

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON APRIL 17, 2024 AT 6:00 P.M.

RESOLUTION #9-142/2024 To approve Special Use Permit Application No. 2024-013 for Shake Shack by 911 Jefferson Road, LLC to modify the existing Special Use Permit to also allow alcohol to be sold and to allow bands, DJ's, or similar loud entertainment at the restaurant.

On Motion of Supervisor Schultz

Seconded by Councilmember Barley

WHEREAS, 911 Jefferson Road, LLC has applied for a modification of their previously approved Special Use Permit (SP2023-002) to now also allow alcohol to be sold and to allow bands, DJ's, or similar loud entertainment for a Shake Shack restaurant (the "Application") to be located in an Industrial District at 245 Clay Road, Rochester, New York 14623 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, on February 8, 2023 per Town Board Resolution #3-71/2023, the Town Board as the Lead Agency issued a Negative Declaration for the project in accordance with the State Environmental Quality Review Act and approved Special Use Permit 2023-002 to allow a Shake Shack restaurant to provide:

- 1. For Sit Down Meal Service,
- 2. For Take-Out Meal Service,
- 3. For Outdoor Seating, and
- 4. For Drive-Thru Service; and

WHEREAS, a public hearing was duly advertised for and held relative to the modification of the Special Use Permit.

THEREFORE, BE IT RESOLVED, that the Town Board has considered the Special Use Permit factors from the previous Special Use Permit 2023-002, and, based upon the record, including all materials submitted related to such Application, and based upon those reasons discussed at the public meeting related to the same, finds that said Special Use Permit factors favor approval of the modification application.

BE IT FURTHER RESOLVED, that the Town Board thus approves the modification Special Use Permit Application No. 2024-013, such that the Special Use Permit for a Restaurant is approved, as follows:

- 1. For Sit Down Meal Service,
- 2. For Take-Out Meal Service,
- 3. For Outdoor Seating,
- 4. For Drive-Thru Service,
- 5. For Alcohol to be served, and
- 6. For Bands, DJ's, or Similar Loud Entertainment, but excluding 9:00 p.m. to 7:00 a.m.

BE IT FURTHER RESOLVED, that Special Use Permit Application No. 2023-002 is null and void as it has been replaced by Special Use Permit Application No. 2024-013.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

March 12, 2024

Town Board of the Town of Henrietta
475 Calkins Road
Henrietta, NY 14467

Re: Shake Shack- Special Use Amendment
245 Clay Road (TA# 162.09-1-4)

Dear Board Members:

This office has been retained by 911 Jefferson Road, LLC, and the owner of 245 Clay Road, to obtain municipal approvals to redevelop the parcel with a new building with will include a drive-thru and outdoor seating. The property is zoned Industrial District (I) and a special permit was granted on February 8, 23 to allow a drive-thru and outdoor seating area.

We are requesting the previously granted Special Use permit be amended to include alcohol to be served as well as bands, DJs, or similar loud entertainment.

We understand that the comprehensive revision for restaurant special permits was to protect the potential impact of restaurants on adjacent residential uses, as some of the districts are in close proximity to residential areas. The subject property is located in the commercial/ industrial area of Town and is surrounded by like uses. There are no residential homes or apartments anywhere near this building.

Submitted with this letter of intent are:

1. The Town's special permit application form for restaurants.
2. Our site plan depicting the building, drive-thru, outdoor seating area and parking.
3. Authorization letters
4. The Town's application fee.
5. Short EAF

If you have any questions or comments, please feel free to contact our office.

Respectfully,

COSTICH ENGINEERING, D.P.C.



CIVIL ENGINEERING • LAND SURVEYING • LANDSCAPE ARCHITECTURE

Costich Engineering, DPC • 217 Lake Avenue • Rochester, New York 14608
Office (585) 458-3020 • Fax (585) 458-2731 • www.costich.com