

26-00Z

JEFFERY LANIGAN
Mayor



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: 2/5/2026

1. Applicant

- a. Name: Malik Sherry
- b. Address: 324 Henry Street
- c. Telephone: Sarah Metott Architect 315 404 5571
- d. Interest in Premises: owner
- e. Email: sarah.metatt@gmail.com

2. Property description

- a. Address: 324 Henry Street
- b. Zone District: R2
- c. Current use of property: Vacant Dance Studio
- d. Zoning standing : non conforming due to 12+ month vacancy
- e. Tax id: 242.056-1-55

3. Type of Action Requested- Use Variance

Reason for Denial- The applicant is seeking to convert the building into a mixed-use building to include a convenience store and single apartment dwelling

4. Zoning Code Section 80-12.2, Use Matrix, Table 80-12.1 Use, Retail Goods Establishment is not allowed in an R2 Zone District.

Mark Domenico, R.A.
Chief Enforcement Officer

Note: An approval of this application by the Rome Zoning Board does not authorize the construction of the building without first obtaining a building permit. Contact the Rome Code Enforcement Office for further instructions.

CITY OF ROME ZONING BOARD OF APPEALS

Use Variance Application

IN THE MATTER OF THE APPEAL, OF Malik Sherry, 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 ____ day of _____, 20____, did deny the application of the Appellant, said application affecting property at _____ in a _____ zoning district, in the City of Rome, and having been submitted to the Zoning Officer for the purpose of
- _____
- _____

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.

- B. Use Variance Standard: Appellant recognizes that, pursuant to Article 5-A of the General City Law, §81-b(3), no Use Variance shall be granted by the Zoning Board of Appeals without a showing by the Appellant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the Appellant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located all of the following are applicable:

- (i) the Appellant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (ii) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (iii) the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (iv) the alleged hardship has not been self-created.

The Appellant recognizes that the Zoning Board of Appeals, in the granting of Use 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 contemplated 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 a use variance I hereby request such Use Variance in order to supersede the determination of the Zoning Officer denying my application for the following reasons: (complete each paragraph below)

(i) **The Appellant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.** Note: to meet this prong of the Use Variance standard, you must show that the property in question cannot be sold or leased for any permitted use. This showing should be done by demonstrating that an active effort was made to sell or rent the property for each and every permitted use under the zoning regulations. Evidence demonstrating an active effort includes evidence that a realtor was contacted and the property was shown to potential buyers or lessees without success. Additionally, lack of reasonable return may be proven by, among other things: amount paid for the property, the present value of the property, expenses for maintenance, amount of taxes paid, mortgages, income from the land and other relevant factors.

The building as-is is being leased to Applicant in unusable condition. The building was formerly used as a dance studio (A) and proposed to be a mixed use occupancy as a neighborhood store and single apartment requiring significant renovation.

(ii) **The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.** Note: to meet this prong of the Use Variance standard, you must show that the alleged hardship is unique to the parcel in question, not the neighborhood or City in general.

The hardship at this location is unique as there are no other neighborhood stores within a 1,200 feet radius of the property and the surrounding neighborhood is residential.

(iii) The requested use variance, if granted, will not alter the essential character of the neighborhood. **NOTE:** under this prong of the Use Variance standard, the Zoning Board of Appeals must determine whether or not the requested Use Variance will disrupt or alter the character of a neighborhood or inhibit/diminish uses that conform to the zoning regulations. In making said determination, the Board will consider, among other things: change in parking patterns, change in traffic patterns, noise levels, lighting and such other factors it deems necessary. You may meet this prong of the Use Variance standard, by demonstrating the proposed use is substantially similar to existing uses in the particular area.

The proposed use and design of the building will not negatively impact the character of the neighborhood and will be respectful of the surrounding buildings, style, and materials.

(iv) The alleged hardship has not been self-created. **Note:** this is, perhaps, the most difficult prong of the Use Variance standard to meet, and requires a showing by you that you have not done anything which created the unnecessary hardship for which you are seeking the Use Variance. Purchasing the property knowing the proposed use is not allowed, buying the property without checking the zoning regulations and investing in the proposed use without complying with the zoning regulations are all self-created hardships.

The tenant did not create this hardship, rather he is aiming to improve the property from the state of purchase by providing an amenity to the neighborhood.

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

Sworn to before me this 29th Day of January, 2026.

Kelly A. Brach

Notary Public

KELLY A. BRACH
Notary Public - State of New York
No. 01BR4948710
Qualified in Oneida County
My Commission Expires June 05, 2027

Sarah Motett

Appellant

617.20
Appendix B
Short Environmental Assessment Form

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: Henry Street Building Renovation			
Project Location (describe, and attach a location map): 324 Henry Street Rome, NY 13440			
Brief Description of Proposed Action: The proposed action to the property is to renovate a former dance studio (A) into a mixed use building with a neighborhood freindly store (M) and single family apartment (R-3). The store will provide the surrounding residential area with a convenient location to purchase fresh and pre-packaged food, toiletries, daily and household essentials. Additionally, the apartment will occupy a smaller portion of the building for rent or the building manager.			
Name of Applicant or Sponsor: Sarah Metott		Telephone: 315-404-5571	
		E-Mail: sarah.metott@gmail.com	
Address: 4792 State Route 12			
City/PO: Glenfield		State: NY	Zip Code: 13343
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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: A building permit for renovation, zoning board approval to convert from an A occupancy to a mixed use M and R-3 occupancy.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.17	acres
b. Total acreage to be physically disturbed?		0	acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.17	acres
Bldg is 0.06 acres (2496SF) - no change to the footprint but work will be required on the interior and exterior of the bldg.			
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" 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			

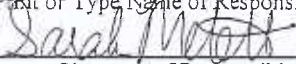
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the 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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Sarah Metott</u>		Date: <u>1/29/26</u>
Signature: <u><i>Sarah Metott</i></u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Sarah Metott Architecture PLLC	1/29/26
Name of Lead Agency	Date
Sarah Metott	Architect
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

324 Henry St.

