GENESEE COUNTY PLANNING BOARD REFERRALS
NOTICE OF FINAL ACTION

GCDP Referral ID	**T-02-BER-2-21**
Review Date	**2/11/2021**
Municipality	**BERGEN, T.**
Board Name	**ZONING BOARD OF APPEALS**
Applicant's Name	**Edward Croucher**
Referral Type	**Subdivision: Final**
Variance(s)	
Description:	**Final Subdivision to convey 11.32 acres to a neighboring property.**
Location	**5865 West Sweden Rd., Bergen**
Zoning District	**Residential-Agricultural (RA-40) District**

PLANNING BOARD DECISION

APPROVAL WITH MODIFICATION(S)

EXPLANATION:

The required modification is that the applicant request the parcel be removed from the NYS Agricultural Districts Program. With this required modification, the proposed subdivision should pose no significant county-wide or inter-community impact. The parcel being subdivided is enrolled in Agricultural District #4 which is currently undergoing its eight-year review.The receiving parcel is not enrolled in the program. Parcels that are in the program may not be merged with land not enrolled.

Felice A. Stamm

Director

February 11, 2021

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

DEPARTMENT USE ONLY:
GCDP Referral # **T-02-BER-2-21**

* GENESEE COUNTY * PLANNING BOARD REFERRAL

RECEIVED
Genesee County
Dept. of Planning
2/4/2021

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

2. APPLICANT INFORMATION

Name Edward Croucher
Address 5865 West Sweden Rd
City, State, Zip Bergen NY 14416
Phone (585) 331 - 9009 Ext. 9 Email

MUNICIPALITY: ☐ City ☒ Town ☐ Village of Bergen

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

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other:

Subdivision Proposal
- ☐ Preliminary
- ☒ Final

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

A. Full Address 5865 West Sweden Rd
B. Nearest intersecting road Reed
C. Tax Map Parcel Number **9.-1-29.1**
D. Total area of the property 709,157 16.28 acres Area of property to be disturbed 11.320
E. Present zoning district(s) **Residential-Agricultural (RA-40) District**

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 minor subdivision of larger parcel

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

- ☒ Local application
- ☐ Site plan
- ☒ Subdivision plot plans
- ☒ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☐ Other:

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

Name Gary Fink Title Planning Chair Phone (585) 355 - 0135 Ext.
Address, City, State, Zip Email

TOWN OF BERGEN

APPLICATION FOR SUBDIVISION

✓ MINOR	MAJOR	BULKLAND TRANSFER
1-4 Lots	5+ Lots	40+ Acres

Date: _____

OWNER (of land to be subdivided)

Name: Edward Croucher
Address: 5865 West Sweden Rd
City, State/Zip: Bergen NY 14416
Phone #: 585-331-9009

APPLICANT (if other than owner)

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) 9.-1-29.1
   Road West Sweden Rd Nearest street intersection North Bergen Rd

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

3. Current Zoning District 242 Rurl + Rec
   Will there be a Zoning District Change? NO ☒ YES ☐ If yes, list the requested Zone change _____

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

√		# of PARCELS
☐	RESIDENTIAL	
✓	AGRICULTURAL	1
✓	RECREATION	1
☐	COMMERCIAL	
☐	INDUSTRIAL	

5. Is a Special Use permit ☐, Variance ☐, or Other ☐ procedure necessary? BRIEFLY STATE REASON
   minor subdivision- land transfer

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 #: _____
   Address: _____ Firm Name: _____
   _____ Address: _____

SIGNATURE BLOCK

X Edward Croucher 1-21-21
Signature OWNER Date

_____ _____
Signature APPLICANT (if different than owner) Date

OFFICE USE ONLY

REVIEW BY: (if applicable)	Date
State	
Health Department	
County Planning Bd.	
Town Engineer	
Town D.O.T.	
Fire Department	

FEES COLLECTED:	AMOUNT	DATE
Preliminary		
Final		
Bulkland Transfer	$50.00	1/26
Recreational Fee		
Per Lot	2000	1/28
Amendments		
Public Hearing		
TOTAL		
Cash ☐ or Check # ✓		

BOARD ACTION:	DATE MTG./ACTION TAKEN
Consultation	Planning 1/28/2021
Preliminary	approved subject to County Approval
S.E.Q.R.	
Public Hearing	2/26/2021
Final	
Filed w/ County Clerk	

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

√ given to Michele 1/30/2021

TOWN OF BERGEN

Agricultural Data Statement

Application # _____

Date 1-21-21

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 Edward Croucher

Address 5865 West Sweden 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 [X]
2. Description of proposed project: I am selling 11.320 acres to Douglas J. and Julie M. Baker.
3. Location of project: Address 5865 West Sweden Rd
   Tax Map Number (TMP) 9.-1-29.1
4. Is this parcel within an Agricultural District ? NO [X] YES [ ]
5. If yes, Agricultural District Number _____
6. Is this parcel actively farmed ? NO [X] 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.
Name _____
Address _____
Is this parcel actively farmed ? NO [ ] YES [ ]

2.
Name _____
Address _____
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 [ ]

X Edward Croucher
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.

Copy Distribution: WHITE- Z.E.O. CANARY-Planning Board PINK-Board of Appeals GOLD-Applicant

RAPatterson '93

AFFIDAVIT REGARDING SUBDIVISION

I, Edward Croucher, hereby depose and state the following:

1. I reside at 5865 West Sweden Road, Bergen, NY 14416.
2. The prior owner of said property was my mother, Doris Croucher. DOD 10/12/08.
3. The property is located at 5865 West Sweden Road, Bergen, NY 14416.
4. The Tax account number is 9.-1-29.1
5. I am proposing to sell the back acreage of my property consisting of 11.32 acres to Douglas J. and Julie M. Baker.
6. A. Conveyances since April 24, 1933 are as follows:

Information to be provided

B. The property will be sold as one parcel. I will retain one parcel where my house is located.

7. No building permits are being requested to be issued.

Sworn to before me this 21st

day of January, 2021

Edward Croucher
Edward Croucher

Notary Public

CODY STEFFEN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01ST6410841
Qualified in Monroe County
Commission Expires November 02, 2024

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:
Subdive property to sell to neighbor

Project Location (describe, and attach a location map):
5865 West Sweden Rd

Brief Description of Proposed Action:
Sell 11.320 acres to Douglas J & Julie M. Baker

Name of Applicant or Sponsor:	Telephone: 585-331-9009
Edward Croucher	E-Mail: \

Address: 5865 West Sweden Rd

City/PO:	State:	Zip Code:
Bergen	NY	14416

	NO	YES
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 governmental Agency? If Yes, list agency(s) name and permit or approval:	☒	☐

3.a. Total acreage of the site of the proposed action? 11.320 acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☒ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
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 Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
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 Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☐	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	NO ☒	YES ☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES			

	NO	YES
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: _____	☒	☐
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: _____	☒	☐
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: _____	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Edward Croucher Date: _____

X Signature: Edward Croucher

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
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?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
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?	☒	☐
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?	☒	☐
7. Will the proposed action impact existing: a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

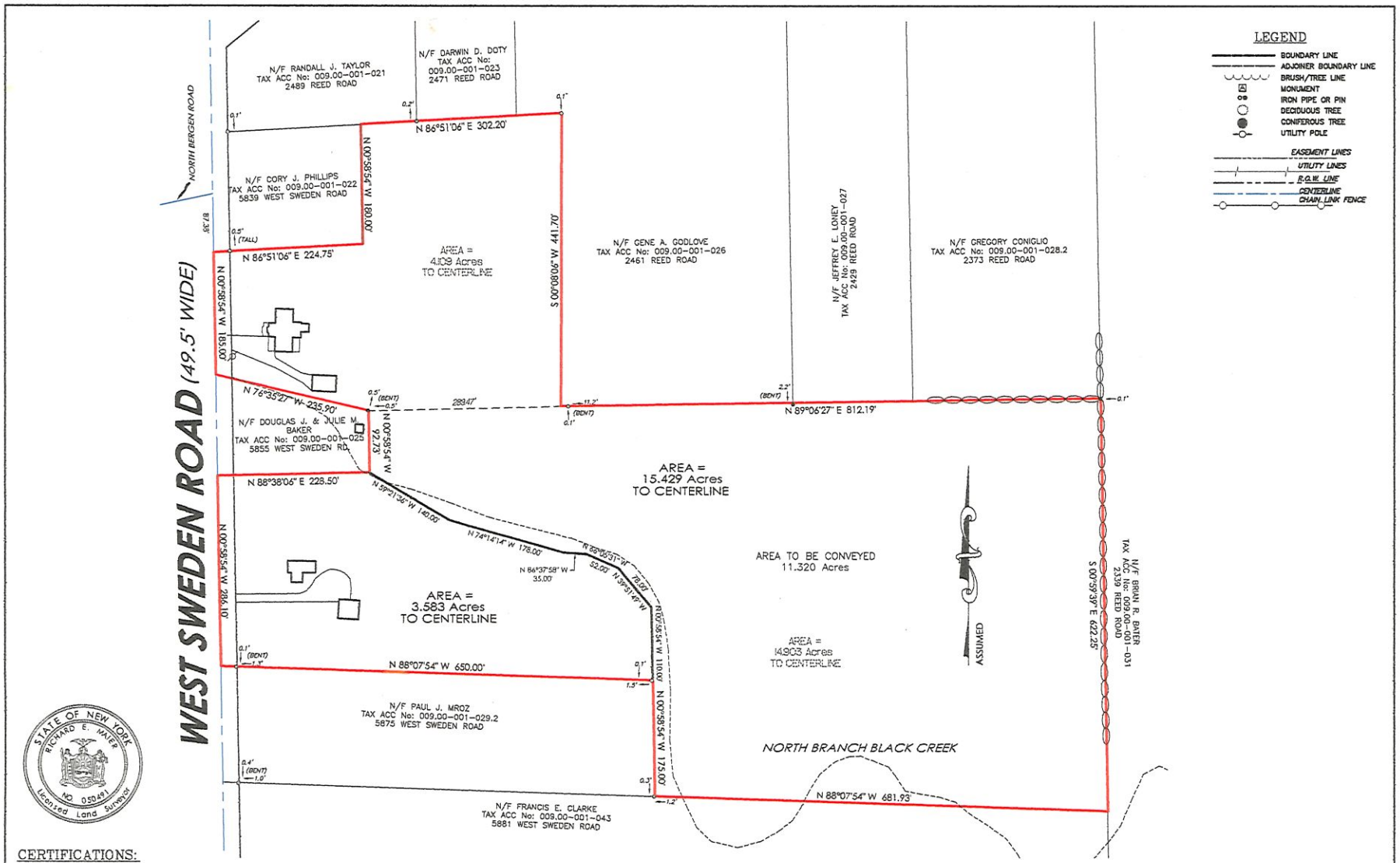
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify 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.

☐ 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.

☒ 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.

BERGEN TOWN PLANNING Name of Lead Agency	1/28/21 Date
GARY C FINK Print or Type Name of Responsible Officer in Lead Agency	CHAIRMAN Title of Responsible Officer
X Gary C Fink Signature of Responsible Officer in Lead Agency	Edward Crosby Signature of Preparer (if different from Responsible Officer)

PRINT FORM



STATE OF NEW YORK
RICHARD E. MAIER
NO. 050491
Licensed Land Surveyor

CERTIFICATIONS:

THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS COMPLETED ON 1/7/2021 FROM NOTES OF A FIELD INSTRUMENT SURVEY PERFORMED ON 12/18/2020.

SIGNED _____
RICHARD E. MAIER, L.S. 050491

MAIER
LAND SURVEYING
RICHARD E. MAIER, P.L.S.
PROFESSIONAL LAND SURVEYOR
539 MANITOU ROAD
HILTON, NEW YORK 14468
(585) 392-6134

ABSTRACT REFERENCE

NOTE THIS SURVEY IS SUBJECT TO ANY FACTS WHICH A COMPLETE AND UPDATED ABSTRACT OF TITLE MAY REVEAL.

DEED REFERENCES:

LIBER XXXX OF DEEDS PAGE XXX

MAP REFERENCES:

LIBER XXXX OF MAPS PAGE XXX

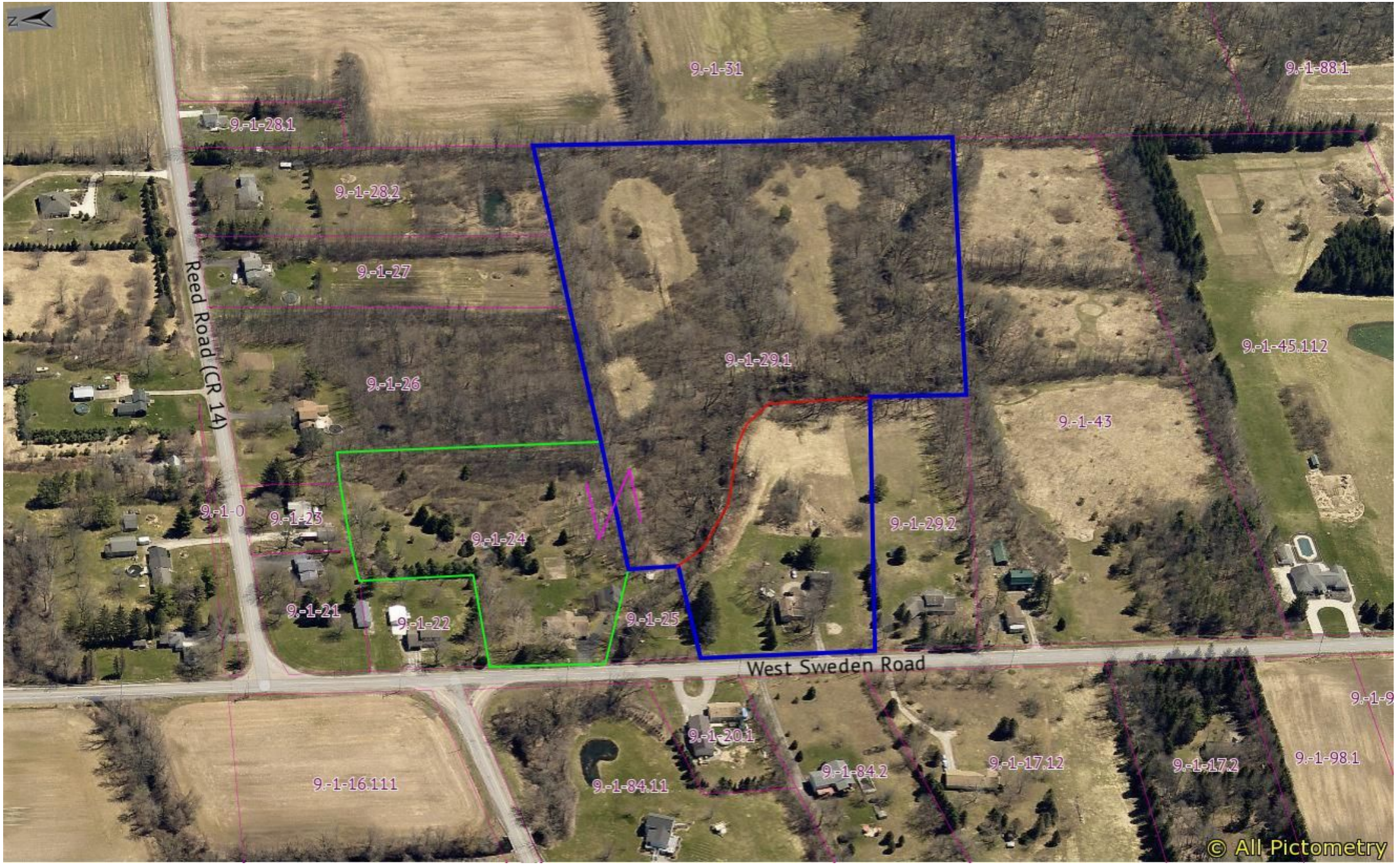
"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW" "COPIES FROM THE ORIGINAL OF THIS SURVEY MAP NOT MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL NOT BE CONSIDERED A VALID TRUE COPY"

MAP OF SURVEY SHOWING: LANDS TO BE CONVEYED BY EDWARD CROUCHER TO DOUGLAS J. & JULIE M. BAKER

SITUATED IN PART OF
TOWN LOT 5, TOWNSHIP 2, SECTION 4
OF THE TRIANGULAR TRACT
TOWN OF BERGEN
GENESEE COUNTY STATE OF NEW YORK

SCALE: 1" = 100' | DATE: 12/18/2020 | JOB NO.: 20-475 | T.M. NO.: 009.00-001-024/029.1

T-02-BER-2-21



04/23/2018