

APPLICATION #: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_  
FEE PAID: \$ \_\_\_\_\_

TOWN OF ROCHESTER, ULSTER COUNTY, NEW YORK  
APPLICATION TO ZONING BOARD OF APPEALS  
FOR  
ZONING VARIANCE: Area  Use ( ) Interpretation ( )  
Appeal of Determination of Code Enforcement Officer ( )

- 1) Name DR. ROMAN BOHDNOWYCH  
Address 16 SIDNEY STREET KERHONKSON, NY 12446  
Telephone (845) 626-5106 Cell 845 706-9406 E-mail \_\_\_\_\_
- 2) Site Location: Public Road SIDNEY ST  
Tax Map Section 84.7 Block ONE Lot 43.111
- 3) Acreage of property +/- 2.0 AC acre(s) Zoning District R-2
- 4) Existing Use PRIVATE RESIDENCE
- 5) Proposed Use SAME

- Reason(s) for Appeal (use separate sheet if necessary) (USE IF APPEALING CEO)  
\_\_\_\_\_
- Explain Informal Interpretation requested (USE IF REQUESTING INTERPRETATION)  
\_\_\_\_\_

8) FOR USE/AREA VARIANCE:  
(FOR USE VARIANCE) On a separate sheet explain how the strict application of the Zoning Law would produce unnecessary hardship.  
(FOR AREA VARIANCE) On a separate sheet explain how the strict application of the Zoning law would produce practical difficulties to achieve goal. (Must relate to property, not personal problems)

P 34

- 9) The hardship is unique to this property in this District because OF PRE-EXISTING NON-CONFORMING PROPERTY SET BACKS
- 10) The Variance/ Interpretation/ Appeal would observe the spirit of the Town of Rochester Land Use and Control Law and would not change the character of the District because OTHER HOMES ON STREET ARE PRE-EXISTING NON-CONFORMING PROPERTIES THAT DON'T CONFORM TO EXISTING SET BACKS
- 11) Has a previous appeal been requested with respect to this project? NO  
If yes, when? \_\_\_\_\_

12) Deponent, being duly sworn, states that he/she is the owner or authorized agent of the owner for the foregoing variance or appeal requested, and that he/she is duly authorized to submit such application and that all work will be performed in accordance with all applicable State, County and Local Ordinances.

Sworn by me this 3rd day of June, 2015  
Dr. Roman Bohdanowych  
Signature of Applicant or Property Owner if other than Applicant

[Signature]  
Witnessed by

JUNE 3 2015  
Date

NOTE:  
SUBMIT A MAP TO SCALE OF THE SITE WITH THIS APPLICATION

Map should show buildings, setbacks from property lines, any proposed changes pertaining to this application and adjoining property owners.

\* Type of appeal: "USE" VARIANCE is a change of use, "AREA" VARIANCE appeals land restrictions (setbacks, acreage requirements, etc)

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.

<b>Part 1 - Project and Sponsor Information</b>			
AREA VARIANCE			
Name of Action or Project: HANDICAP ACCESSIBLE ADDITION			
Project Location (describe, and attach a location map): 16 SIDNEY ST KERHONKSON, NY 12446			
Brief Description of Proposed Action: REPLACE EXISTING PORCH AND ADD HANDICAP ACCESSIBLE BATHROOM, CLOSET AND WASHER/DRYER			
Name of Applicant or Sponsor: DR. ROMAN BOHONOWYCH		Telephone: 845 626-5106	
Address: 16 SIDNEY ST		E-Mail:	
City/PO: KERHONKSON	State: NY	Zip Code: 12446	
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: AREA VARIANCE AND BUILDING PERMIT		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		2.1 acres	
b. Total acreage to be physically disturbed?		+ 384 SQ FEET	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.1 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input 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"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>M. Roman Bohanowych</u>	Date: <u>JUNE 3, 2015</u>	
Signature: _____		

**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 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 type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>

AREA VARIANCE BALANCING TEST PAGE 34

1 THE PROPOSED ADDITION OF A HANDICAP BATHROOM, WASHER DRYER AREA AND WALK IN CLOSET SHOULD PRODUCE NO UNDESIRABLE CHANGE TO THE CHARACTER OF THE NEIGHBORHOOD NOR RESULT IN DETRIMENTAL EFFECT ON THE NEARBY PROPERTIES. IN FACT THE ADDITION WILL ENHANCE THE OVER ALL APPEARANCE OF THE AREA AND STREET.

#2 THE PROPOSED ADDITION CANNOT BE ACHIEVED BY REASONABLE ALTERNATIVES WITHOUT AN AREA VARIANCE. THE HOUSE IS PARTIALLY ON A CRAWL SPACE AND THE OTHER HALF IS ON A CONCRETE SLAB

ALL THE ACCESS TO PLUMBING, ELECTRIC LINES AND SEPTIC LINE IS IN THE CRAWL SPACE ON THE SIDE OF THE PROPOSED ADDITION

THE REAR OF THE HOUSE WOULD REQUIRE AN AREA VARIANCE ALSO AND REQUIRE EXTENSIVE INTERIOR RENOVATION AND REMODELING TO ACHIEVE THE DESIRED END GOAL. THIS WOULD NOT BE COST EFFECTIVE.

THE OPPOSITE SIDE OF THE HOUSE HAS A PERMANENT STONE PATIO. AN ADDITION IN THAT DIRECTION WOULD BE COST PROHIBITIVE TO MOVE PLUMBING, SEPTIC AND ELECTRICAL.

IN ADDITION THE CURRENT LIVING ROOM IS THREE STEPS DOWN FROM THE KITCHEN, DINING, AND BEDROOM WHICH WOULD MAKE THIS AREA NOT HANDICAP ACCESSIBLE. FROM THE CURRENT LIVING ROOM

3. THE AREA OF THE PROPOSED VARIANCE WOULD INVOLVE A TOTAL OF 435 SQ. FT. I.E. 36'3" LONG BY 12' WIDE. IT WOULD CONTAIN THE HANDICAP ACCESS BATHROOM, WASHER DRYER AREA AND WALK-IN CLOSET, THE EXISTING COVERED PORCH, WHICH REQUIRES NO VARIANCES WOULD BE REPLACED BY A BEDROOM / SITTING ROOM, MAIN ENTRANCE CONNECTED TO THE HANDICAPPED AREA. AS WELL AS TO THE EXISTING KITCHEN AND EATING AREA.

4. THE VARIANCE WOULD NOT HAVE ANY ADVERSE IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS ON THE NEIGHBORHOOD OR DISTRICT.

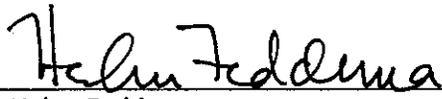
IN FACT OUR AREA ALREADY HAS 3 ABANDONED HOMES, ONE IN DIS-REPAIR AND SEVERAL POORLY MAINTAINED HOMES ON BOTH UPPER AND LOWER GRANITE ROADS.

5. TO THE BEST OF MY KNOWLEDGE THERE IS NO SELF-CREATED DIFFICULTY EXCEPT FOR THE FACT THAT NEW ZONING REGULATIONS HAVE HAD A NEGATIVE IMPACT ON PRE-EXISTING HOMES.

To: Zoning and Planning Board  
Town of Rochester

Re: Area Variance

We the undersigned, neighbors of Dr. Roman Bohonowych and Dr. Susan Siegel at 16 Sidney Street, have no objection to the proposed addition to their house. We also feel that the addition will have no negative impact on the area, and in fact will improve our neighborhood. We urge the Zoning and Planning Board to approve their application for an area use variance.



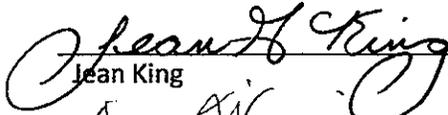
Helen Feddema

12 Sidney Street



Helen Harkaspi

37 Sidney Street



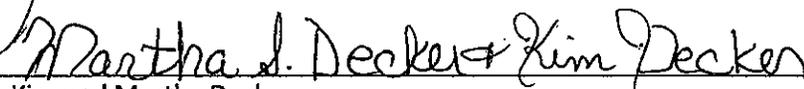
Jean King

5 Mary Lane



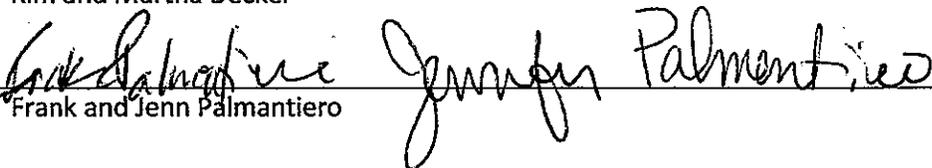
Don and Jean Wizniewski

20 Sidney Street



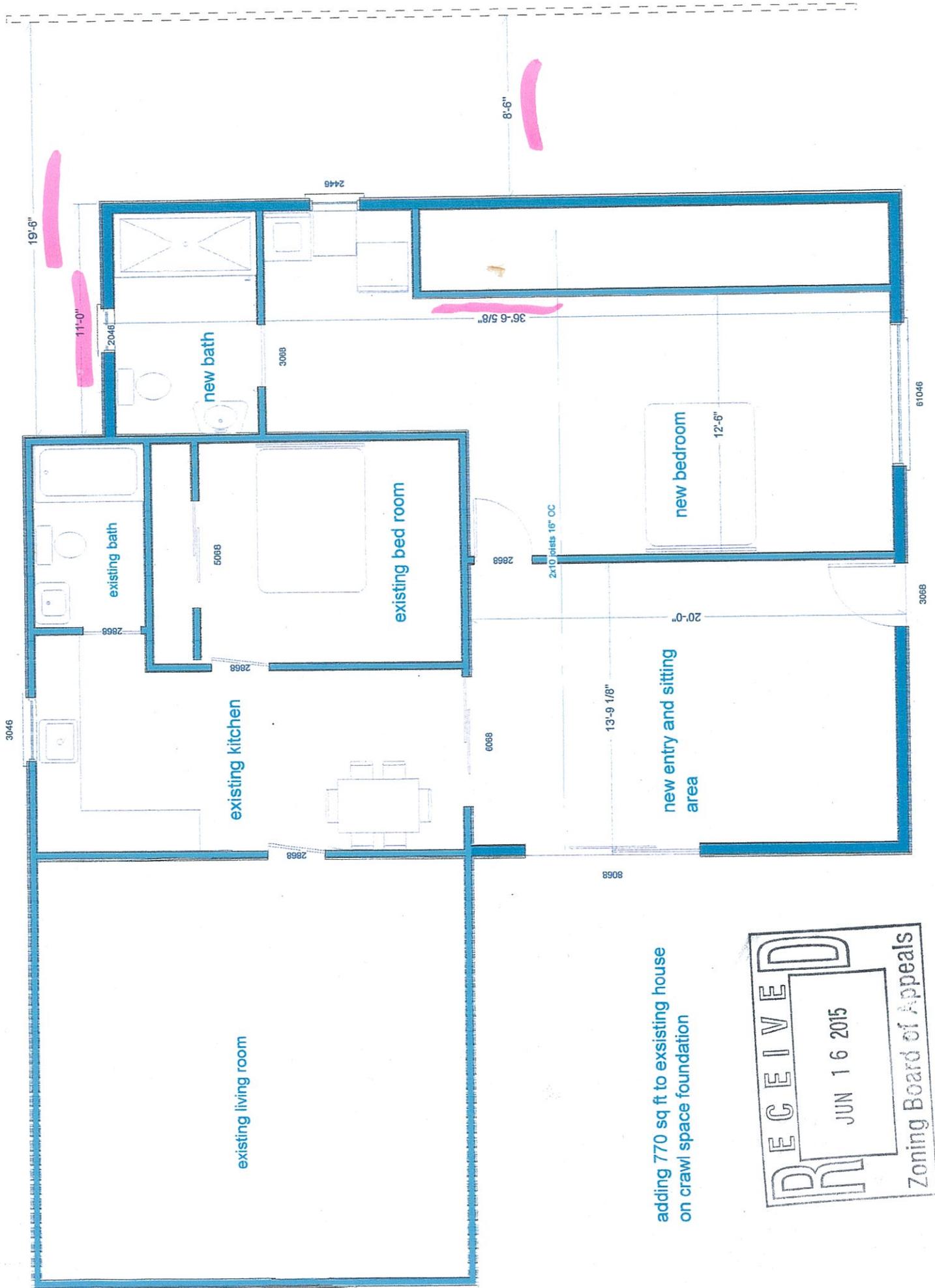
Kim and Martha Decker

26 Sidney Street



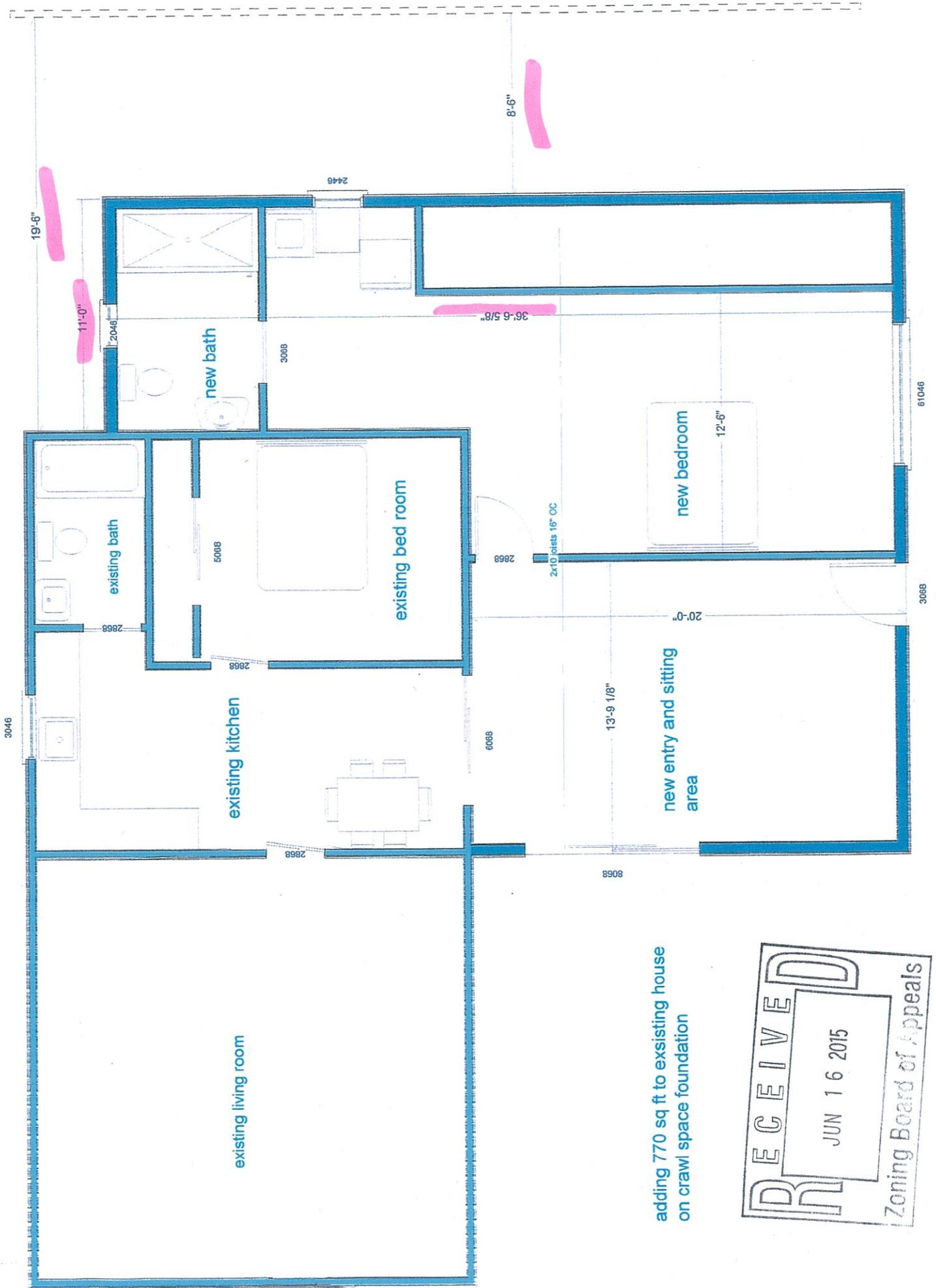
Frank and Jenn Palmantiero

12 Mary Lane



adding 770 sq ft to existing house  
on crawl space foundation

**RECEIVED**  
JUN 16 2015  
Zoning Board of Appeals



adding 770 sq ft to existing house  
on crawl space foundation

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JUN 16 2015  
Zoning Board of Appeals