSON RD, 351 JEFFERSON RD'S SET BACK IS AROUND 30'.

LANDSCAPE AND PAVING LEGEND

- CONCRETE PAVING
- PLANT BED
- NEW ASPHALT PAVING
- PROPERTY LINE
- 8' HIGH WOOD FENCE

Drawn By: BMM
 Checked By: BP
 Project Manager: ML

These documents and all the ideas, arrangements, designs and plans indicated thereon or presented thereby are owned by and remain the property of SWBR and no part thereof shall be utilized by any person, firm, or corporation for any purpose whatsoever except with the specific written permission of SWBR. All rights reserved. ©

Revisions

Roc Pho Restaurant
 SWBR Project Number 21199.00

Magnolia Property Holdings, LLC
 37 Shetland Cir.
 Rochester NY, 14624

L-101

SITE PLAN

November 10, 2022
 SPECIAL USE PERMIT APPLICATION

1 OVERALL SITE PLAN
 1" = 10'-0"

