



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID

T-01-BER-04-24

Review Date

4/11/2024

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

BERGEN, T.

PLANNING BOARD

John P. Swapceinski

Subdivision: Final

Final Subdivision to divide a building lot from the wooded/wetland areas.

Location
Zoning District

Dublin Rd., Bergen

Residential-Agricultural (RA-40) District

PLANNING BOARD RECOMMENDS:

APPROVAL

EXPLANATION:

The proposed subdivision should pose no significant county-wide or inter-community impact. It is recommended that the Town address the issue of the non conforming shed that currently straddles the property line. It is further recommended that the applicant have a wetland delineation done of the property and obtain all necessary approvals and permits from the NYS Dept. of Environmental Conservation (DEC) and the U.S. Army Corp. of Engineers (USACE) prior to the issuance of any building permit. The applicant and Town are reminded that enrollment in the Agricultural District Program limits public water access to this property due to the Town lateral restriction policy in this water district.

Director

April 11, 2024

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:
GCDP Referral # T-01-BER-04-24

RECEIVED
Genesee County
Dept. of Planning
4/2/2024

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning Board
Address 10 Hunter St
City, State, Zip Bergen, NY 14416
Phone (585) 494 - 1121 Ext. _____

2. APPLICANT INFORMATION

Name John P Swapceinski
Address 7559 Dublin Rd
City, State, Zip Bergen, NY 1446
Phone (585) 629 - 5930 Ext. _____ Email dennis.burke@libertypumps.com
jpswap@yahoo.com

MUNICIPALITY: City Town Village of Bergen

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|---|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input checked="" type="checkbox"/> Final |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 7559 Dublin Rd Bergen, NY 14416
B. Nearest intersecting road Dublin/Jerico
C. Tax Map Parcel Number 14.-1.16.1
D. Total area of the property 3.381 Acres Area of property to be disturbed N/A
E. Present zoning district(s) RA-40

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request _____
convert 3.25 ACRES FROM WASTELAND TO A BUIDLING LOT

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input checked="" type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input checked="" type="checkbox"/> Other: <u>Deed Description</u> |
| <input checked="" type="checkbox"/> SEQR forms | <input checked="" type="checkbox"/> Agricultural data statement | <u>Affidavit application for Minor sub divisor</u> |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Gary Fink Title Chairperson Phone (585) 355 - 0135 Ext. _____
Address, City, State, Zip 10 Hunter St bergen Ny 14416 Email _____

TOWN OF BERGEN

APPLICATION FOR SUBDIVISION

<input checked="" type="checkbox"/> MINOR 1-4 Lots	<input type="checkbox"/> MAJOR 5+ Lots	<input type="checkbox"/> BULKLAND TRANSFER 40+ Acres
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Date: 3/28/24

OWNER (of land to be subdivided)

APPLICANT (if other than owner)

Name: JOHN P. SWAPCEINSKI
 Address: 7559 DUBLIN RD
 City, State/Zip: BERGEN, N.Y. 14416
 Phone #: _____

Name: _____
 Address: _____
 City, State/Zip: _____
 Phone #: _____

INSTRUCTIONS: Please fill out this application as completely as possible. Submit additional documents which can include but is not limited to Maps - Sketch, Tape and/or Survey Maps, Abstracts, Deeds Covenants, etc.

1. Location of proposed Subdivision - Tax Map # (TMP) 14-1-16.1
 Road DUBLIN RD Nearest street intersection DUBLIN/JERICO

2. Number of existing lot(s) 1 Number of proposed lot(s) 1
 (SUBMIT A MAP/SKETCH OF THE EXISTING LOT(S) AND OF THE PROPOSED NEW LOT(S) LINE(S))

3. Current Zoning District _____ If yes, list the requested Zone change _____
 Will there be a Zoning District Change? NO YES

4. Check the intended use of the subdivision and the # of lot(s)

<input checked="" type="checkbox"/> RESIDENTIAL # of PARCELS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; text-align: center;">RESIDENTIAL</td><td style="width: 50%; text-align: center;">1</td></tr> </table>	RESIDENTIAL	1	<input type="checkbox"/> AGRICULTURAL # of PARCELS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; text-align: center;">AGRICULTURAL</td><td style="width: 50%; text-align: center;"></td></tr> <tr><td style="width: 50%; text-align: center;">RECREATION</td><td style="width: 50%; text-align: center;"></td></tr> </table>	AGRICULTURAL		RECREATION		<input type="checkbox"/> COMMERCIAL # of PARCELS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; text-align: center;">COMMERCIAL</td><td style="width: 50%; text-align: center;"></td></tr> <tr><td style="width: 50%; text-align: center;">INDUSTRIAL</td><td style="width: 50%; text-align: center;"></td></tr> </table>	COMMERCIAL		INDUSTRIAL	
RESIDENTIAL	1											
AGRICULTURAL												
RECREATION												
COMMERCIAL												
INDUSTRIAL												

5. Is a Special Use permit , Variance , or Other procedure necessary? BRIEFLY STATE REASON _____

6. Are there any Deed restrictions and/or covenants that apply or are contemplated for this subdivision?
 NO YES IF YES, ATTACH A COPY OF THE PROPOSED DEED RESTRICTION OR COVENANT.
 BRIEFLY LIST THE NATURE OF THE RESTRICTION HERE _____

7. Is there an Engineer designing this project? NO YES

Name: _____ Phone #: 585-629-5930
 Address: _____ Firm Name: _____
 Address: _____

SIGNATURE BLOCK*****

John P. Swapceinski 3/28/24
 Signature OWNER Date Signature APPLICANT (if different than owner) Date

OFFICE USE ONLY	REVIEW BY: (if applicable) Date	FEES COLLECTED: AMOUNT DATE	BOARD ACTION: DATE MTG/ACTION TAKEN
	State _____	Preliminary	Consultation
	Health Department	Final	Preliminary
	County Planning Bd.	Bulkland Transfer	S.E.Q.R.
	Town Engineer	Recreational Fee	Public Hearing ...
	Town D.O.T.	Per Lot	Final
	Fire Department	Amendments	Filed w/ County Clerk
		Public Hearing	
		TOTAL	
		Cash <input type="checkbox"/> or Check # <u>220.00</u>	

COPY DISTRIBUTION: WHITE - PLANNING BOARD YELLOW - CLERK PINK - APPLICANT

Pax CASH

TOWN OF BERGEN

Agricultural Data Statement

Application # _____

Date _____

INSTRUCTIONS: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval, requiring municipal review, that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag. & Markets certified Agricultural District.

Applicant

Name JOHN P. SWAPCEINSKI

Address 7559 DUBLIN RD
BERGEN, NY 14416

Owner if different than Applicant

Name _____

Address _____

1. Type of application: Special use permit ; Site plan approval ; Use variance ;
Subdivision approval
2. Description of proposed project: CREATING A BUILDING LOT FOR THE FUTURE.
TIMELINE IS YET TO BE DETERMINED. Lot will currently
be used for agricultural purposes.
3. Location of project: Address _____

Tax Map Number (TMP) 14-1-16-1

4. Is this parcel within an Agricultural District ? NO YES
5. If yes, Agricultural District Number _____
6. Is this parcel actively farmed ? NO YES

} Check with your local Assessor if you do not know

7. List all farm operations within 500 feet of your parcel, (Attach additional sheets if necessary).

1. Not applicable

Name Zuber Farms

Address 5633 Tower Hill Rd
Byron, NY 14422

Is this parcel actively farmed ? NO YES

2.

Name CY Farms

Address 6465 Transit Rd
Elba, NY 14058

Is this parcel actively farmed ? NO YES

3.

Name _____

Address _____

Is this parcel actively farmed ? NO YES

4.

Name _____

Address _____

Is this parcel actively farmed ? NO YES

John P. Swapceinski
Signature of Applicant

Signature of Owner (if other than Applicant)

REVIEWED BY

Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY

County review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

TOWN OF BERGEN

P.O. Box 249
10 HUNTER STREET
BERGEN, NY 14416

* ESTABLISHED APRIL 2, 1813 *

PHONE: (585) 494-1121 * FAX: (585) 494-1372 * NYS TDD 1-800-662-1220



SUPERVISOR
ERNEST HAYWOOD

TOWN CLERK/TAX COLLECTOR
MICHELE M. SMITH

COUNCILMEN
JAMES STAROWITZ
MARK ANDERSON

JUSTICES
JOSEPH NENNI
ROBERT SWAPCEINSKI

COUNCILWOMEN
BELINDA GRANT, DEPUTY SUPERVISOR
ANNE SAPIENZA

ZONING & CODE ENFORCEMENT OFFICER
GERALD WOOD

SUPERINTENDENT OF HIGHWAYS
MIKE JOHNSON

ASSESSOR
RHONDA SAULSBURY

I (PRINT NAME) Dennis Burke & John Swapceinski

LOCATED AT (ADDRESS) 7552 Dublin Rd 7559 Dublin Rd
Bergen, NY 14416

(PHONE) _____

UNDERSTAND THAT BY SIGNING THIS BELOW IT IS MY RESPONSIBILITY TO CONTACT THE GENESEE COUNTY PLANNING DEPARTMENT TO SEE IF I QUALIFY FOR PUBLIC WATER. IT IS NOT THE TOWN OF BERGEN'S OR THEIR DEPARTMENTS.

Dennis Burke & John Swapceinski
(SIGNATURE)

03/28/2024
(DATE)

This institution is an equal opportunity provider, and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866)-632-9922 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 2050-9410 or by fax (202)690-7742 or e-mail program.intake@usda.gov.

AFFIDAVIT, APPLICATION FOR MINOR SUBDIVISION, TOWN OF BERGEN


1. Owner/Applicant: John Swapceinski
7559 Dublin Rd
Bergen, NY 14416
2. Prior Owners: Norman A Morey and Victor Raycroft, until 08/15/1967
Addresses unknown
3. Location: I am applying for a minor subdivision of my property located across the street from the above address. The parcel number is 14.-1-16.1 of tax map 182689. The proposed subdivision is across the street and slightly west from my residence on Dublin Rd.
4. The tax account number is parcel 14.-1-16.
5. This application is for one building lot.
6. A) Conveyances since April 24, 1933: The parcel has changed ownership four times since December 6, 1915. However, my examination of the records has revealed no subdivisions after December 6, 1915.
B) The parcel has not and is not about to be divided into five of more parcels
7. I understand that if a building permit is issued, it is done with reliance upon statements contained in this affidavit and that such statements are a complete disclosure and are true and accurate.

Reference: Survey performed by Gregory Townsend, Surveyor



Signature of Applicant

SWORN TO AND SUBSCRIBED before me on the 14th day of March 2024.



NOTARY PUBLIC

My Commission Expires: 7/20/25

LAURIE PFAFF
Notary Public, State of New York
Registration No. 01PF4901290
Qualified in Genesee County
Commission Expires July 20, 2025

Gregory W. Townsend

Licensed Land Surveyor

115 Washington Avenue

Batavia, New York 14020

Phone (585) 344-1331

Dublin Road (Swapceinski Property)

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Bergen, County of Genesee and State of New York, distinguished as being part of Lot 5, Section 1, Township 2 of the Triangular Tract and more particularly described as follows:

Beginning at a point on the centerline of Dublin Road, said point being 2417.25' west of the centerline of Jericho Road and also being the northeast corner of lands conveyed to Cynthia and Dennis Burke at Liber 856 of Deeds, page 989;

Thence easterly, along the centerline of Dublin Road, a distance of 225.00' to a point;

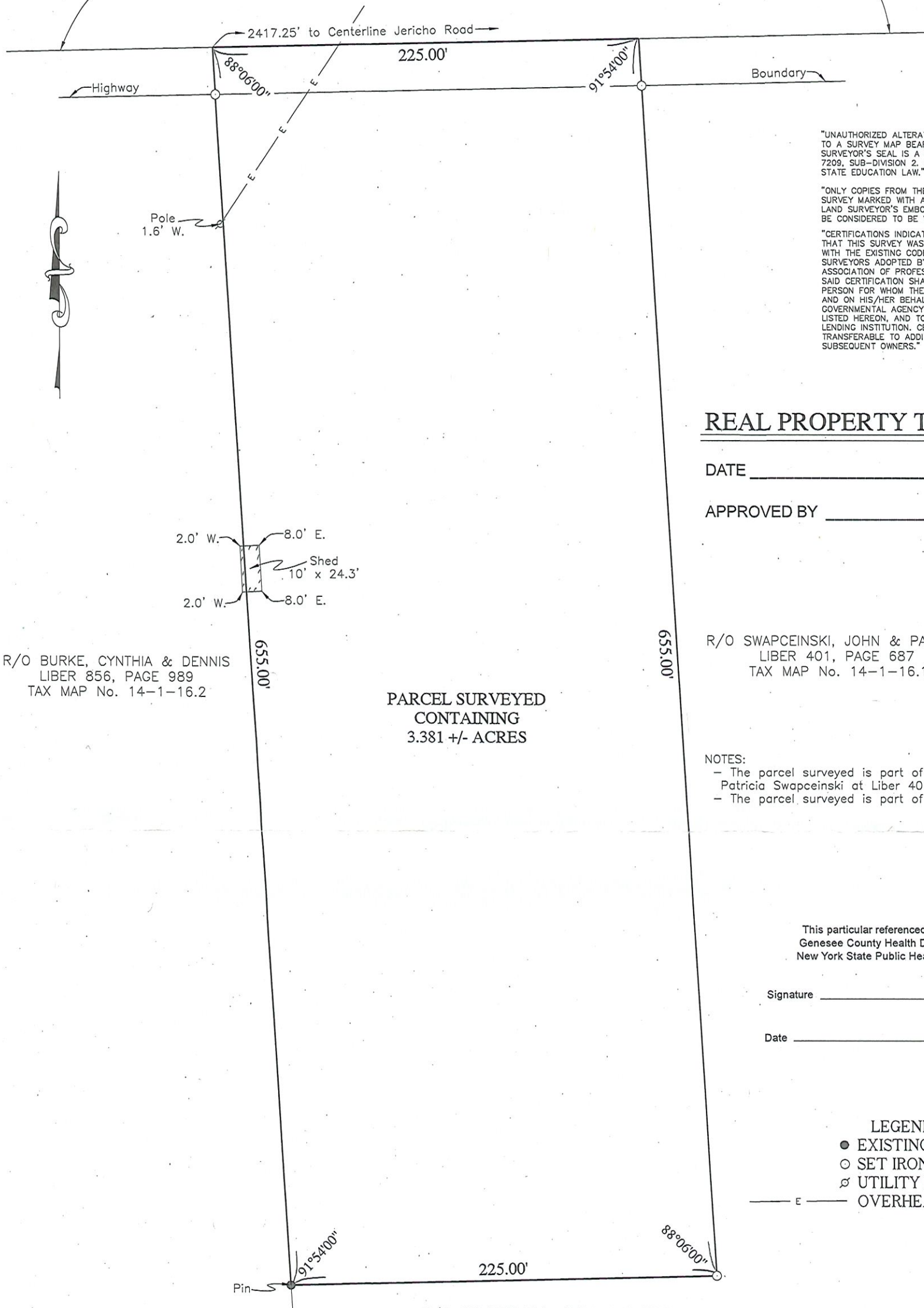
Thence southerly, forming an interior angle of $91^{\circ}54'00''$ with the centerline of Dublin Road, a distance of 655.00' to a point;

Thence westerly, forming an interior angle of $88^{\circ}06'00''$, a distance of 225.00' to a point, said point on east line of Burke;

Thence northerly, along the east line of Burke, forming an interior angle of $91^{\circ}54'00''$, a distance of 655.00' to a point of beginning, said final course forming an interior angle of $88^{\circ}06'00''$ with the centerline of Dublin Road, containing 3.381 +/- acres

GREGORY W. TOWNSEND
 Licensed Land Surveyor
 115 Washington Avenue
 Batavia, New York 14020
 Phone (585) 344-1331
 gwtownsendsurvey@gmail.com

CENTERLINE DUBLIN ROAD (49.5' R.O.W.)



"UNAUTHORIZED ALTERATION OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."

"ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES."

"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATION SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS."

REAL PROPERTY TAX SERVICES

DATE _____

APPROVED BY _____

R/O BURKE, CYNTHIA & DENNIS
 LIBER 856, PAGE 989
 TAX MAP No. 14-1-16.2

PARCEL SURVEYED
 CONTAINING
 3.381 +/- ACRES

R/O SWAPCEINSKI, JOHN & PATRICIA
 LIBER 401, PAGE 687
 TAX MAP No. 14-1-16.1

NOTES:

- The parcel surveyed is part of lands conveyed to John and Patricia Swapceinski at Liber 401 of Deeds, page 687
- The parcel surveyed is part of Tax Map No. 14-1-16.1

This particular referenced action is not subject to Genesee County Health Department review under New York State Public Health Law Article 11 Title II

Signature _____

Date _____

LEGEND

- EXISTING IRON STAKE
- SET IRON PIN
- ⊗ UTILITY POLE

— E — OVERHEAD UTILITY LINES

FILED IN THE GENESEE COUNTY CLERK'S OFFICE AT:

MAP CABINET No. _____, SLIDE No. _____, MAP No. _____

DATE _____

COUNTY CLERK _____

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF BERGEN, N.Y. ON THE _____ DAY OF _____, 2024. SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT AS APPROVED SHALL VOID THIS APPROVAL. SIGNED THIS _____ DAY OF _____, 2024, BY: _____, CHAIRMAN.

R/O SWAPCEINSKI, JOHN & PATRICIA
 LIBER 401, PAGE 687
 TAX MAP No. 14-1-16.1

I HEREBY CERTIFY THAT THIS LAND SEPARATION WAS PREPARED BY ME, AND WAS MADE FROM AN ACTUAL SURVEY COMPLETED BY ME ON MARCH 21, 2024 AND REFERENCES LISTED HEREON

BOUNDARY SURVEY SHOWING THE SEPARATION OF LANDS OF JOHN AND PATRICIA SWAPCEINSKI, BEING PART OF LOT No. 5, SECTION 1, TOWNSHIP 2 OF THE TRIANGULAR TRACT. SITUATE IN THE TOWN OF BERGEN, COUNTY OF GENESEE AND STATE OF NEW YORK.

MARCH 21, 2024

SCALE 1" = 60'

JOB No. 24-123

DATE

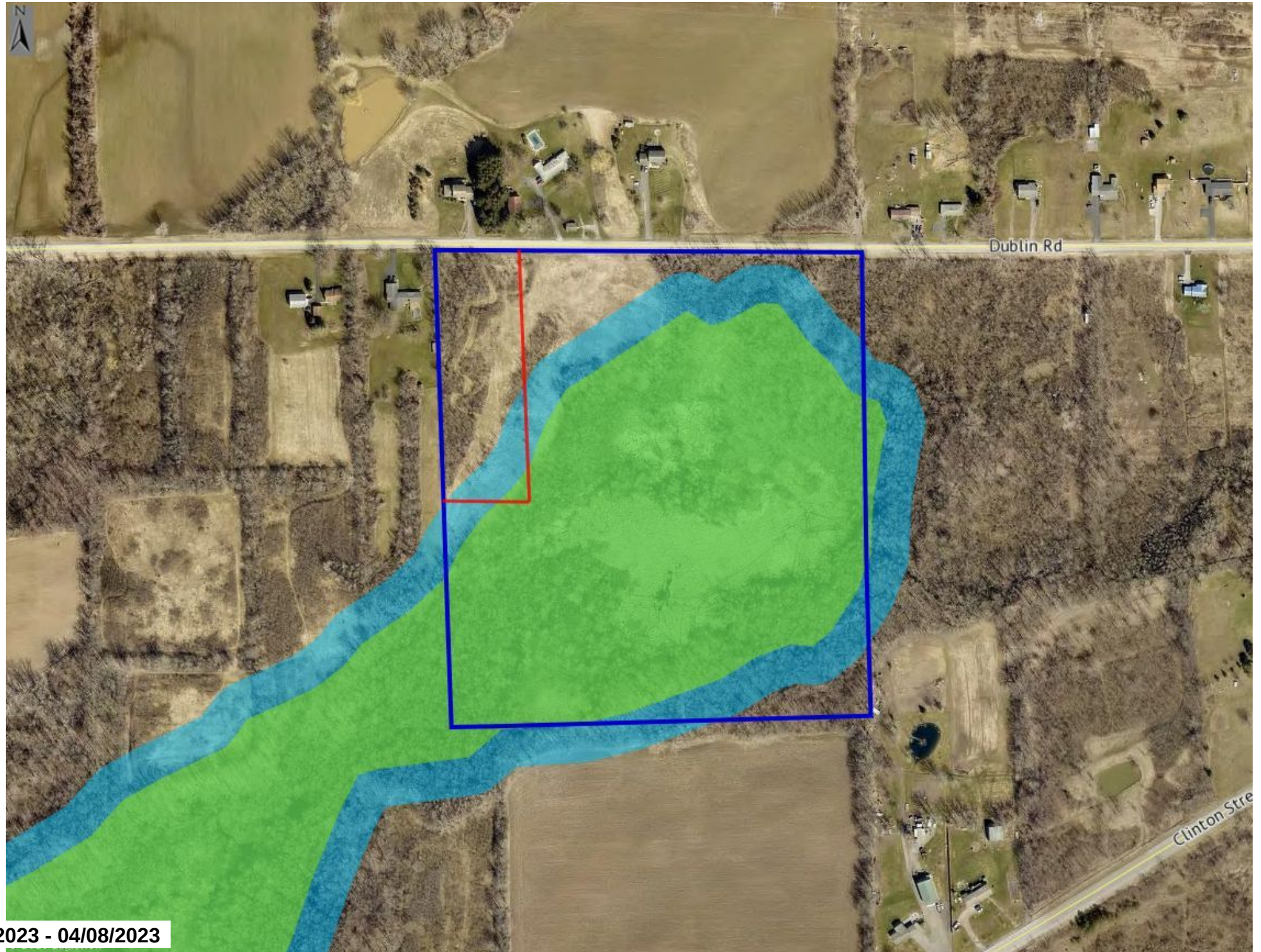
N.Y.S.R.L.S. No. 50249

T-01-BER-04-24



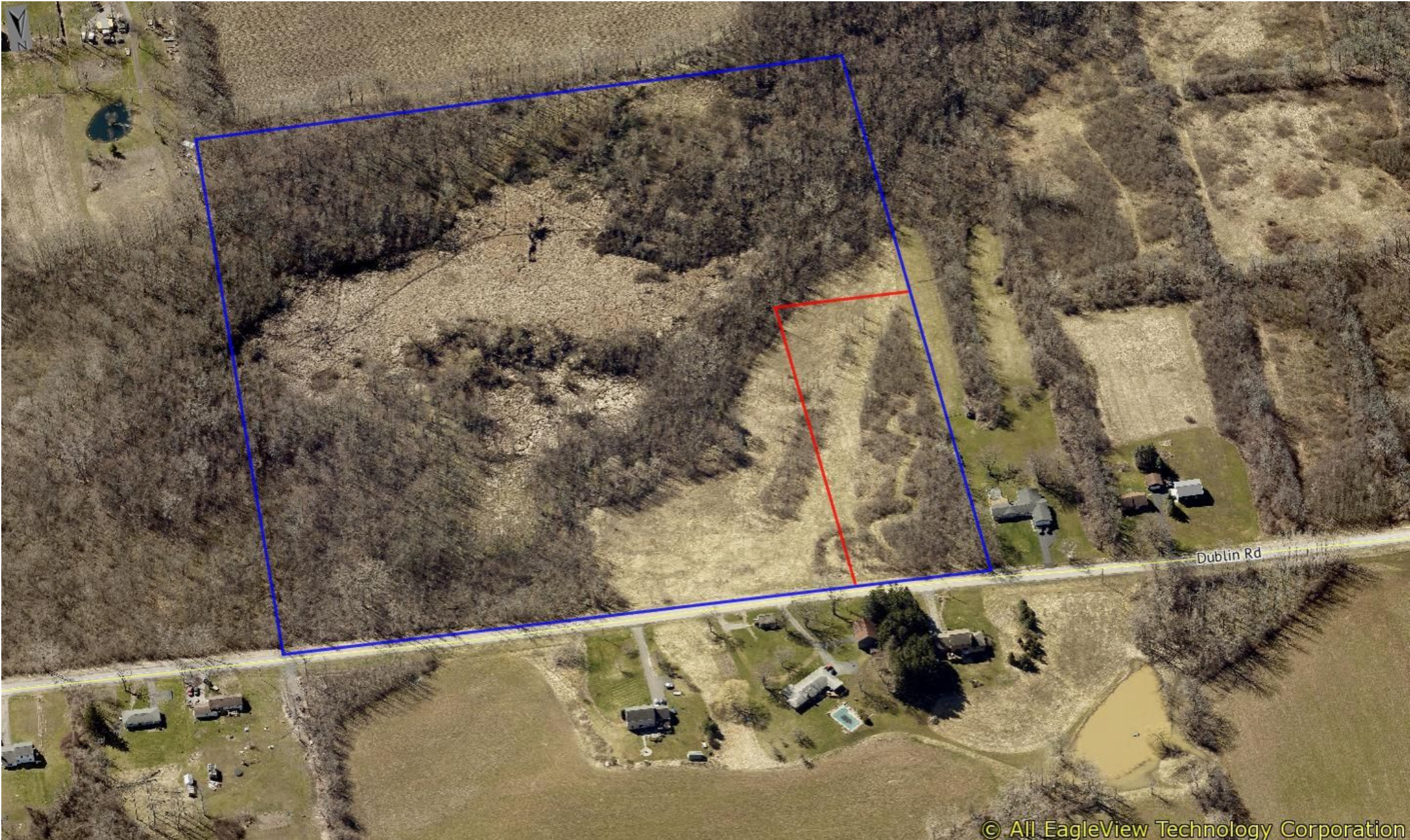
04/02/2023 - 04/08/2023

Suspected DEC regulated wetlands with 100' Buffer



04/02/2023 - 04/08/2023

T-01-BER-04-24



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