

TOWN OF HENRIETTA APPLICATION TO TOWN BOARD

SPECIAL USE PERMIT - RESTAURANT

Appeal No. <u>SP2024-028</u>

Applicant: Kerry Ventures West Henrietta, LLC Email 1777 East Henrietta Road, Building A, Suite 100, Rochester, NY 14623 hone Number Business Owner: Chipotle Mexican Grill of Colorado Inc. Email 80120 1900 W Littleton Blvd Littleton No. & Street Business Name: Chipotle Mexican Grill 14467 Business Address: 4799 West Henrietta, Henrietta Property Owner: Kerry Ventures West Henrietta, LLC 1777 East Henrietta Road, Building A, Suite 100, Rochester, NY 14623 Phone Number Architect/Engineer: DDS Engineering and Surveying, LLP NY 14586 45 Hendrix Road Henrietta. State Phone Number No. & Street Zip Code Hereby request from the Town Board for a Special Use Permit for the property located at: 4775 4799 West Henrietta Rd. 14467 Henrietta No. & Street Commercial B-<u>175.03-1-3.132</u> 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: Construction of a new 2,325 sf take out restaurant with outdoor patio seating and pick up window. **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. Pick-up only 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: Connor Kilmer Date of Meeting "(unless rescheduled

^{*}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/Business Owner:	Kerry Ventures West Henrietta, LLC
Ву:	Connor Kilmer
Title:	Project Manager
Dated:	7/15/24
Signed:	land
Property Owner:	Kerry Ventures West Henrietta, LLC
Ву:	Jim Neu
Title:	VP & CFO
Dated:	7/15/24
Signed:	- Jan Men



Team + Vision = Solution²

Heavy Civil Construction » Underground Utility Construction » Site/Civil/Utility Design » Energy Services

July 17, 2024

Town of Henrietta, Town Board Mr. Stephen Schultz, Town Supervisor 475 Calkins Road Rochester, NY 14623

RE: 4799 West Henrietta Road-Lot 2 Development

Supervisor Schultz and Town Board Members:

On behalf of Kerry Ventures West Henrietta LLC., we submit the following materials for consideration of Final Site Plan Approval:

- 4 copies of this Letter of Intent
- 4 copies of the Letter of Authorization
- 4 copies of the Special Use Permit Application
- 4 copies of the Signed Statement of Applicant and Owner with Respect to Reimbursement of Professional Consulting Fees
- 4 copies of the Site Plan
- \$200 Special Use Permit Application Fee

The 0.63-acre subject property is located at 4799 West Henrietta Road Lot-2, in the Town of Henrietta Commercial B-1 Zoning District (Tax ID 175.03-1-3.132). The developer wishes to construct a +/- 2,325 SF quick service restaurant in accordance with the previously approved subdivision and master plan. The new restaurant will include outdoor patio seating and a 12' wide drive through lane for pickup orders only. Per the Town of Henrietta Code 295-14.B.12 a Special Use Permit is required for such a development.

The proposed development is consistent with the previously approved master development plan for all three lots in this area. For this reason, the applicant is submitting a Site Plan Application to the Planning Board for site plan approval concurrently with this Application.

The development will consist of driveway access to the new private drives constructed for the Burger King Project on Lot 1, giving the property access from West Henrietta Road (NYS-15) and Lehigh Station Road (C.R. 79). The project also includes 26 parking spaces (2 ADA parking spaces), a stormwater management facility, new water service, new sanitary service, public sewer main for future developments, and new lighting/landscaping.



PROJECT SITE: 4799 West Henrietta Road Lot-2

We respectfully request to be placed on the August 21st, 2024, Town Board agenda for consideration of a Special Use Permit. We look forward to discussion of the merits of this proposal at that time. Please contact me directly with any questions requiring attention prior to the meeting. Thank you,

Regards,

DDS Engineering and Surveying, LLP

Sean Condon, E.I.T. **Sr. Project Engineer**

Jennifer Miranda

From: Kate Betty

Sent: Monday, July 22, 2024 12:42 PM **To:** Jennifer Miranda; Sean Condon

Cc:

Subject: RE: Chipotle Special Use Permit Application

Jennifer,

That is correct! Sorry I didn't make that clear.

Have a great week 🚱

Kate Betty

Design Manager - New England & Upstate NY

Chipotle Mexican Grill



From: Jennifer Miranda < jmiranda@henrietta.org>

Sent: Monday, July 22, 2024 12:40 PM

To: Sean Condon <

Cc: ; Kate Betty <

Subject: [EXTERNAL] RE: Chipotle Special Use Permit Application

Sean,

Thank you for sending this over! Just so I'm not assuming, the hours of operation are seven days a week, correct?

Have a great day!

Jennifer L. Miranda

Deputy Town Clerk and Receiver of Taxes

Town of Henrietta 475 Calkins Road Rochester, NY 14623 jmiranda@henrietta.org 585-359-7039 From: Sean Condon <

Sent: Monday, July 22, 2024 12:26 PM

To: Jennifer Miranda < jmiranda@henrietta.org >

Cc:

Subject: RE: Chipotle Special Use Permit Application

Hey Jennifer,

See attached signed authorization letter as discussed.

Operating hours are 10:45am- 10:00pm

Employees will be on site from 7:00am-11:00pm for prep and clean up.

Let me know if you have any other questions or need any additional information. Thank you,

From: Jennifer Miranda < jmiranda@henrietta.org>

Sent: Friday, July 19, 2024 10:11 AM

To: ; Sean Condon

Subject: Chipotle Special Use Permit Application

EXTERNAL MAIL Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good morning Connor, Kate, and Sean.

I am working on preparing the legal notice for the Special Use Permit meeting on August 21, 2024, including the Chipotle Special Use Permit application. In reviewing the application, there are some items that I am missing. Could some please send me the following items:

- Confirmation of the planned hours of operation for Chipotle
- Letter of Authorization from Chipotle for Kerry Ventures and DDS Engineering and Surveying to represent them with this application.

Thank you!

Jennifer L. Miranda

Deputy Town Clerk and Receiver of Taxes

Town of Henrietta 475 Calkins Road Rochester, NY 14623 jmiranda@henrietta.org 585-359-7039

Help the Town of Henrietta be environmentally conscious. Think twice before printing this email.

-- Confidentiality Notice --

This email message, including all the attachments, is for the sole use of the intended recipient(s) and contains confidential information.

Unauthorized use or disclosure is prohibited. If you are not the intended recipient, you may not use, disclose, copy or disseminate this information. If you are not the intended recipient, please contact the sender immediately by reply email and destroy all copies of the original message, including attachments.



Team + Vision = Solution²

Heavy Civil Construction » Underground Utility Construction » Site/Civil/Utility Design » Energy Services

July 16, 2024

Town of Henrietta Town Board Mr. Stephen Schultz, Town Supervisor 475 Calkins Road Rochester, NY 14623

Re: 4799 West Henrietta Road-Lot 2 Development

Mr. Schultz:

Kerry Ventures West Henrietta, LLC hereby authorizes DDS Engineering and Surveying, LLP to act on our behalf to obtain the necessary approvals from the Town of Henrietta for the development of the proposed quick service restaurant located at 4799 West Henrietta Road Lot-2 in the Town of Henrietta. Anticipated approvals include but are not limited to, Site Plan Approval from the Town of Henrietta Planning Board and Special Use Permit from the Town of Henrietta Town Board.

Should you require any further information, please reach out to Sean Condon at DDS Engineering and Surveying at 585-359-7540.

Regards,

Digitally signed by Connor Kilmer
DN: C=US,
E=ckilmer@donohoemgmt.com,
O=Donohoe Management,
CN=Connor Kilmer
Date: 2024.07.17 07:59:27-04'00'

Signature

Date: 7-17-24



Team + Vision = Solution²

Heavy Civil Construction » Underground Utility Construction » Site/Civil/Utility Design » Energy Services

July 19, 2024

Town of Henrietta Town Board Mr. Stephen Schultz, Town Supervisor 475 Calkins Road Rochester, NY 14623

Re: 4799 West Henrietta Road-Lot 2 Development

Mr. Schultz:

Chipotle Mexican Grill of Colorado Inc. hereby authorizes Kerry Ventures West Henrietta, LLC and DDS Engineering and Surveying, LLP to act on our behalf to obtain the necessary approvals from the Town of Henrietta for the development of the proposed quick service restaurant located at 4799 West Henrietta Road Lot-2 in the Town of Henrietta. Anticipated approvals include but are not limited to, Site Plan Approval from the Town of Henrietta Planning Board and Special Use Permit from the Town of Henrietta Town Board.

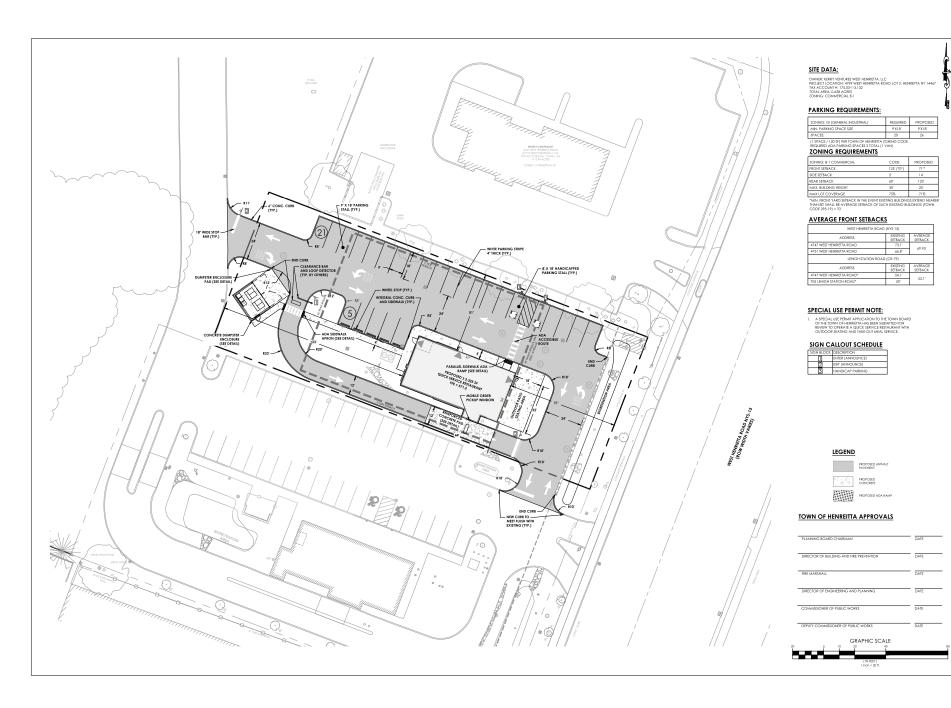
Should you require any further information, please reach out to Sean Condon at DDS Engineering and Surveying at 585-359-7540.

Regards,

Signature

Date: July 22, 2024

Kate Bett





45 HENDRIX RD WEST HENRIETTA, NY 14586 PHONE-(585)359-7540 FAX-(585)359-7541

KERRY VENTURES WEST
HENRIETTA, LLC
1777 FAST HENRIETTA ROAD
BUILDING A, SUITE 100
ROCHESTER, NY 14623
(585) 867-4750

TOWN OF HENRIETTA

In STATION NO. DESCRIPTION OF THE PROJECT OCCUPANT OCC



							COUNTERT WELLOW, ALL SEES, APPROCREMENT SEESORS AND PARS ATED THEREON OR PRESENTED THEREOR ALE OWNED BY AND FEARWHITE THE OT DES COMPANIES AND IN OWNER THEREOR SHALL BE UTLIZED BY NAY ONL PRILL OR CONPOUNTING ANY DIRECTION THE TENT THE STATE OF SPECIFIC WRITTEN PERMISSION OF DOS COMPANIES ALL RECHTS RESERVED 0
_	_	-	-	-	-	-	M Z D Q R

4799 WEST HENRIETTA ROAD

LOT 2 DEVELOPMENT

series have or toward research, services

ANING TITLE.

SITE PLAN

THE

DRAWING NO:



NORTH-EAST ELEVATION

1/4" = 1'-0"



SOUTH-WEST ELEVATION

[/] 1/4" = 1'-0"

FURM

1851 STONE ROAD SUITE 102 ROCHESTER, NY 14615 585-204-7770

Proposed
CHIPOTLE
Mexican Grill

PROJECT NO.

07/12/24

THESE DOCUMENTS AND ALL THE IDEAS,
ARRANGEMENTS, DESIGNS AND PLANS INDICATED
THEREON OR PRESENTED THEREBY ARE OWNED
BY AND REMAIN THE PROPERTY OF FORM2
ARCHITECTURE PLLC AND NO PART THEREOF
SHALL BE UTILIZED BY ANY PERSON, FIRM, OR
CORPORATION FOR ANY PURPOSE WHATSOEVER
EXCEPT WITH THE SPECIFIC WRITTEN PERMISSION
OF FORM2 ARCHITECTURE PLLC.
ALL RIGHTS RESERVED. © 2024

DRAWN BY: CW
CHECKED BY: JML
PROJECT STATUS: PROGRESS

SCALE

EXTERIOR ELEVATIONS

A2.01

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

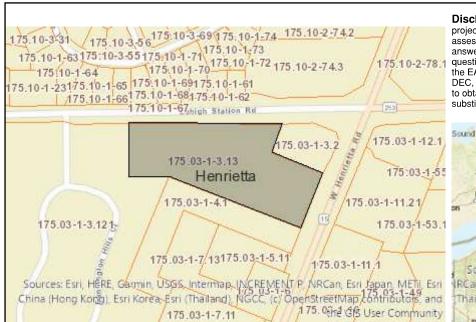
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
4799 West Henrietta Road - Lot 2 Development			
Project Location (describe, and attach a location map):			
4799 West Henrietta Rd Lot 2, Henrietta, NY 14467			
Brief Description of Proposed Action:			
This project consists of the construction of a new 2,325 sf Quick Service Restaurant with outdoor patio seating and a pickup window. Access will tie into the neighboring Burger King parking lot and newly constructed access road leading to Lehigh Station Road. Development includes 26 parking spaces, 12' wide drive through pickup lane, storm water management facilities, new water and sewer services, public sanitary sewer, and new lighting/landscaping.			
Name of Applicant or Sponsor:		_	
Name of Applicant of Sponsor.	Telephone:		
Kerry Ventures West Henrietta, LLC	E-Mail:		
Address:			
1777 East Henrietta Road, Building A, Suite 100			
City/PO: State: Zip Code: Rochester NY 14623			
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.			
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: Town, MCWA, MCDPH, MCPW, NYSDOT approvals			
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.20 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?	✓		
	b. Consistent with the adopted comprehensive plan?		✓	
			NO	YES
6.	Is the proposed action consistent with the predominant character of the existing built or natural landscape?	ļ		✓
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Y	es, identify:		✓	
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	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			✓✓
9.	action? Does the proposed action meet or exceed the state energy code requirements?		NO	YES
	ne proposed action will exceed requirements, describe design features and technologies:			
				V
			Ш	
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			
				✓
-				
11.	Will the proposed action connect to existing wastewater utilities?	ļ	NO	YES
	If No, describe method for providing wastewater treatment:			
				✓
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distric	t	NO	YES
	ch is listed on the National or State Register of Historic Places, or that has been determined by the nmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		✓	
	the Register of Historic Places?		<u> </u>	
		+		
arcl	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for naeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	ļ	Ш	•
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?		NO	YES
			\	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		✓	
If Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			
		ļ		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional		
☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?		
16. Is the project site located in the 100-year flood plan?	NO	YES
	✓	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		✓
a. Will storm water discharges flow to adjacent properties?	✓	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
Stormwater runoff will be directed to on-site stormwater management facilities.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:		
	V	$ \bigsqcup $
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BI MY KNOWLEDGE	EST OF	र
Applicant/sponsor/name: Sean Condon, DDS Engineering and Surveying LLP Date: 7/16/2024		
Signature:Title: Sr. Project Engineer		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No