

JEFF LANIGAN
Mayor



24-015
MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT

ROME CITY HALL, 198 N. WASHINGTON STREET

ROME, NEW YORK 13440-5815

Telephone: (315) 339-7642 Fax: (315) 339-7638

www.romenewyork.com

Notice of Denial of a Building Permit

Date: 10/25/2024

1. Applicant

- a. Name: Sonbyrne Sales Inc
- b. Address: 171 Rt 5, Weedsport, NY 13166
- c. Telephone: 315-214-6455
- d. Email: marshall.winn@byrnedairy.com

2. Property description

- a. Address: 7812 Turin Rd
- b. Zone District: C1
- c. Current use of property: lot with asphalt parking. Recently subdivided from the Oneida Saving Bank building parcel.
- d. Zoning standing : conforming
- e. Tax id 223-007-2-11

3. Type of Actions Requested- Special Use and Area Variance

Special Use Permit- The applicant is seeking to establish a Gas Station. Rome Code, Chapter 80, Table 80-12.1- A Gas Station is listed as a special use.

(1)Gas station

- i. When adjacent to an existing residential dwelling or a residential district, gasoline storage and dispensing equipment, and automobile traffic areas, must be located and screened so that they are not visible from the first story window level of contiguous residential uses.
- ii. All structures and pump islands must be set back a minimum of 20 feet from interior side and rear lot lines. Structures are exempt from any build-to lines required by the district.
- iii. Minor motor vehicle repair is permitted as part of a gas station use if allowed within the district. All repair work must be conducted entirely within an enclosed structure. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure. **(Not applicable-No Automotive repair is proposed)**
- iv. The ancillary uses of a retail goods establishment and one car wash bay are permitted in connection with the principal gas station use.

Area Variance- Table 80-7-1, Commercial Districts Dimensional Standards, C1, Minimum Front Yard Setback, 0'-15' build to zone. A 75'-0" setback is being proposed. (see site plan)



Rome - Turin Rd Byrne Dairy Project

Letter of Intent

7812 Turin Rd, Rome, NY 13440

(NY – Rt 26)

Sonbyrne Sales, Inc. would like to construct and operate a new Byrne Dairy Retail Store and Fueling Facility at 7812 Turin Road in the City of Rome, NY. The parcel is approximately 2.5+/- acres and is a vacant 4,524 sq. ft Bank. As a part of the approval process Sonbyrne Sales, Inc. will be subdividing this parcel into two (2) lots. Lot 1 will be approximately 1.504+/- acres and Lot 2 will be approximately 0.996 +/- acres. The proposed Byrne Dairy will be located within "Lot 1". "Lot 2" will contain the existing 4,524 sq. ft Bank. "Lot 1" will have 214'+/- of frontage along Turin Road (NY - 26) and 83.5'+/- along Cypress Street. The new store will be 4,232+/- sq. ft. (46' Wide x 92' Long, 24' High) and will have porches attached to the North and West sides of the main building. The building is a wood frame construction with masonry siding with brick veneer accents and a metal roof. A freestanding fuel canopy will have four (4) fuel pumps, eight (8) fueling positions, and is 24' Wide x 104' Long. The site has existing Public Water and Public Sewer available. The proposed Byrne Dairy project will utilize the existing curb cuts on the property. There will also be cross access easements from all the curb cuts. The store will operate 24 hours per day/365 days per year. An outside, screened dumpster enclosure will be used for refuse and recycling removal. LED and "Dark Sky" approved lighting will be used for ALL exterior site lighting and fuel canopy lighting. The operation will employ in excess of twenty-five (25) employees or approximately sixteen (16) +/- full-time equivalent employees. The site is currently zoned Local Commercial (C-1). The project will require site plan review approval from the Planning Board. Also, the proposed site plan will require a special use permit from the ZBA and will need one (1) area variance of 23' from the ZBA for Front Yard Build to Zone (median of two adjacent buildings).

Date: 10/16/2024


Christian Brunelle – Sonbyrne Sales Inc.

CITY OF ROME ZONING BOARD OF APPEALS

Special Permit Application

IN THE MATTER OF THE APPEAL, OF SONBYRNE SALES INC. APPEAL # _____

for a special exception/special permit pursuant to Article VIII, Section 56 (c) of the Code of Ordinances of the City of Rome, Appendix A - Zoning.

TO THE ZONING BOARD OF APPEALS:

(SECTION I TO BE COMPLETED BY CODE ENFORCEMENT OFFICER):

1. The appellant (s) hereby appeals to the Zoning Board of Appeals of the City of Rome, New York from a determination of the Codes Enforcement Officer who, on the 29 day of ~~OCTOBER~~ NOVEMBER, 2024, did deny the application for a zoning permit or certificate of occupancy, said application affecting property at 17812 TURIN RD in a C1 Zoning District, in the City of Rome, and having been submitted to the Codes Enforcement Officer for the purpose of SEE ATTACHED DENIAL.

that such application is herein made to the Zoning Board of Appeals insofar as the above use requires Zoning Board of Appeals approval of an appropriate special exception/special permit in accordance with Section _____ of the Code of Ordinances, Appendix A - Zoning.

SEE ATTACHED DENIAL

2. Appellant recognizes that the Zoning Board of Appeals may grant a special exception/special permit for any use for which the approval of the Zoning Board of Appeals is required under the Code of Ordinances, Appendix A - Zoning. In granting such special exception/special permit, the Zoning Board of Appeals may specify appropriate conditions and safeguards in harmony with the following rules and standards:

- (a) The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting.
- (b) The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use. Examples of measures of potential

impacts due to the nature and intensity of development include, but are not limited to, traffic generation, hours of operation, size and scale, noise, odor, dust, vibration, glare, smoke and environmental hazards.

- (c) The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare.
- (d) The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes.
- (e) The use makes adequate provision for off-street parking in accordance with the Rome Zoning chapter.
- (f) The use and the proposed design of the building and other structures and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to, traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration.
- (g) The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community. In evaluating cumulative impacts the board will consider the proximity of other special permit uses, particularly those similar to the use proposed.
- (h) The use will not conflict in any way with the Rome Comprehensive Plan and other adopted city plans.

Furthermore, the appellant (s) recognizes that the Zoning Board of Appeals may deny any application for such special exception/special permit if the proposed use fails to meet the above specified conditions.

(SECTION 3 TO BE COMPLETED BY APPELLANT(S)):

3. Having fully reviewed the above rules and standards for the granting of a special exception/special permit, appellant affirmatively asserts compliance with such rules and standards for the following reasons:

(please complete each paragraph below)

The physical characteristics, topography and other features of the lot and the scale and physical design and other features of any new or existing buildings to be occupied by the use are suitable and adaptable for the proposed use without any modifications which would change the established character of the street or neighborhood setting because:

The surrounding area is commercially zoned, this property has been commercial uses for more than 30 years. This area has also been an area of growth in the past few years with many new commercial entities.

The nature and intensity of operations of the use will not be more objectionable to surrounding properties than those of a permitted use. Examples of measures of potential impacts due to the nature and intensity of development include, but are not limited to, traffic generation, hours of operation, size and scale, noise, odor, dust, vibration, glare, smoke and environmental hazards because:

The proposed use is consistent with the surrounding land uses. The project will not have any major impacts on traffic, noise, intensity, etc. because of the existing commercial uses nearby.

The use is not in such proximity to a religious facility, school, community center, recreation place, or other prominent place of community activity and public assembly so as to regularly conflict with such other activity and thereby constitute a danger to health, safety or general welfare because:

The project is not located in close proximity to any religious facility, school, community center, recreation place, or other place of public assembly. The proposed use will not create health or safety hazard.

The use will not unreasonably increase or introduce traffic congestion or safety hazards or impose traffic volumes on streets and street patterns which are deficient in width, design, sight distance, intersection configuration, or other typical standards necessary to accommodate such traffic changes because:

The proposed use will not unreasonably increase traffic or create safety hazards. There is a dedicated turn lane into the property off Furin Road as well as multiple other curb-cuts on secondary street. This will help mitigate overall traffic along with the project planning to capture existing "drive-by" customers and not create many "new trips".

The use makes adequate provision for off-street parking in accordance with the Rome Zoning chapter. Describe parking plan.

The proposed use has adequate off-street parking. The city of Rome requires 22 parking spaces for the proposed use; the site plan shows 36 parking spaces. The majority of the parking will be along the East side of the property which is located behind the retail store. There will also be two (2) handicap spots provided.

The use and the proposed design of the building and other structures and site facilities for the use are appropriate in the proposed location and have incorporated reasonable efforts to harmonize with surrounding uses and mitigate any adverse impacts on surrounding uses, including but not limited to, traffic congestion and hazards, untimely scheduling of activities, removal of trees and other established natural features, and excessive stormwater runoff, noise, nuisance, odors, glare or vibration because:

The proposed project will incorporate similar design/architecture consistent with the surrounding area. The proposed project has accounted for and mitigated potential impacts to the surrounding area.

The cumulative impacts of the use in the proposed location will not unreasonably interfere with or diminish the continued use, preservation, stability, value, enjoyment, prosperity or growth of the neighborhood or community. In evaluating cumulative impacts the board will consider the proximity of other special permit uses, particularly those similar to the use proposed because:

The cumulative impacts of the proposed use will not unreasonably interfere or diminish the value, enjoyment, prosperity, growth, etc. of the neighborhood or community. The project hopes to add to the growth & enjoyment of the community.

The use will not conflict in any way with the Rome Comprehensive Plan and other adopted city plans because:

The use will not conflict in any way with the City of Rome Comprehensive Plan or other adopted plans because the project is utilizing an existing commercial property/area that has infrastructure & services already on site. (Growth Policy) #3

4. That the previous appeal for the variance requested herein has (not) been made.

Sworn to before me this 17th

Day of October, 2024.

Brenda I Leader

Notary Public

BRENDA I. LEADER
Notary Public, State of New York
Qualified in Cayuga Co. No. 01LE6035371
Commission Expires December 27, 2025

C Brund

Appellant

Christa Brund

CITY OF ROME ZONING BOARD OF APPEALS

Area Variance Application

IN THE MATTER OF THE APPEAL, OF Sonbyrne Sales, Inc., Appellant (s):
for an Area Variance pursuant to Article VIII, Section 56 (b) of the Code of Ordinances of the City of
Rome, Chapter 80 and Article 5-A, Section 81-b of the New York State General City Law

TO THE CITY OF ROME ZONING BOARD OF APPEALS:

SECTION I (SECTION I TO BE COMPLETED BY ZONING OFFICER AND REVIEWED BY APPLICANT):

A. The appellant (s) hereby appeals to the Zoning Board of Appeals of the City of Rome, New York from a determination of the Zoning Officer who, on the 25 day of OCTOBER, 2024, did deny the application of the Appellant, said application affecting property at 7812 TRAIN RD in a C1 zoning district, in the City of Rome, and having been submitted to the Zoning Officer for the purpose of SEE ATTACHED DENIAL

that such application was denied by the Zoning Officer insofar as it contained a proposed use not permitted or authorized and constituting a violation of Section _____, Schedule _____ of the Rome Code of Ordinances, Chapter 80. SEE ATTACHED DENIAL

B. **Area Variance Standard:** Appellant recognizes that, pursuant to Article 5-A of the General City Law, §81-b(4), the Zoning Board of Appeals shall take into consideration the benefit to the appellant if the Area Variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Zoning Board of Appeals shall also consider:

(i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

(ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

(iii) whether the requested area variance is substantial;

(iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The Appellant recognizes that the Zoning Board of Appeals, in the granting of Area Variances, shall grant the **minimum variance** that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community by such conditions as it may deem reasonable under the circumstances.

SECTION II (SECTION II TO BE COMPLETED BY APPELLANT (S)---attach additional sheets and/or addendums as necessary)

* It may be in your best interest to seek the assistance of an attorney in filling out this Section.

**Explanatory Note(s) are for the sole purpose of helping you, as Appellant, understand the requirements necessary to obtain the Variance and shall not have any significance to your application or any denial thereof. These Notes are not intended as legal advice, nor are they to be relied on as the current state of the law.

A. Having fully reviewed the above requirements for the granting of an Area Variance, I hereby request such Area Variance in order to supersede the determination of the Zoning Officer denying my application for the following reasons (complete each paragraph below):

Note: In making application to the Zoning Board of Appeals for an Area Variance, the Zoning Board of Appeals must take into consideration the benefit of the Area Variance to the Appellant and weigh it against the detriment to the community. In weighing said factors, the Zoning Board of Appeals must consider the five factors enumerated above. The Appellant requests the variance and presents information to substantiate the variance; however, it is the job of the Zoning Board to implement the test.

(i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;

There will be no undesirable changes by granting this area variance because the requested variance will actually ~~move~~ move the proposed Byrne Dairy Retail store back away from the adjacent property & residential units across Turin road.

(ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;

The area variance cannot be achieved by some other feasible method because the placement of the building was supported & requested by the neighbor to mitigate ~~the~~ the proposed commercial use. The variance will actually increase the buffer between the two properties.

(iii) whether the requested area variance is substantial;

The requested area variance is not substantial, a 23' variance for Front yard set back line is the only variance requested. Also, the proposed New Byrne Dairy Retail Store is setback nearly the same distance as the existing bank.

(iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The proposed variance will not have any adverse effects or impact on the physical or environmental conditions of the neighborhood or district because the surrounding area is zoned commercially, this property has been developed for commercial use previously, and the variance was requested by the neighborhood.

(v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The alleged difficulty was not self created. The request came from the immediate neighbor adjacent to the property.

B. I hereby attest that no previous appeal has been made for the Area Variance requested herein.

Sworn to before me this 17th Day of October, 2024.

Brenda J. Leader

Notary Public

Christina Brunetti

Appellant

Christina Brunetti

BRENDA I. LEADER
Notary Public, State of New York
Qualified in Cayuga Co. No. 01LE6035371
Commission Expires December 27, 2025



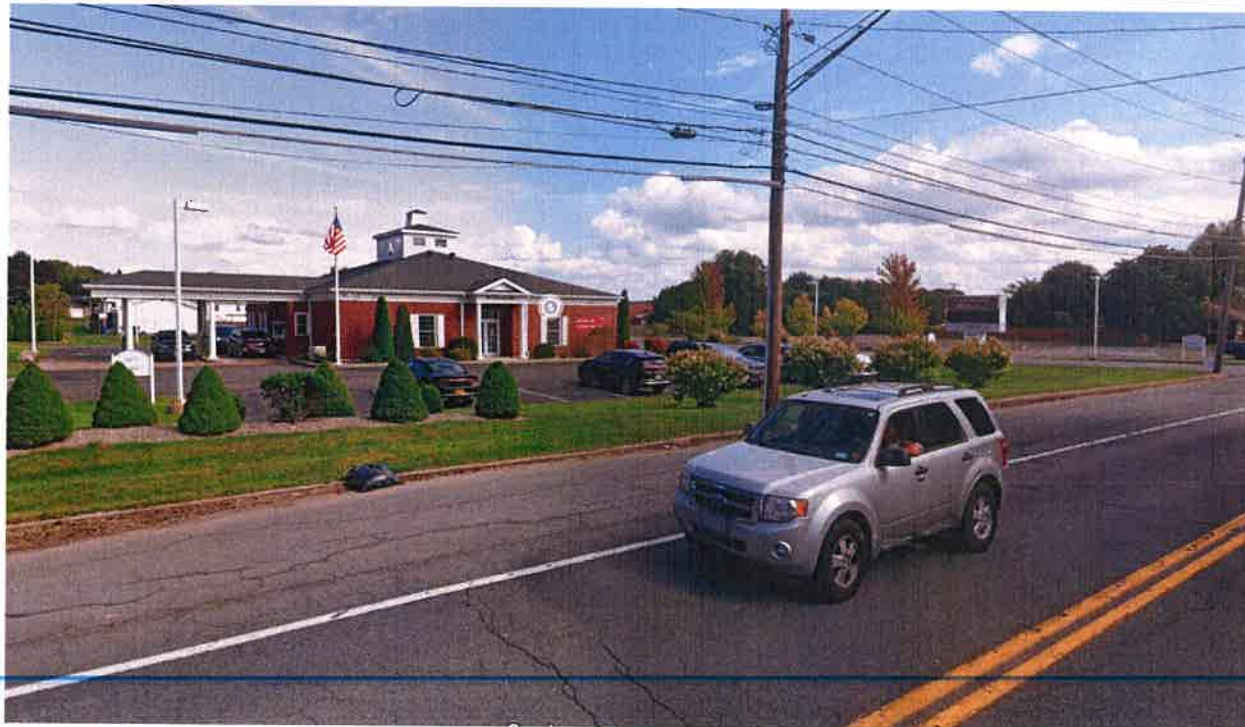
Sonbyrne Sales, Inc.

Proposed Rome
Byrne Dairy Store
City of Rome, NY



Existing Site

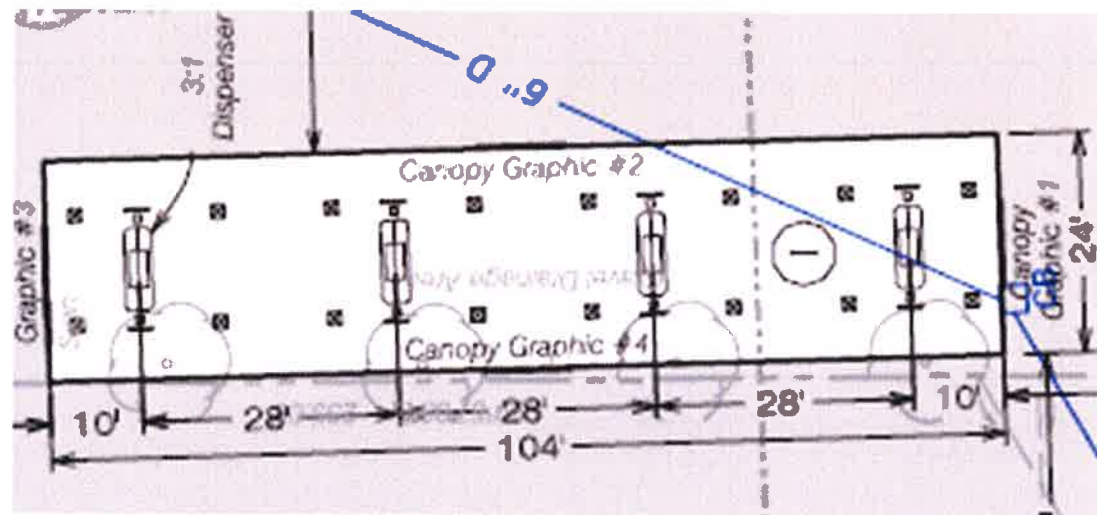
7812 Turin Rd, Rome, NY 13440



PROPOSED ROME BYRNE DAIRY



PROPOSED FUEL CANOPY



Inside Store



Coffee Bar

Produce Table



Made To Order
Fresh Sandwiches,
Subs, and Salads





Inside Store

Full line of
Groceries

Hot and Fresh
Meal Options



Dairy Case and Frozen
Foods

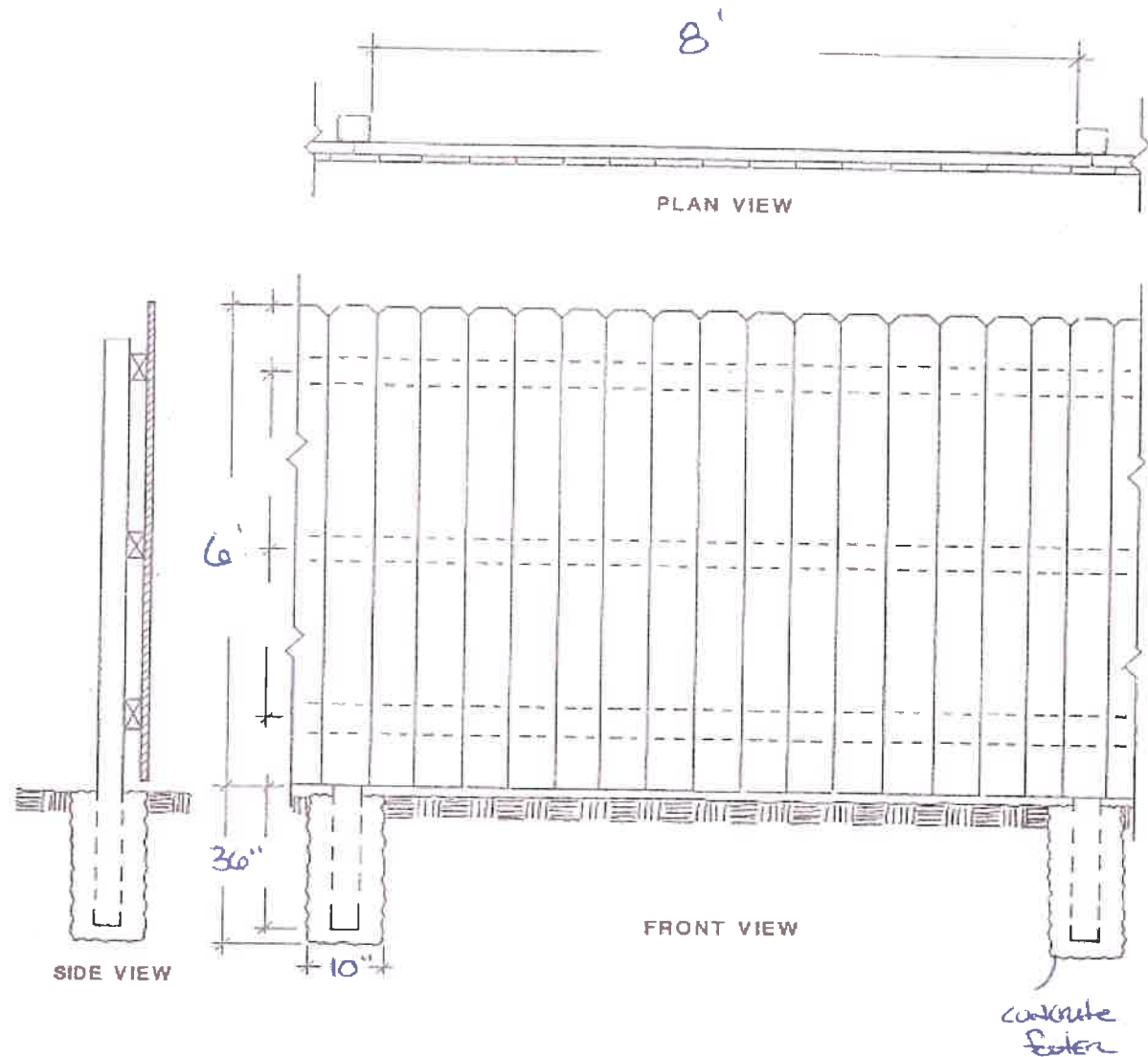
Flush Parking Bollards



Dumpster Enclosure



Fence Detail



"DOG EAR" SOLID BOARD FENCE DETAIL
 STYLE: FACE NAIL SCALE:

SPECIFICATIONS		
COMPONENT	DIMENSIONS	MATERIAL
BACK RAILS	2 x 4 x 8	WRC
POSTS	4 x 4 x 10	P.T
PICKETS	1 x 6 x 6	WRC
FOOTING	10" DIA X 36" DEEP	
NAILS	SS 1 3/4"	
TOP DESIGN	DOG EAR	

PROJECT: BYRNE DAIRY STANDARD

OWNER/GENERAL CONTRACTOR: _____

DATE: _____ DRAWING NUMBER: _____