



TOWN OF HENRIETTA  
 County of Monroe  
 State of New York  
 475 Calkins Road, Rochester, NY 14623  
 (585) 334-7700 • [www.henrietta.org](http://www.henrietta.org)

TOWN OF HENRIETTA  
 APPLICATION TO TOWN BOARD

Appeal No. SP-2022-045

Date 9/23/22

**SPECIAL USE PERMIT – RESTAURANT**

Applicant: Overtime Eats and Drinks \_\_\_\_\_  
Name Email

1460 E. Henrietta Rd. Rochester New York 14623 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Business Owner: Michael B Johnson \_\_\_\_\_  
Name Email

9 Ledgemont Drive Fairport New York 14450 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Business Name: Overtime Eats and Drinks LLC \_\_\_\_\_

Business Address: 1460 E. Henrietta Rd. Rochester New York 14623 \_\_\_\_\_  
No. & Street City State Zip Code

Property Owner: J&J Sportsgarden LLC \_\_\_\_\_  
Name Email

9 Ledgemont Drive Fairport New York 14450 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Architect/Engineer: Torchia Structural Engineering & Design PC \_\_\_\_\_  
Name Email

625 Panorama Trail, Suite 2210 Rochester New York 14625 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

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

1460 East Henrietta Road Rochester New York 14623 \_\_\_\_\_  
No. & Street City State Zip Code

162.06-01-02 Industrial \_\_\_\_\_  
Tax Map No. Zoning District

If property is under a purchase option, indicate date option expires: NA \_\_\_\_\_

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: Special Use Permit to renovate/enlarge and rename existing restaurant \_\_\_\_\_

inside of existing Sports Complex. which will now serve alcohol. As 90% of our business is adult, we are hoping this

to keep our customers coming back in the face of declining participation. Mon-Sun (int'l 3:30-10:00) Fr. 6-10 Sat 10-10 Sun 10-8

**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: Michael B Johnson Signature: \_\_\_\_\_

Michael B Johnson  
 Received By

10/26/22  
 Date of Meeting\* (unless rescheduled)

TBD  
 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: Overtime East and Drinks LLC

By: Michael B Johnson

Title: Manager

Dated: 09/23/2022


Signed: 

Owner: J&J Sports Garden

By: Michael B johnson

Title: Manager

Dated: 09/23/2022

Signed: 



625 Panorama Trail,  
Suite 2210  
Rochester, NY 14625  
Phone: 585.385.7630  
Fax: 585.385.6386



**KF Architects**  
P.O. Box 706  
Canandaigua, N.Y. 14424  
Telephone: (585) 218-0051  
Fax: (585) 385-6386  
ct@kfarchitects.net

September 23, 2022

Henrietta Town Board  
475 Calkins Road  
Rochester, New York 14623

**Re: Letter of Intent:  
Special Use Permit Application for 1460 East Henrietta Road (Amendment)**

Dear Board Members:

The subject property, located on the NE corner of East Henrietta and Jarley Roads in the Town of Henrietta, is 3.53 acres. It is zoned Industrial and since 1996, has been the home of the Rochester Sports Garden and a small Salvatore's Pizza (mainly used by the Sports Garden customers). The original high-bay concrete block building (approx. 37,500 sq. ft.) has been adapted to adult indoor sports and recreational usage (basketball and soccer, etc.). The original open storage area with a heavy timber roof system along the west façade (approx. 7,375 sq. ft.), was enclosed later with concrete block and now holds batting cages. The one-story wood-framed addition at the south-west end of the building (approx. 2,460 sq. ft.) now contains the main entrance, a table tennis room, and a pizzeria kitchen with seating. Please note that the entire facility is sprinklered. **(See Photos 1: Aerial View of Building & 2: View of West (Street) Facade)**



**Photo 1**  
Aerial view of Rochester Sports Garden.



625 Panorama Trail,  
Suite 2210  
Rochester, NY 14625  
Phone: 585.385.7630  
Fax: 585.385.6386



**KF Architects**  
P.O. Box 706  
Canandaigua, N.Y. 14424  
Telephone: (585) 218-0051  
Fax: (585) 385-6386  
ct@kfarchitects.net



**Photo 2**

West (street) Façade of Rochester Sports Garden.

The sports complex property is owned by J & J Sportsgarden, LLC. The company wishes to enlarge and renovate the existing pizzeria including updating the interior. They plan to provide a more varied menu, and to offer alcoholic beverages to patrons of the complex for enjoyment after games/workouts. The proposed new restaurant is to be called Overtime Eats & Drinks, LLC. The restaurant/bar limited corporation will be owned by the same individual, Michael B. Johnson, as is the Rochester Sports Garden. The proposed new restaurant would serve pizza, wings, and snacks, as well as beer, wine, hard seltzers, etc. It is predicted that the sports patrons will frequent the facility and enjoy the restaurant in greater numbers than they currently do, once alcohol and a greater variety of food is available. Restaurant seating area would increase from 147 sq.ft. to 868 sq.ft. by incorporating the former table tennis and storage areas on the north side of the existing main entrance. The current seating area on the south side of the existing entrance would be redesigned to feature a pick-up counter for both food and drinks, since no wait-staff service is planned for the new restaurant (counter service only).

The Rochester Sports Garden will also have a new canopy and main entrance doorway in front (with new vestibule inside the existing space), installed just north of the proposed new Overtime Eats & Drinks Restaurant. This entrance will lead directly to the basketball and soccer areas in back, as well as to the new table tennis areas and the batting cages on the west side. Please note that there is more than enough on-site parking for the combined customers of the sports complex and the new restaurant.

In summary: the Owner is requesting a Special Use Permit (in this Industrial Zone), from the Town Board in order to internally renovate/enlarge the existing restaurant which would now also serve alcohol. This new restaurant/bar will be designed to meet all pertaining codes/regulations. To the best of our knowledge, information, and belief, the restaurant will be self-contained and is not expected to have a negative impact on the neighborhood, or traffic, in any way. Granting this Permit for the restaurant renovation, with inclusion of bar service, will enable our client to improve his property, while making it more enjoyable for his existing customers and more attractive to new ones.



625 Panorama Trail,  
Suite 2210  
Rochester, NY 14625  
Phone: 585.385.7630  
Fax: 585.385.6386



**KF Architects**  
P.O. Box 706  
Canandaigua, N.Y. 14424  
Telephone: (585) 218-0051  
Fax: (585) 385-6386  
ct@kfarchitects.net

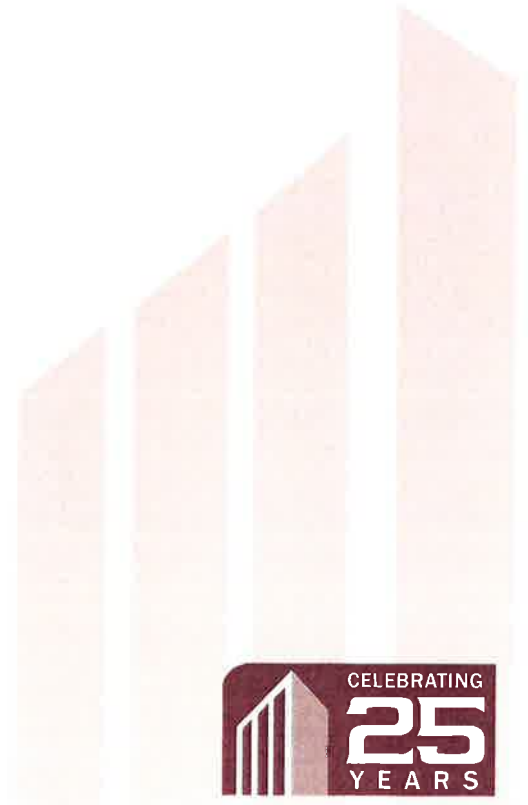
We have attached drawings which show the Proposed Site Plan with Statistics, and the Proposed Removals Plan and Floor Plan for your information.

Respectfully submitted,

Carmine Torchia, P.E.  
**Torchia Structural Engineering & Design, P.C.**

CT/av/jy/dh

Attachments

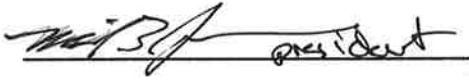


ROCHESTER SPORTS GARDEN  
1460 EAST HENRIETTA ROAD  
ROCHESTER, NEW YORK 14623  
585 427 2240  
FAX 427 2241  
WWW.ROCSPORTSGARDEN.COM



To whom it may concern,

As owner of Rochester Sports Garden and J&J Sports Garden LLC I am aware that Overtime eats and drinks will operate as a restaurant serving alcohol within the facility at 1460 E Henrietta Rd, and it has my permission to do so.

 *President*

Rochester Sports Garden Inc., President

 *Managing Member*

J&J Sports Garden LLC., Managing Manager

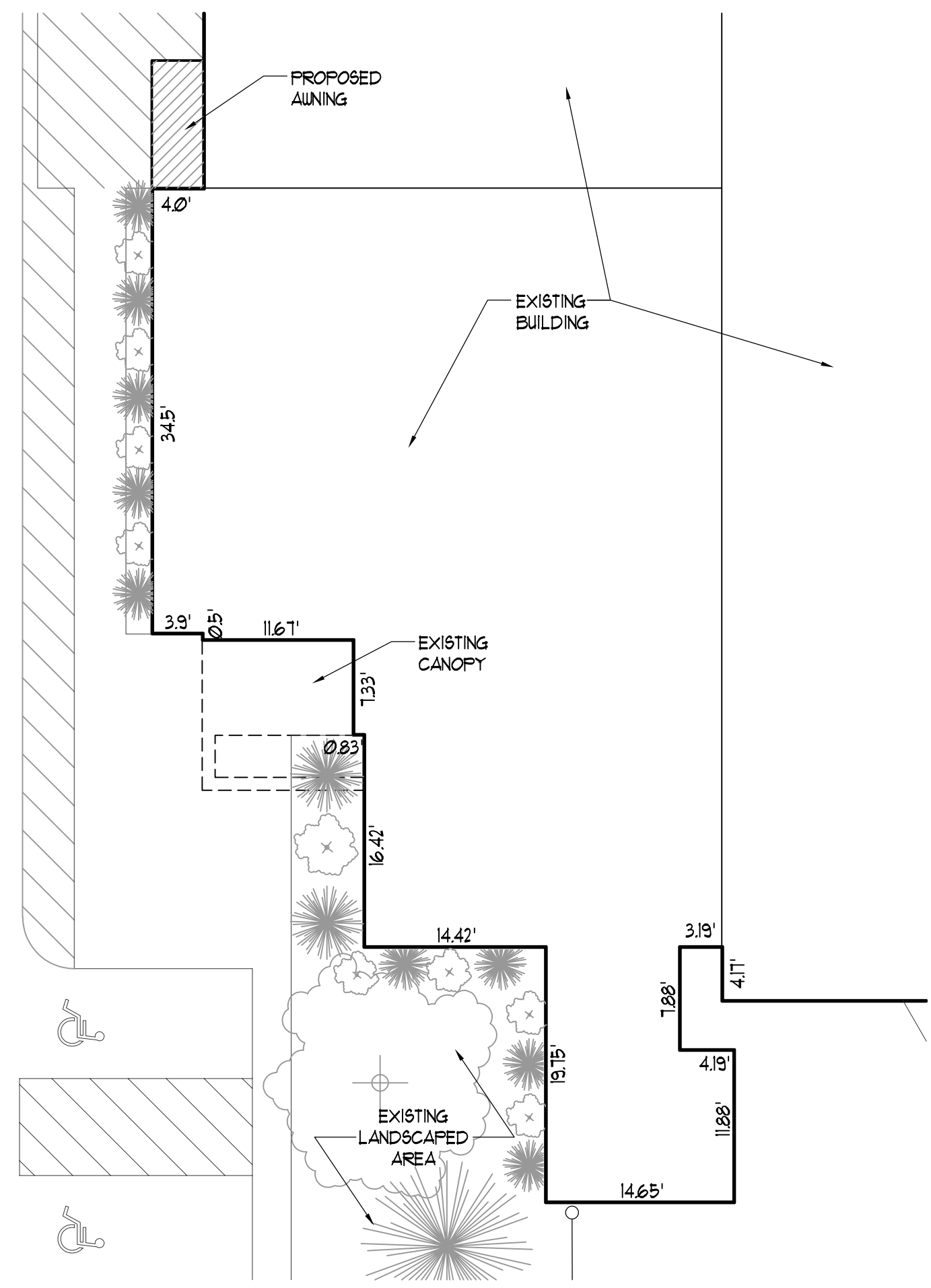
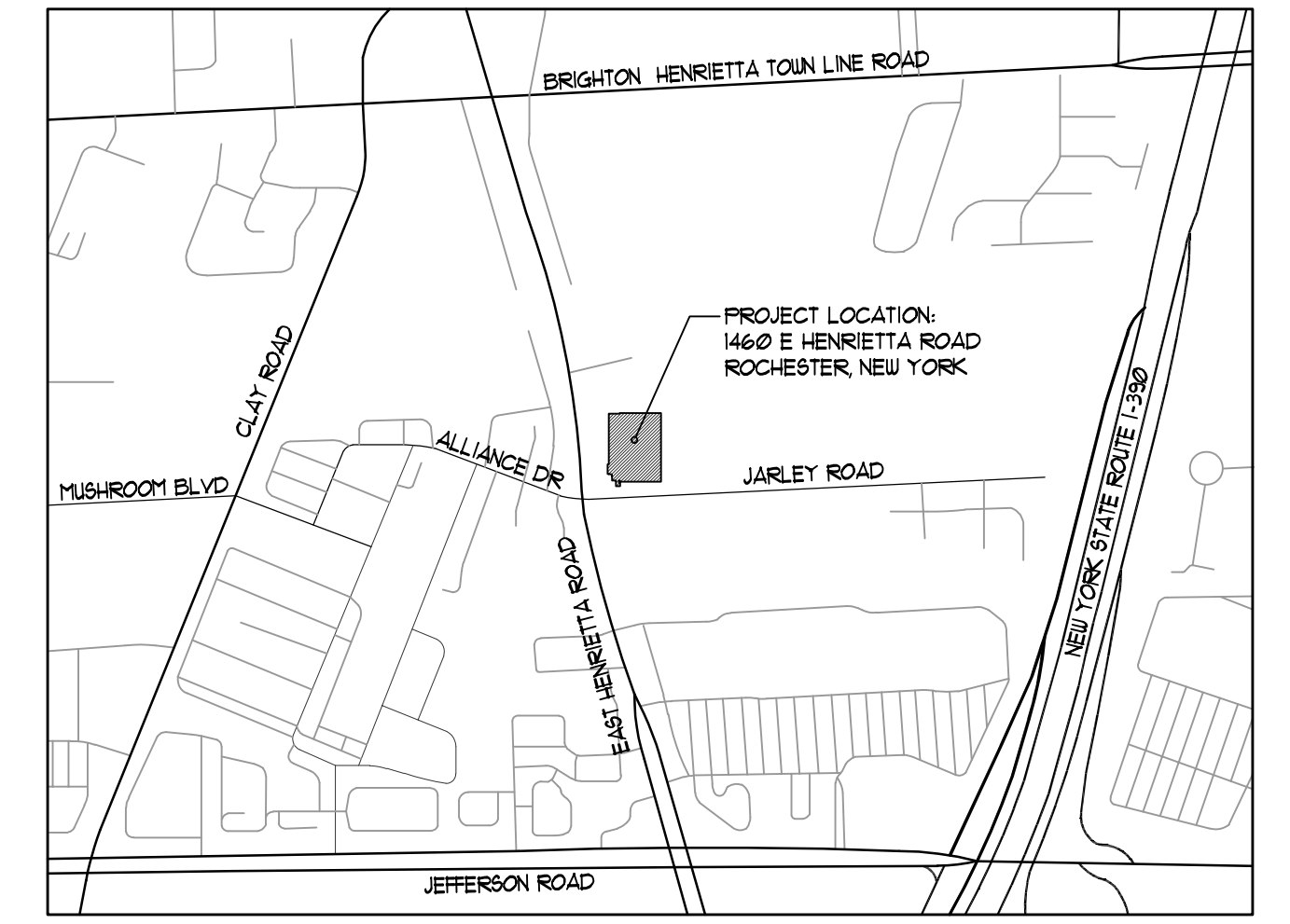
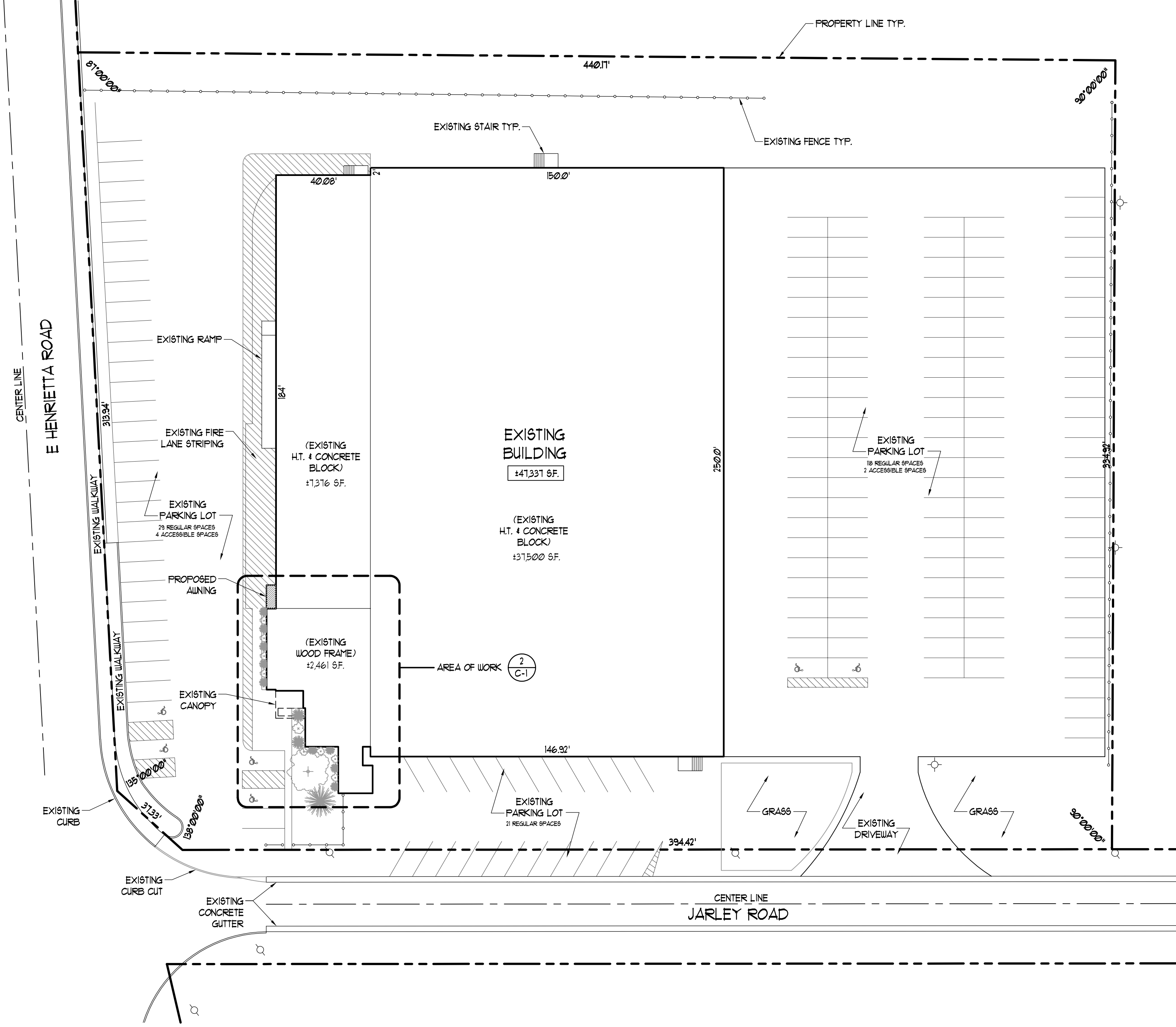


**SURVEY REFERENCES:**

- THIS SURVEY WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON SEPTEMBER 14, 1995 BY GREGORY D. BLY, P.L.S. #06906810
- NEW YORK STATE DEPARTMENT OF TRANSPORTATION DESCRIPTION AND MAP FOR THE ACQUISITION OF PROPERTY FOR GEORGIA-PACIFIC CORPORATION, MAP NO. 36R-1, PARCEL NO. 36, DATE APRIL 8, 1914

**NOTES:**

- TAX ACCOUNT NUMBER 162.06-01-02, NO. 1460 EAST HENRIETTA ROAD.
- LOT AREA = 353 ACRES = 153,931,7000 sq. ft.
- ZONING = INDUSTRIAL
- SETBACKS, REQUIRED:  
FRONT SETBACK: 125'  
SIDE SETBACK: 5'  
REAR SETBACK: 60'
- SETBACKS, (EXISTING):  
FRONT SETBACK: 688'  
SIDE SETBACK: 405'  
REAR SETBACK: 173.8'
- THIS PARCEL IS LOCATED IN WATER DISTRICT EXT. # AND WITHIN THE ORIGINAL WATER DISTRICT BOUNDARY, SANITARY SEWER DISTRICT EXTENSION NUMBER 13 AND THE HENRIETTA DRAINAGE DISTRICT.
- PROJECT BENCHMARK, NORTH RIM OF THE STORM MANHOLE LOCATED ON THE NORTH EAST CORNER OF EAST HENRIETTA ROAD AND JARLEY ROAD, ELEVATION 516.16.
- EXISTING PARKING SPACES ARE 9'-0" x 18'-0" IN SIZE (EXISTING TO REMAIN, NO CHANGE TO EXISTING PARKING LOT). 168 REGULAR PARKING SPACES  
6 ACCESSIBLE PARKING SPACES  
TOTAL PARKING SPACES (EXISTING) = 174
- UTILITIES ON THIS PLAN ARE PLOTTED FROM THE ABOVE REFERENCED SURVEY AND RECORD MAPS.
- PERCENTAGE IMPERVIOUS AREA (EXISTING) = 90.2%
- SIGHT DISTANCE BASED ON 30 MPH SPEED LIMIT, REQUIRED:  
LEFT: 360'  
RIGHT: 260'  
ACTUAL:  
LEFT: 1250'  
RIGHT: 330'  
170 EAST HENRIETTA ROAD
- THE PROJECT IS LOCATED IN TOWNSHIP 12, THIRD RANGE, GREAT LOT 3, RANGE 7.
- THE CURRENT USE FOR THIS BUILDING IS AN INDOOR SOCCER, VOLLEYBALL AND BASKETBALL COURTS.
- A SPECIAL USE PERMIT FOR PERMITTING A COMMERCIAL DEVELOPMENT IN INDUSTRIAL ZONING WAS GRANTED ON JUNE 21, 1995; APPLICATION 95-083



**LEGEND:**

- ACCESSIBLE PARKING
- EXISTING BUILDING
- PROPOSED AWNING
- PROPERTY LINE
- EXISTING FENCE
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE

INFORMATION IS TAKEN FROM A SURVEY PREPARED BY:  
CORNELIUS ENGINEERING, P.C.  
HENRY K. CORNELIUS LICENSE NO. 051668  
3495 WINTON PLACE  
BUILDING E, SUITE  
ROCHESTER, NEW YORK 14623  
(716) 421-0310  
DATED: OCTOBER 10, 1995

**KF Architects**  
P.O. Box 706  
Canandaigua, NY 14424  
Phone: 585-218-0051  
Cell: 585-703-9014  
Fax: 585-385-6386  
www.kfarchitects.net

**TSE**  
Torchia Structural Engineering & Design P.C.  
625 Panorama Trail  
Suite #2210  
Rochester, NY 14625  
Phone: 585-385-7630  
Fax: 585-385-4396  
www.TSE123.com

PROJECT TITLE:  
**Rochester Sports Garden Interior Alterations  
Overtime Eats and Drinks**  
1460 E Henrietta Road  
Rochester, NY 14623

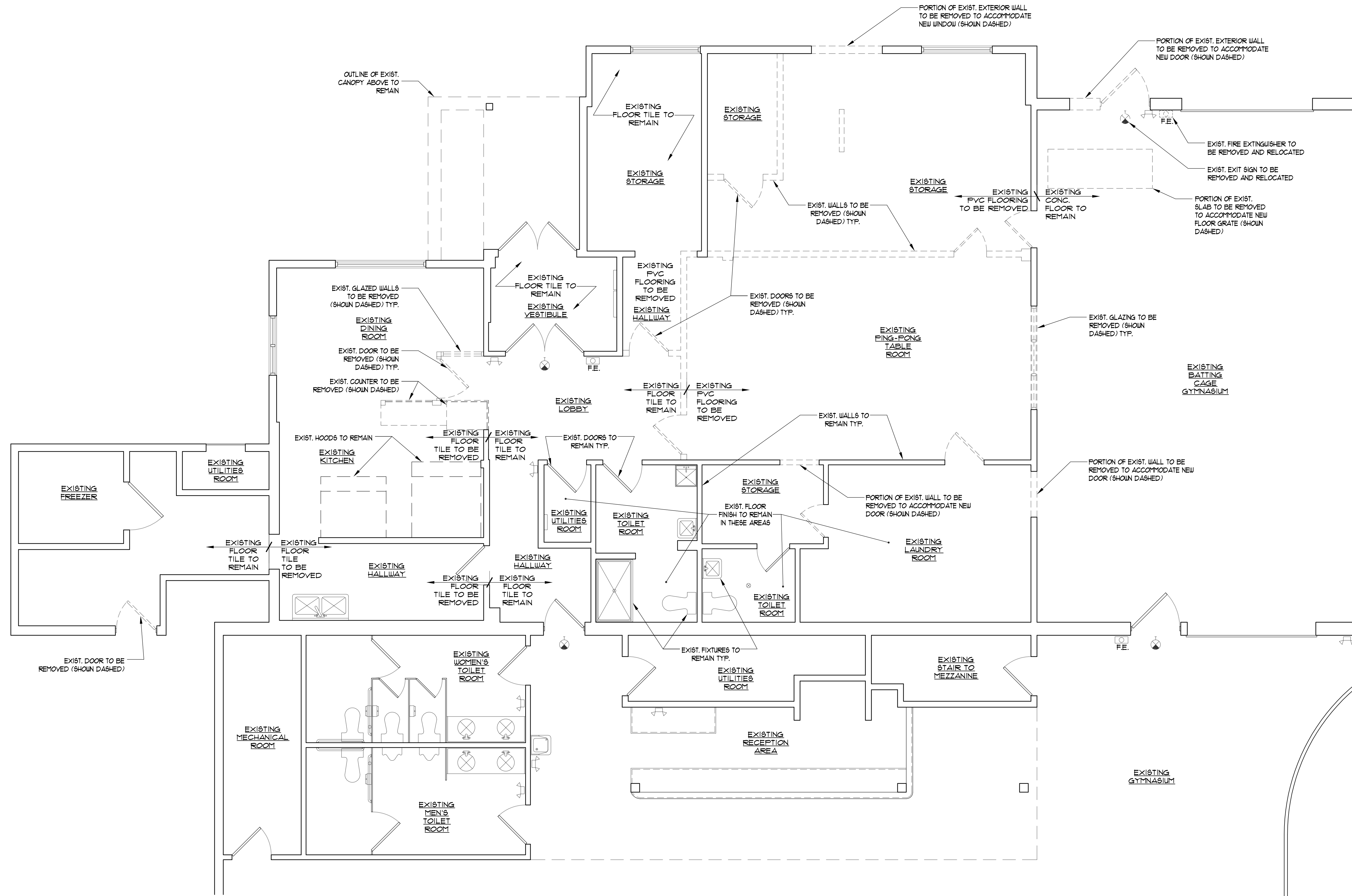
DRAWING TITLE:  
**EXISTING SITE PLAN,  
SITE PLAN DETAIL,  
LOCATION MAP**

NOTICE:  
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING ARE IN VIOLATION OF THE NEW YORK STATE EDUCATION LAW ARTICLE 147, SECTION 7365. NO REVISIONS ARE PERMITTED UNLESS AUTHORIZED BY THE ARCHITECT OF RECORD.

REVISIONS:

PROJECT NO: 22-07-22  
SCALE: AS NOTED  
DRAWN BY: JB  
CHECKED BY: CT  
DATE: 09/22/2022  
DRAWING #

**C-1**



- Removals General Notes**
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH ALL DETAILS INVOLVED IN SELECTIVE DEMOLITION. SPECIFIC INSTRUCTIONS ON EACH ITEM WILL NOT BE GIVEN.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SALVAGE OF EXISTING MATERIALS AS REQUIRED FOR PATCHING EXISTING AREAS TO REMAIN. WHEREVER REMOVALS OCCUR, DISTURBED SURFACES SHOULD BE PATCHED TO MATCH ADJACENT EXISTING.
  - THE CONTRACTOR SHALL MAINTAIN SAFE ACCESS TO ALL DESIGNATED EXITS FOR THE BUILDING OCCUPANTS DURING CONSTRUCTION.
  - REMOVALS SHOWN ARE NOT NECESSARILY ALL-INCLUSIVE. REMOVE ALL ITEMS AS REQUIRED TO PROVIDE THE COMPLETE FINISHED CONSTRUCTION AS SHOWN ON THE FULL SET OF DRAWINGS.
  - STORAGE FOR CONTRACTOR'S EQUIPMENT AND DEBRIS MUST BE KEPT INSIDE THE CONTRACT AREA.
  - DUMPSTERS FOR CONSTRUCTION DEBRIS ARE TO BE PROVIDED BY CONTRACTOR. ALL DEBRIS TO BE HAILED OFF SITE BY CONTRACTOR.
  - REMOVAL OF ELECTRICAL, PLUMBING, AND HVAC ITEMS WITHIN ARCHITECTURAL ELEMENTS SHOWN TO BE REMOVED SHALL BE BY THOSE TRADES, G.C. TO COORDINATE.
  - ALL DISCREPANCIES AND/OR UNFORESEEN CONDITIONS EXPOSED BY DEMOLITION WORK SHALL BE REPORTED TO THE ARCHITECT / ENGINEER IMMEDIATELY.
  - BEFORE BEGINNING REMOVALS, PROVIDE SHORING AS REQ'D. SHORING IS CONSIDERED MEANS AND METHODS THEREFORE. DESIGN OF ANY SHORING IS THE SOLE RESPONSIBILITY OF THE G.C.

**1 FIRST FLOOR REMOVALS PLAN**  
SCALE: 1/4"=1'-0"

**LEGEND:**

	EXISTING WALL		EXISTING FIRE EXTINGUISHER TO BE REMOVED
	EXISTING DOOR		EXISTING FIRE EXTINGUISHER
	EXIST. COMBINATION SMOKE/CARBON MONOXIDE DETECTOR		EXISTING EMERGENCY ILLUMINATION TO BE REMOVED/ RELOCATED
			EXISTING EMERGENCY ILLUMINATION
			EXISTING EXIT SIGN

**KF Architects**  
P.O. Box 706  
Canandaigua, NY 14424  
Phone: 585-218-0051  
Cell: 585-703-9014  
Fax: 585-385-6386  
www.kfarchitects.net

**TSE**  
Torchia Structural Engineering & Design P.C.  
635 Panorama Trail  
Suite #2210  
Rochester, NY 14625  
Phone: 585-385-7630  
Fax: 585-385-4396  
www.TSE123.com

PROJECT TITLE:  
**Rochester Sports Garden Interior Alterations  
Overtime Eats and Drinks**  
1460 E Henrietta Road  
Rochester, NY 14623

DRAWING TITLE:  
**FIRST FLOOR  
REMOVALS PLAN,  
REMOVALS NOTES**

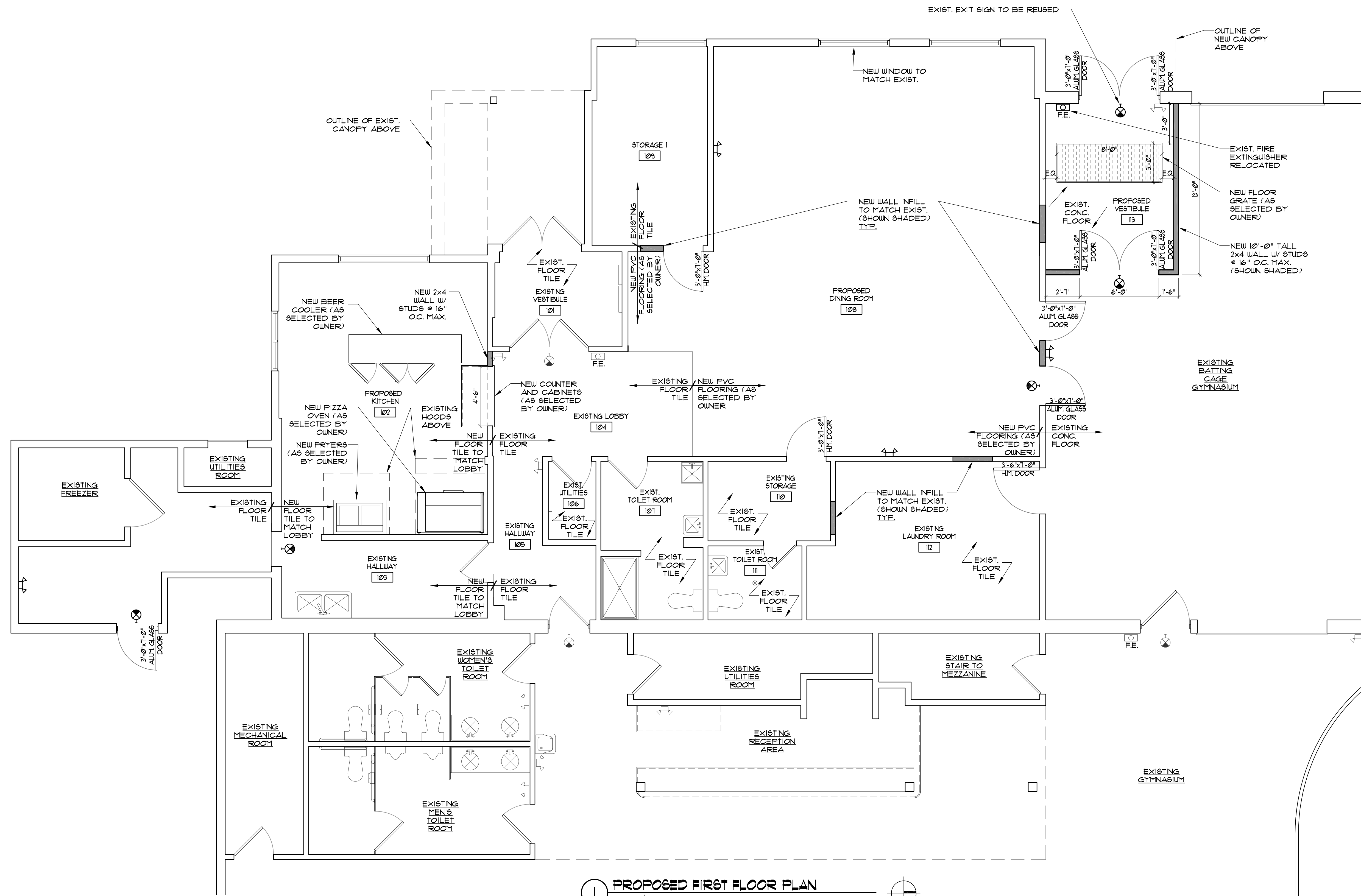
NOTICE:  
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING ARE IN VIOLATION OF THE NEW YORK STATE EDUCATION LAW ARTICLE 147, SECTION 7365. NO REVISIONS ARE PERMITTED UNLESS AUTHORIZED BY THE ARCHITECT OF RECORD.

REVISIONS:

PROJECT NO: 22-07-22  
SCALE: AS NOTED  
DRAWN BY: JB  
CHECKED BY: CT  
DATE: 09/22/2022  
DRAWING #

**A-1**





1 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4"=1'-0"

LEGEND:			
	NEW STUD WALL		EXISTING FIRE EXTINGUISHER TO BE REMOVED
	EXISTING WALL		EXISTING FIRE EXTINGUISHER
	COMBINATION SMOKE/CARBON MONOXIDE DETECTOR		NEW FIRE EXTINGUISHER
	EXISTING DOOR		EXISTING EMERGENCY ILLUMINATION TO BE REMOVED/RELOCATED
	DOOR NUMBER		EXISTING EMERGENCY ILLUMINATION
	NEW DOOR		NEW EMERGENCY ILLUMINATION
	OFFICE ROOM TAG		EXISTING EXIT SIGN
			NEW EXIT SIGN

**KF Architects**  
P.O. Box 706  
Canandaigua, NY 14424  
Phone: 585-218-0051  
Cell: 585-703-9014  
Fax: 585-385-6386  
www.kfarchitects.net

**TSE**  
Torchia Structural Engineering & Design P.C.  
625 Panorama Trail  
Suite #2210  
Rochester, NY 14625  
Phone: 585-385-7630  
Fax: 585-385-4396  
www.TSE123.com

PROJECT TITLE:  
**Rochester Sports Garden Interior Alterations  
Overtime Eats and Drinks**

1460 E Henrietta Road  
Rochester, NY 14623

DRAWING TITLE:  
**PROPOSED FIRST  
FLOOR PLAN**

NOTICE:  
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS  
DRAWING ARE IN VIOLATION OF THE NEW YORK STATE  
EDUCATION LAW ARTICLE 147, SECTION 7365. NO  
REVISIONS ARE PERMITTED UNLESS AUTHORIZED BY  
THE ARCHITECT OF RECORD.

REVISIONS:

PROJECT NO:	22-07-22
SCALE:	AS NOTED
DRAWN BY:	JB
CHECKED BY:	CT
DATE:	09/22/2022
DRAWING #	

**A-2**