



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 2023-002

**SPECIAL USE PERMIT – RESTAURANT**

Date 1/4/23

Applicant: 911 Jefferson Road, LLC (Evan Gefell as agent) \_\_\_\_\_  
Name \_\_\_\_\_ Email \_\_\_\_\_

217 Lake Ave. Rochester NY 14608 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Business Owner: Matt Lester \_\_\_\_\_  
Name \_\_\_\_\_ Email \_\_\_\_\_

1657 East Avenue Rochester NY 14610 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Business Name: 911 Jefferson Road, LLC 1shake shack

Business Address: 1657 East Avenue Rochester NY 14610 \_\_\_\_\_  
No. & Street City State Zip Code

Property Owner: Streamline Real Estate Partners \_\_\_\_\_  
Name \_\_\_\_\_ Email \_\_\_\_\_

25 Parce Ave. Suite 155 Fairport NY 14450 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

Architect/Engineer: Costich Engineering (Evan Gefell) \_\_\_\_\_  
Name \_\_\_\_\_ Email \_\_\_\_\_

217 Lake Ave Rochester NY 14608 \_\_\_\_\_  
No. & Street City State Zip Code Phone Number

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

911 Jefferson Road/ 245 Clay Road Rochester NY 14623 \_\_\_\_\_  
No. & Street City State Zip Code

162.09-1-4 \_\_\_\_\_ Industrial \_\_\_\_\_  
Tax Map No. Zoning District

If property is under a purchase option, indicate date option expires: N/A

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

Article: VIII Section: 295 Subsection: 25 Paragraph: A(16) of the Zoning Ordinance.  
VI 295 14 B(12)

Description of Proposal: Remove existing building and construct new restaurant with drive thru. and outdoor seating.

**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: Evan Gefell, as agent Signature: [Signature]

J. Fried \_\_\_\_\_ 2/8/23 \_\_\_\_\_ 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: 911 Jefferson Road, LLC

By: Anthony Gizzie

Title: member

Dated: 1-4-23

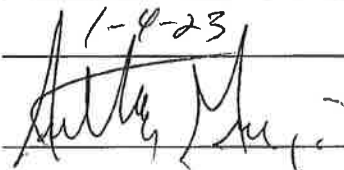
Signed: 

Owner: Streamline Real Estate Partners

By: Anthony Gizzie

Title: COO

Dated: 1-8-23

Signed: 

January 3, 2023

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

Re: Redevelopment of the existing Denny's parcel  
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 is required for the drive-thru and outdoor seating area.

The existing building is one story and is 4,588 +/- square feet. The developer is proposing to replace the existing building with a new one story 3,500 square foot building with sit-down and take-out service, as well as a drive-through and outdoor seating.

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 commercial 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. The proposed development use is a replacement in kind (restaurant to restaurant).

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.

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](http://www.costich.com)

## Jennifer Miranda

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**From:** Evan Gefell <[REDACTED]>  
**Sent:** Tuesday, January 17, 2023 11:23 AM  
**To:** Jennifer Miranda  
**Cc:** Janine Fried  
**Subject:** Hours of Operation/Shake Shack

Hi Jennifer,

The proposed hours of operation are 11 am-9 pm Mon-Sun.

Thanks,

Evan

**EVAN R. GEFELL, RLA, ASLA**  
PRINCIPAL

**\*NYS Certified WBE - Monroe County WBE - City of Rochester WBE\***

## **COSTICH**

COSTICH ENGINEERING, LAND SURVEYING  
& LANDSCAPE ARCHITECTURE D.P.C.  
217 Lake Avenue, Rochester, NY 14608

[REDACTED]  
[www.costich.com](http://www.costich.com) | [Instagram](#) | [Facebook](#) | [LinkedIn](#)

# STREAMLINE

REAL ESTATE PARTNERS

2020

As owners of 911 Jefferson Road Henrietta NY. We hereby authorize Costich Engineering, DPC, to file applications and represent ownership of 911 Jefferson Road LLC for town approvals for the proposed redevelopment of 911 Jefferson Rd/ Clay Rd per the attached.

911 Jefferson Road LLC

A handwritten signature in black ink, appearing to read 'Matthew Lester', with a long horizontal flourish extending to the right.

Matthew Lester

Member

## Authorization

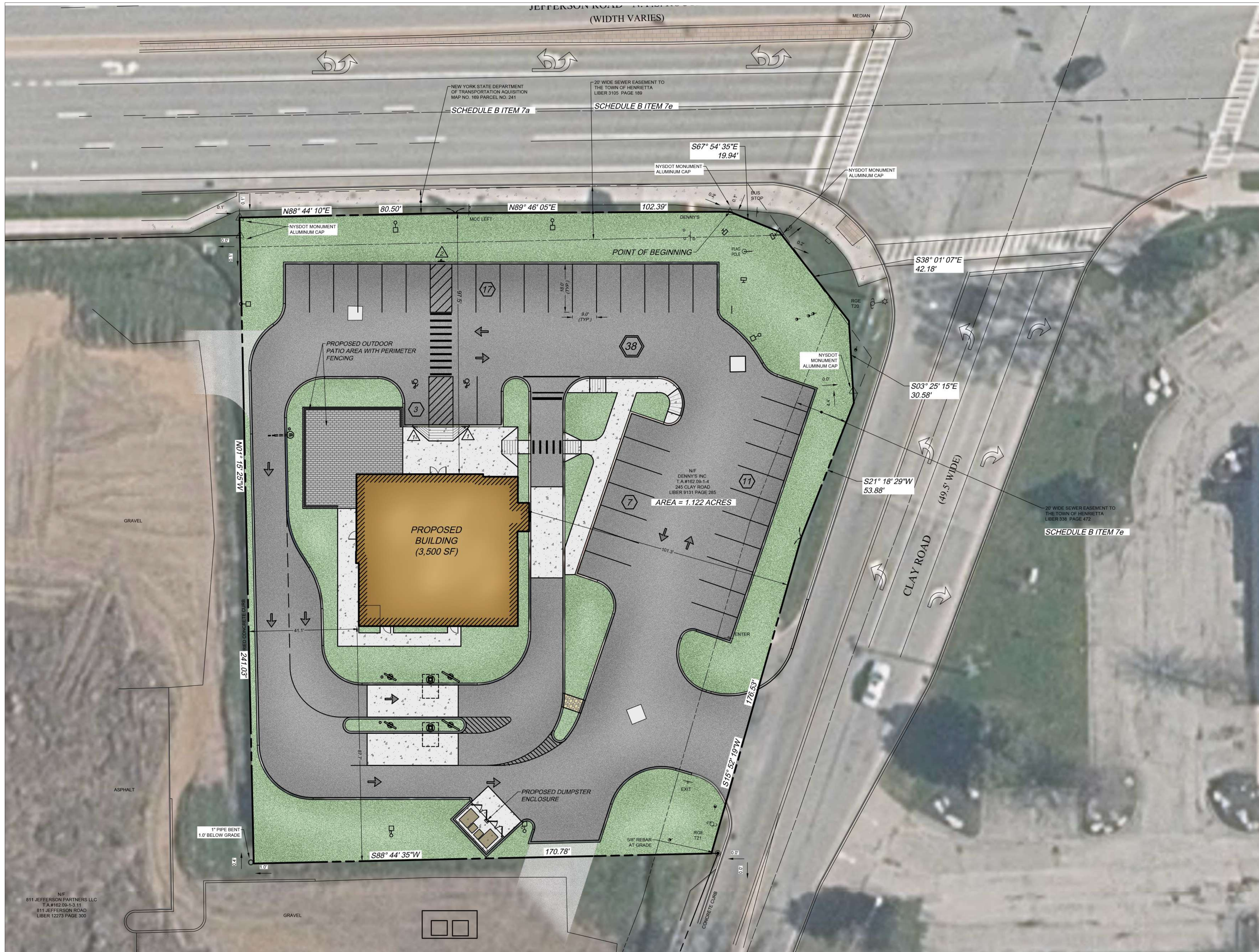
We hereby authorize 911 Jefferson Road LLC, and their engineers Costich Engineering, DPC, to file application for Town approvals for a Shake Shack building located at 911 Jefferson Road/ 245 Clay Road per the attached concept plan.

Shake Shack Enterprises

By: 

Erika Lizaro - Development Manager, NE Region

Date: 12/28/2022



### SITE LINE LEGEND

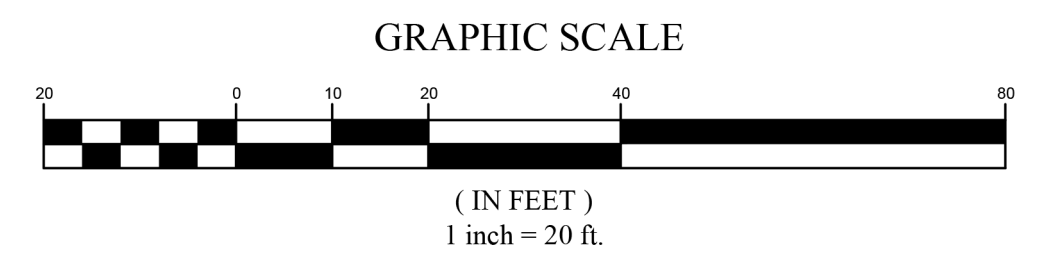
	PARCEL BOUNDARY
	EXISTING RIGHT-OF-WAY LINE
	EXISTING ADJACENT PROPERTY LINE
	MIN. BUILDING SETBACK
	CENTER LINE
	EXISTING EASEMENT LINE
	EXISTING BUILDING
	EXISTING CONCRETE CURB
	EXISTING EDGE OF PAVEMENT
	EXISTING EDGE OF GRAVEL
	EXISTING CONC. PAD/ CONC. SIDEWALK
	EXISTING GUARD RAIL
	EXISTING TREES, HEDGE, EDGE OF WOODS
	EXISTING STOCKADE & CHAIN LINK FENCE
	EXISTING UTILITY POLE, GUY ANCHOR & UTILITY POLE WITH LIGHT
	PROPOSED EDGE OF PAVEMENT
	PROPOSED CONCRETE CURB
	PROPOSED BUILDING
	PROPOSED SIDEWALK

### SITE DATA

ADDRESS: 911 JEFFERSON AVE / 245 CLAY ROAD

- TAX ACCOUNT NO. 162.09-1-4 (±1.12 ACRES)
- EXISTING ZONING DISTRICT: INDUSTRIAL
- BULK REQUIREMENTS:

	REQUIRED	PROVIDED
MIN. LOT AREA (SF)	N/A	N/A
MAX LOT COVERAGE	N/A	N/A
MIN. LOT WIDTH (FT)	N/A	N/A
MAX. BUILDING HEIGHT (FT)	40	<40
MIN. FRONT YARD SETBACK (FT)	80	90
MIN. SIDE YARD SETBACK (FT)	5	41.1
MIN. REAR YARD SETBACK (FT)	60	87.7



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

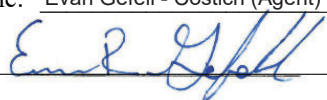
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 911 Jefferson Road, LLC			
Project Location (describe, and attach a location map): 911 Jefferson Road/245 Clay Street Rochester NY			
Brief Description of Proposed Action: Demolition of existing building to construct a new building with a drive-thru and outdoor seating. The proposed project will increase green space.			
Name of Applicant or Sponsor: 911 Jefferson Road, LLC		Telephone: [REDACTED]	
Address: 25 Parce Ave STE 155		E-Mail: [REDACTED]	
City/PO: Fairport		State: NY	Zip Code: 14450
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Special use from the Town Board, Planning Board Approval, DEC SPEDES permit		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.20 acres			
b. Total acreage to be physically disturbed? _____ 1.1 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.20 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input checked="" type="checkbox"/>	YES <input checked="" type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ The adjacent property as been listed in the Environmental Site Remediation database DEC C828148	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Evan Gefell - Costich (Agent)</u> Date: <u>1/27/2023</u>		
Signature: <u></u> Title: <u>Project Manager</u>		