



## GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-BER-04-26**  
Review Date **4/9/2026**

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

**BERGEN, T.**  
**PLANNING BOARD**  
**Comfort Care Home**  
**Special Use Permit**  
**Use Variance(s)**  
**Use Variance and Special Use Permit to build a two-story entry addition and operate hospice services at an existing church. Includes parking lot expansion.**

Location **7549 S. Lake Rd. (NYS Rt. 19), Bergen**  
Zoning District **Residential-Agricultural (RA-40) District**

PLANNING BOARD RECOMMENDS:

**WITHDRAWN**

EXPLANATION:

**Withdrawn per Town/Applicant**

Director

Thursday, April 9, 2026

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-01-BER-04-26



**\* GENESEE COUNTY \***  
**PLANNING BOARD REFERRAL**

RECEIVED  
Genesee County  
Dept. of Planning  
3/31/2026

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 Board  
Address 10 Hunter St  
City, State, Zip Bergen NY 14416  
Phone (585) 355 - 135 Ext. \_\_\_\_\_

**2. APPLICANT INFORMATION**

Name Comfort Care Home  
Address 7549 South Lake Rd  
City, State, Zip Bergen NY 14416  
Phone \_\_\_\_\_ Ext. \_\_\_\_\_ Email \_\_\_\_\_

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         | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance                  | <input type="checkbox"/> Zoning Text Amendments    | <input type="checkbox"/> Preliminary          |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input 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 7549 South Lake Rd Bergen NY  
B. Nearest intersecting road Bovee and Maple  
C. Tax Map Parcel Number 17-1-23.1  
D. Total area of the property 10% Area of property to be disturbed \_\_\_\_\_  
E. Present zoning district(s) \_\_\_\_\_

**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  
\_\_\_\_\_  
\_\_\_\_\_

**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 checked="" type="checkbox"/> Site plan         | <input type="checkbox"/> Location map or tax maps    | <input type="checkbox"/> Photos                            |
| <input type="checkbox"/> Subdivision plot plans       | <input type="checkbox"/> Elevation drawings          | <input checked="" type="checkbox"/> Other: _____           |
| <input checked="" type="checkbox"/> SEQR forms        | <input type="checkbox"/> Agricultural data statement | <u>MRB Comments</u>  |

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

Name Gary Fink or Frank Strock ( Comf Title \_\_\_\_\_ Phone \_\_\_\_\_ Ext. \_\_\_\_\_  
Address, City, State, Zip \_\_\_\_\_ Email Frank's Number

APPLICATION FOR ZONING  and/or BUILDING  PERMIT  
**TOWN OF BERGEN, N. Y. 14416**

APPLICATION NUMBER: \_\_\_\_\_

APPLICATION DATE: 2/13/2026

**OWNER**

Name: STONE PRESBYTERIAN CHURCH  
 Address: 7549 SOUTH LAKE ROAD  
BERGEN NY 14416  
 Phone #: FRANK STROCK

**APPLICANT**

Name: COMFORT CARE HOME  
 Address: GINA PESTILLO  
 Phone #: \_\_\_\_\_

**MUST BE FILLED IN** PROJECT SITE LOCATION: 7549 SOUTH LAKE ROAD Tax Map # (TMP) 17-1-23.1  
Check w/ local Assessor or Tax Bill

**INSTRUCTIONS:** Using a ball point pen please fill out this application as completely as possible. Submit additional Attachment(s) (listed on the back of the Gold sheet) and the completed application to the Zoning Enforcement Officer (Z.E.O.). This application is NON-TRANSFERRABLE and is NOT a permit to commence work.

- Application for Use: RESIDENTIAL ; COMMERCIAL ; INDUSTRIAL ; RECREATIONAL ; SITE PLAN ; AG.
- Permit for: NEW CONSTRUCTION ; ADDITION ; ALTERATION ; REPAIR ; CHANGE IN USE
- Is this parcel? ; A corner lot: YES  NO ; In a Sewer District? YES  NO ; In a Water District? YES  NO
- List the DIMENSIONS of the parcel: 202.62' x 290.12' and/or TOTAL PARCEL AREA (Acres) 974 ACRES
- What are the parcel setbacks [Ft.] from the project. FRONT \_\_\_\_\_, REAR \_\_\_\_\_ & SIDE yards (a) \_\_\_\_\_ (b) \_\_\_\_\_
- Total % of coverage of ALL buildings on the parcel (including the proposed project): 10% TOTAL %
- Does this project require County Health Department approval? NO  YES  , If yes, submit attachment F.
- Is this parcel properly subdivided? NO  YES  , If yes, provide approved survey map.
- Do you give the Town VALID CONSENT to do the required inspections? YES  NO  , If no, what procedures?
- Name of Architect/Engineer DESIGN & DRAFTING BY GINA, LLC Telephone # \_\_\_\_\_  
 Address GINA PESTILLO - 5590 EAST MAIN ST RD. BATAVIA NY 14020
- Name of Contractor(s) UNKNOWN AT THIS TIME Telephone # \_\_\_\_\_  
 Address \_\_\_\_\_

- Estimated cost of the project? ? [Substantiation may be required]
- Total Dwelling units: \_\_\_\_\_
- Will electric be installed? Yes  No
- Describe the proposed project and use:

PROPOSED PROJECT	HEIGHT	LENGTH	WIDTH	SQ. FT.
HOUSE (1st. floor)				
OTHER (or 2nd floor)				
GARAGE				
ACCESSORY BUILDING				
SWIMMING POOL				
DECK				
COMMERCIAL/INDUSTRIAL	<u>19'</u>	<u>33'</u>	<u>11'</u>	<u>363</u>
<b>TOTAL SQ. FT.:</b>				<u>363</u>

[Use additional sheet(s) for more information]

I hereby certify that I have read the instructions and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and ordinances covering this type of work or use will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel provisions of any other state or local law or ordinance regulating construction or performance of construction.

Signature - OWNER \_\_\_\_\_ Date \_\_\_\_\_  
 Signature - APPLICANT (if different than owner) Gina Pestillo Date 2/13/2026

Action taken by Zoning Enforcement Officer: APPROVED  DENIED  , Action necessary: SPECIAL USE:  SITE PLAN:   
 SCHEDULE A:  VARIANCE: Area  Use

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_ Paragraph \_\_\_\_\_ Briefly Describe: \_\_\_\_\_  
 Zoning District: \_\_\_\_\_

Attachments Required: \_\_\_\_\_  
 Z.E.O. \_\_\_\_\_ Signature \_\_\_\_\_  
 Date of Action: \_\_\_\_\_

Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	F Zoning \$ _____	Cash: _____
Flood Plain	<input type="checkbox"/>	<input type="checkbox"/>	B Building \$ _____	Check # : _____
			E Electric \$ _____	Receipt # : _____
			S Late \$ _____	
			T Total \$ _____	

**TOWN OF BERGEN**  
**APPLICATION TO THE**  
**PLANNING BOARD**  
**Special Use Permit**

Appeal Number : \_\_\_\_\_

Date : 2/13/2026

CHURCH

OWNER STONE PRESBYTERIAN

APPLICANT (if other than owner)

Name : COMFORT CARE HOME  
 Address : 7549 SOUTH LAKE ROAD  
BERGEN, NY 14416

Name : GINA PESTILLO  
 Address : 5596 EAST MAIN ST.  
BATAVIA NY 14020

FRANK STROCK

Telephone # : \_\_\_\_\_

Telephone # : \_\_\_\_\_

- Request to the Planning Board to overturn the Zoning Enforcement Officer's decision to DENY an application for a Zoning Permit;  
 Application Number \_\_\_\_\_ Dated \_\_\_\_\_
- Address of Project Site : 7549 SOUTH LAKE ROAD  
 Tax Map Number : 17-1-23.1 Zoning District : RA40
- Has a previous appeal been filed pertaining to this parcel? No   
 Yes  If yes, list Appeal No. \_\_\_\_\_ Date \_\_\_\_\_ Purpose of Request : \_\_\_\_\_

4. Justification for Request: General Response TO PROVIDE A COMFORT CARE HOME FOR PATIENTS AND THEIR FAMILY DURING THE END OF LIFE CARE. DESIGNED FOR TWO PATIENTS. THE EXISTING CHURCH TO REMAIN AND FUNCTION AS A CHURCH.

A more SPECIFIC RESPONSE should accompany this application on separate sheet(s) of paper. Address each of the statements listed on the back of the PINK sheet which pertain to your appeal.

The Applicant shall submit with this appeal, appropriate supporting materials including, but not limited to, site plans, elevations, traffic circulation diagrams, neighborhood land use maps and any other material that will assist the Board in making a determination regarding this request.

CERTIFICATION: I hereby certify that I have read and examined this application and supporting attachments and know the same to be true and correct. All provisions of laws and ordinances covering this type of work or use will be complied with whether specified herein or not. The granting of an appeal does not presume to give authority to violate or cancel the provisions of any other state or local ordinance or law regulating construction or performance of construction and/or use.

Gina Pestillo  
 Applicant's Signature

Owner's Signature (if other than applicant)

OFFICE USE ONLY

**PROVISIONS of ZONING LAW APPEALED:**

1. Article \_\_\_\_\_ Section \_\_\_\_\_  
 Subsection \_\_\_\_\_ Paragraph \_\_\_\_\_  
 state reason; \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FEE COLLECTED :** Check # \_\_\_\_\_  
 Appeal Fee \$ \_\_\_\_\_  
 Public Hearing Fee \$ \_\_\_\_\_  
 TOTAL FEE \$ \_\_\_\_\_

Signature - Zoning Enforcement Officer

Date

## Short Environmental Assessment Form

### Part 1 - Project Information

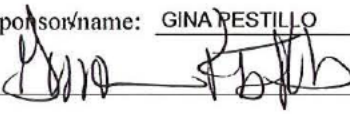
#### Instructions for Completing

**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.

<b>Part 1 – Project and Sponsor Information</b>			
COMFORT CARE HOME			
Name of Action or Project: ENTRY ADDITION, MIXED USE OF EXISTING BUILDING.			
Project Location (describe, and attach a location map): 7549 SOUTH LAKE ROAD - BERGEN, NEW YORK 14416			
Brief Description of Proposed Action: TWO STORY ENTRY ADDITION 33'-0" x 11'-0" - 363 SQ. FT. ATTACHED TO EXISTING STONE PRESBYTERIAN CHURCH RENOVATION TO EXISTING FLOOR PLANS TO CREATE A COMFORT CARE HOME FOR THE DYING.			
Name of Applicant or Sponsor: FRANK STROCK		Telephone: (917) 796-2527	
Address: 7549 SOUTH LAKE ROAD		E-Mail: [REDACTED]	
City/PO: BERGEN		State: NY	Zip Code: 14416
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 type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/- 0.974 acres	
b. Total acreage to be physically disturbed?		.17 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- 0.974 acres	
4. Check all land uses that occur on, are adjoining or 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 checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

		NO	YES	N/A
5. Is the proposed action,	a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?  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: _____ _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:</p> <p><input type="checkbox"/> Shoreline   <input type="checkbox"/> Forest   <input checked="" type="checkbox"/> Agricultural/grasslands   <input type="checkbox"/> Early mid-successional</p> <p><input type="checkbox"/> Wetland   <input type="checkbox"/> Urban   <input type="checkbox"/> Suburban</p>		
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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: <u>GINA PESTILLO</u> Date: <u>3/26/2026</u></p> <p>Signature: <u></u> Title: <u>ARCHITECTURAL DESIGNER</u></p>		



March 24, 2026

Mr. Gerry Wood, Zoning/Code Enforcement Officer  
& Planning Board Members  
Town of Bergen  
10 Hunter Street  
Bergen, New York 14416

**RE: COMFORT CARE HOME – 7549 LAKE RD – TAX MAP # 17-1-23.1  
PRELIMINARY SITE PLAN AND SPECIAL USE PERMIT APPLICATION  
MRB PROJECT NO. 0202.18000.000-010**

Dear Mr. Wood and Planning Board Members:

Per the Town's request, MRB Group has reviewed the submitted Site Plan Application, plus a Site Plan prepared by Design & Drafting by Gina, dated February 15, 2026, and associated application material received by MRB on March 20, 2026. We offer the following comments for the Planning Boards consideration. A brief written response to each comment should be provided by the project design engineer/architect.

**PROJECT OVERVIEW:** The applicant proposes to operate an end-of-life medical facility (a hospice) within a portion of an existing church. The facility will contain two beds for end-of-life residents, a nurse's station, and exterior improvements. The subject parcel is 1.55 acres in size and is in the Residential-Agricultural (RA-40) Zoning District. The project application states that the space will remain a "functioning church". It is assumed that the proposed use is being defined as a medical clinic for the purposes of the zoning requirements.

**ZONING CODE AND GENERAL COMMENTS**

1. Per Zoning Code § 475-25(A)(1); There shall not be more than one principal structure and one principal use on any one lot in the RA-40 District. The application would need to go through a Use Variance process with the Zoning Board of Appeals, which is outlined in §475-16,17 of the Town Zoning Code. The applicant will need to provide evidence of unnecessary hardship to the Zoning Board of Appeals.

145 Culver Road, Suite 160, Rochester, NY 14620 • [REDACTED]

**MRBGroup.com**

2. The application is proposing a new two-story section to be added to the existing church structure. Per Schedule A of the Town Zoning Code the new structure is not in conformance with the rear setback of 60 feet for non-residential use. If the application receives the use variance there will need to be an application for the area variance for the non-compliance with the rear setback. If there are any other setbacks that are not in conformance with Schedule A they should also be included in the area variance request.
3. The lot lines identified on the site plan do not appear to match the lot lines per the Genesee County GIS map and the Real Property maps. This should be reviewed and revised, or a survey map of the divided property should be provided to confirm the application information.
4. Per §475-49 of the Town Zoning Code, where in any district a nonresidential use abuts a residential use, a buffer zone shall be provided. §475-25 (A)(6) of the Town Zoning Code identifies the buffer zone as a maintained strip of trees and/or shrubs not less than 15 feet in depth and not less than six feet in height. The applicant must assess the status of "abutting" residential structures and, if impacted, the Site Plan must show a buffer zone.
5. This application will require referral to the Genesee County Planning Board per GML 239 l and m, if not done so already.
6. Per §475-42 of the Town Zoning Code the following information will need to be shown on the Site Plan.
  - a. Interior traffic circulation throughout the site, including emergency vehicles.
  - b. A sequence of construction should be added to the plans. A note should be added to the sequence of construction stating that all sediment and erosion control measures should be in place before any construction can start.
  - c. Details of the additional catch basins and storm sewer lines.
  - d. Soil stockpiles, concrete washout areas, laydown yard, and the location of dumpsters for construction debris should be identified on the plans.
  - e. All erosion and sediment controls should be shown on the plans.

7. Per § 475-46 of the Town Zoning Code states that the applicant is to ensure that the proposed use(s) address parking standards. The finalized parking lot should include at least one handicapped accessible space and parking space dimensions should be shown on the Site Plan. Sheet S100 does identify the handicapped accessible spaces but does not identify dimensions and it is not clear that this is the official site plan.

#### **SPECIAL USE PERMIT COMENTS**

8. The Town Code allows for a "medical clinic" use per issuance of a Special Use Permit when sited in a pre-existing nonresidential building fronting upon a state highway. The subject property/church building meet that standard. Note that "Medical Clinic" is not a defined term in the Zoning Code. New York State Law regulates end-of-life care.
9. Per §475-24 of the Town Zoning Code, are the generalized standards that a special use should meet and continue to meet over time. The applicant must identify how they are meeting these general standards for medical clinic use, in writing to the Planning Board.
10. It is recommended that the applicant provide a brief description of operations including but not limited to:
  - a. Hours of operation.
  - b. Number of employees, and shifts.
  - c. Visiting hours and accommodations.
  - d. General transfer procedures.
  - e. General compliance with Local, County, State, and Federal laws.

#### **SITE PLAN COMMENTS**

11. There appears to be two site plans for the project that are not the same document submitted for the application, Sheet 1 of 1 and Sheet S100, both date 2/15/2026. It should be clearly defined which site plan is the intended document for review and approval.

12. A site Data Table should be added to the Site Plan showing required and proposed bulk, yard and zoning standards per Schedule A of the Town Zoning Code. It should also include all variance approvals with the date of the approval.
13. All reference notes regarding the survey of the property, images and location maps of the utilities should be provided on the site plan.
14. An access easement will be required for the use of the shared entrance. This is to protect and benefit both parties.
15. The site plan should include the following items not clearly stated in the Town Zoning Code:
  - a. Separate sheets for existing conditions, proposed conditions, grading and utility plan with erosion control, and details.
  - b. All existing and proposed easements on the property.
  - c. All utilities called out on the plans to the best of your knowledge. Including the nearest fire hydrant.
  - d. Structures within 500 feet of the project that are located upon adjacent parcels should be depicted.
  - e. Limits of disturbance on the property.
  - f. Existing contours of the area that are to be disturbed and proposed contours. This may be LIDAR if the Planning Board agrees that a topographic survey is not required.
16. The application for the project identifies that this project is not in a sewer district. This being the case, it is assumed that the existing sanitary system for the church is a septic system and that is to be identified on the site plan to confirm that there is no conflict with the proposed improvements on the site.
17. Due to the nature of the proposed additional use, it should be identified if there will be additional improvements such as a generator, dumpster enclosure, HVAC equipment, exterior lighting and signage on site. If so, these must be depicted on the site plan for review and comment.

18. The subject property contains a large parking field south of the church. The applicant proposes paving green space and installing a drive two-way drive lane and six parking spaces west and north of the church. It does appear that the church has ample parking and could accommodate the parking requirements of the additional proposed use. The applicant should explain why the plan does not utilize the existing parking area. The increase of impervious surface will affect the green space requirement for the site and should be considered as part of the application.

19. The Town Fire Marshall and Code Enforcement Officer should review emergency access to the site to ensure it is adequate and meets NYS Building Code requirements. The marking of fire lanes and the installation of no parking signs should be identified in the plans.

Please feel free to contact our office with any comments or questions you may have in this regard.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. A. Gittens".

Sherman A. Gittens

Associate Engineer

Copies by Email Only to:

Gary Fink, Planning Board Chair

Kim Donley, Planning Board Secretary

Teresa Robinson, Town Clerk

Gina Pestillo, Comfort Care Home

**§ 475-25. General regulations.**

The provisions of this chapter shall be subject to such exceptions, additions or modifications as herein provided by the following general supplementary regulations. The dimensions and restrictions set forth in Schedule A are incorporated herein and made a part of this chapter.<sup>1</sup>

A. Buildings, uses and lots.

- (1) One principal building and use per lot. There shall not be more than one principal structure and one principal use on any one lot in the following districts:

Residential R-20

Residential R-30

Residential-Agricultural RA-40

Land Conservation

- (2) Yard and open space for every building. No yard or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be included as any part of the yard or open space for any other building; no yard or any other open space on one lot shall be considered as a yard or open space for a building on any other lot.
- (3) Subdivision of a lot. Where a lot is formed hereafter from the part of a lot already occupied by a building, such separation shall be effected in such manner as not to impair conformity with any of the requirements of this chapter with respect to the existing building and all yards and other required spaces in connection therewith, and no permit shall be issued for the erection of a building on the new lot thus created unless it complies with all the provisions of this chapter.
- (4) Irregularly shaped lots. Where a question exists as to the proper application of any of the requirements of this chapter to a particular lot or parcel because of the peculiar or irregular shape of the lot or parcel, the Board of Appeals shall determine how the requirements of this chapter shall be applied.
- (5) Lots under water or subject to flooding. No more than 25% of the minimum area requirements of a lot may be fulfilled by land which is under water or subject to periodic flooding. Land which is under water that is open to use by persons other than the owner of the lot shall be excluded entirely from the computation of the minimum area of that lot. For the purposes of this section, land in the bed of a stream not exceeding five feet in width at mean water level, and land in any pond not exceeding 150 square feet in area shall not be considered as under water. Where any area is separated from the main body by water, such separated land shall not be included in computing lot area.
- (6) Required street frontage. No zoning permit shall be issued for any structure unless the lot upon which that structure is to be built has the required frontage on a street or highway, has the required frontage on a street or highway, as defined herein, which

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1. Editor's Note: Schedule A is included at the end of this chapter.

street frontage provides the actual access to such structure, and which street or highway shall have been suitably improved to Town Board standards or a bond posted therefor to the satisfaction of the Town Board or Planning Board, as provided in § 280-a of the Town Law. [Amended 6-24-1985 by L.L. No. 3-1985]

- (7) Parts of lot not counted toward area requirements. No part of any lot less in width than 1/2 of the minimum requirement for the district in which it is located shall be counted as part of the minimum required lot area.

B. Yards, yard requirements, building projections, setbacks other features.

- (1) Porches. No porch may project into any required yard. Any enclosed porch, or one having a roof and capable of being enclosed, shall be considered a part of the building in determining the yard requirements or amount of lot coverage.
- (2) Projecting horizontal architectural features. Architectural features, such as windowsills, belt courses, chimneys, cornices, eaves or bay windows, shall not project more than three feet into any required yard.
- (3) Fire escapes. Open fire escapes may extend into any required yard.
- (4) Visibility at intersections. On a corner lot in any district, no fence, wall, hedge, or other structure or planting more than three feet in height, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are 30 feet distant from the point of intersection, measured along said street lines. This subsection shall not apply to existing trees, provided that no branches are closer than six feet to the ground.
- (5) Swimming pools. All swimming pools whose capacity is 3,000 gallons or more shall be considered accessory structures and shall set back from lot lines at least the minimum distance required for other buildings and structures. Pools shall be surrounded by a fence at least four feet high, strong enough to make the pool inaccessible to children and shall have a gate equipped with self-closing, self-locking devices.
- (6) Buffer zones. Wherever a buffer zone is required by this chapter, it shall meet the following standards:
  - (a) Be at least 15 feet in width along any lot line abutting a lot in a residence district.
  - (b) Be of evergreen planting of such type, height and spacing as, in the judgment of the Planning Board, will screen the activities on the lot from view of a person standing at street level on the adjoining residential lot. The plan and specifications for such planting shall be filed with the approved plan for the use of the lot.
  - (c) A wall or fence, of location, height, and design approved by the Planning Board may be substituted for the required planting.
- (7) Height exceptions. District building height regulations shall not apply to radio or television antennas and commercial communication antennas or towers, provided such structures do not present a hazard to aircraft operations. [Added 9-29-1997 by L.L. No. 3-1997]

C. Location of accessory buildings and structures.

(1) Accessory buildings are permitted as follows:

- (a) Accessory buildings with a total floor area of 150 square feet or less and a building height of not more than nine feet shall be permitted within five feet of the rear and side lot lines when located in the rear yard area.
- (b) Accessory buildings with a total floor area greater than 150 square feet or a building height of greater than nine feet shall be located in compliance within the required yard areas of the respective district.

(2) Accessory structures are permitted as follows:

- (a) Accessory structures equal to or less than 15 feet in height, including satellite dishes with a diameter of 13 feet or less, shall be permitted within five feet of the rear and side lot lines when located in the rear yard area.
- (b) Accessory structures greater than 15 feet in height, including production model wind energy conservation systems (windmills) and satellite dishes greater than 13 feet in diameter, shall be located within the required yard areas of the respective district.

D. Nonconforming uses, structures and lots. Except as hereinafter provided, the lawful use of any buildings or land existing at the time of the enactment of amendment of this chapter may be continued although such use does not conform with this chapter.

(1) Nonconforming structures. A nonconforming structure or part thereof may be restored to a safe condition only to the extent of its prior nonconformity. A nonconforming structure may be enlarged, provided the enlargement does not increase the nonconformity of the structure. For example, a structure nonconforming by reason of its nearness to a side lot line may be extended rearward, provided the extension does not further reduce the side yard to extend into the required yard. This section shall not apply to nonconforming signs (see § 475-54).

(2) Nonconforming uses.

- (a) A nonconforming use may be changed to a conforming use.
- (b) The right to continue a nonconforming use, once established and not abandoned, runs with the land, and this right is not confined to any one individual or corporation.
- (c) A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding, in aggregate cost, 50% of the assessed value of the building unless said building is changed to a conforming use.
- (d) A nonconforming use discontinued for a period of one year or more shall be considered abandoned and shall not be reestablished.
- (e) A mobile home unit which is a nonconforming use may be replaced with a different

mobile home unit, provided the level of nonconformity is not increased, and the replacement mobile home complies with the current construction and safety standards set forth by the United States Department of Housing and Urban Development.

- E. Uses not permitted. Uses which are not allowed by this chapter are prohibited.
- F. Minimum habitable floor area.
  - (1) One-family dwellings shall have a habitable floor area of at least 950 square feet.
  - (2) Two-family dwellings have a habitable floor area of at least 750 square feet per unit.
  - (3) Multiple-family dwellings have a habitable floor area of at least 600 square feet per unit.
- G. Residential front yard grade. Surface grade of residential front yards measured at the midpoint of the residence's front wall shall be at least one foot above the elevation of the street's center line, unless adequate site drainage is provided otherwise. **[Amended 6-24-1985 by L.L. No. 3-1985]**
- H. Stabling farm animals. There shall be no stabling of farm animals or storage of manure or fertilizer within 100 feet of any lot line.



**2025 Tax Parcels: 18268917.-1-23.1 - Presbyterian Church**

01. SWIS Code (Municipality)	182689 - Town of Bergen
02. Tax Map Parcel No.	17.-1-23.1
03. SWIS Code & Tax Map Parcel No.	18268917.-1-23.1
04. Full Owner Name	Presbyterian Church
05. Parcel Address No.	7549
06. Parcel Street	South Lake Rd
07. Parcel Municipality	Bergen
08. Frontage	0.00
09. Depth	0.00
<a href="#">Zoom to</a>	...



Feet	
30. Parcel Perimeter (Feet)	1,093.41
31. SBL	0170000001023001
32. Neighborhood Code	9091
First Name	
Middle Name	
Last Name	Presbyterian Church
LandAssessment	27,000.00
TotalAssessment	306,500.00
Book	
Acres	1.50
pcl_book	23
pcl_page	407
Zoom to	...

## Fwd: 7549 Lake Rd - Comfort Care Home Review



**From** <zeo-ceo@bergenny.org>  
**To** kim donley <secretary@bergenny.org>  
**Date** 2026-03-24 17:47

(T) Bergen\_Comfort Care Home - 7549 Lake Rd\_Site Plan\_SUP Review 3.24.26.pdf (~187 KB) (A) General regulations (1).pdf (~80 KB)  
(A) Snip\_Genesee County Mapper\_1.jpg (~230 KB) (A) Snip\_Genesee County Mapper\_2.jpg (~275 KB)

----- Original Message -----

**Subject:** 7549 Lake Rd - Comfort Care Home Review

**Date:** 2026-03-24 13:39

**From:** "Gittens, Sherman" <Sherman.Gittens@mrbgroup.com>

**To:** "zeo-ceo@bergenny.org" <zeo-ceo@bergenny.org>

**Cc:** Gary Fink <gcfink@hotmail.com>, "secretary@townofbergenny.gov" <secretary@townofbergenny.gov>, "bergenclerk@townofbergenny.gov" <bergenclerk@townofbergenny.gov>, "gpestillo@gmail.com" <gpestillo@gmail.com>, "Mattison, Scott" <Scott.Mattison@mrbgroup.com>

Gerry,

Per your request we have performed a code and site plan review of the application for the Comfort Care Home proposed location at 7549 Lake Rd. Please see the attached comment letter. Also, per your request we have included the supporting information regarding the code sections referencing Principal Use restrictions on the site as well as the concern regarding the lot lines depicted on the site plan.

Please review and let me know if there are any questions.

Regards,

**Sherman A. Gittens**

Associate Engineer

Direct 585.484.1159



The Culver Road Armory  
145 Culver Road, Suite 160  
Rochester, NY 14620  
Office 585.381.9250

[MRBGroup.com](http://MRBGroup.com)

Elevating Communities

--

Gerry Wood  
CEO/ZEO Town of Bergen  
585-490-4152

Snip\_Genesee County Mapper\_1.jpg

~230 KB



Snip\_Genesee County Mapper\_2.jpg

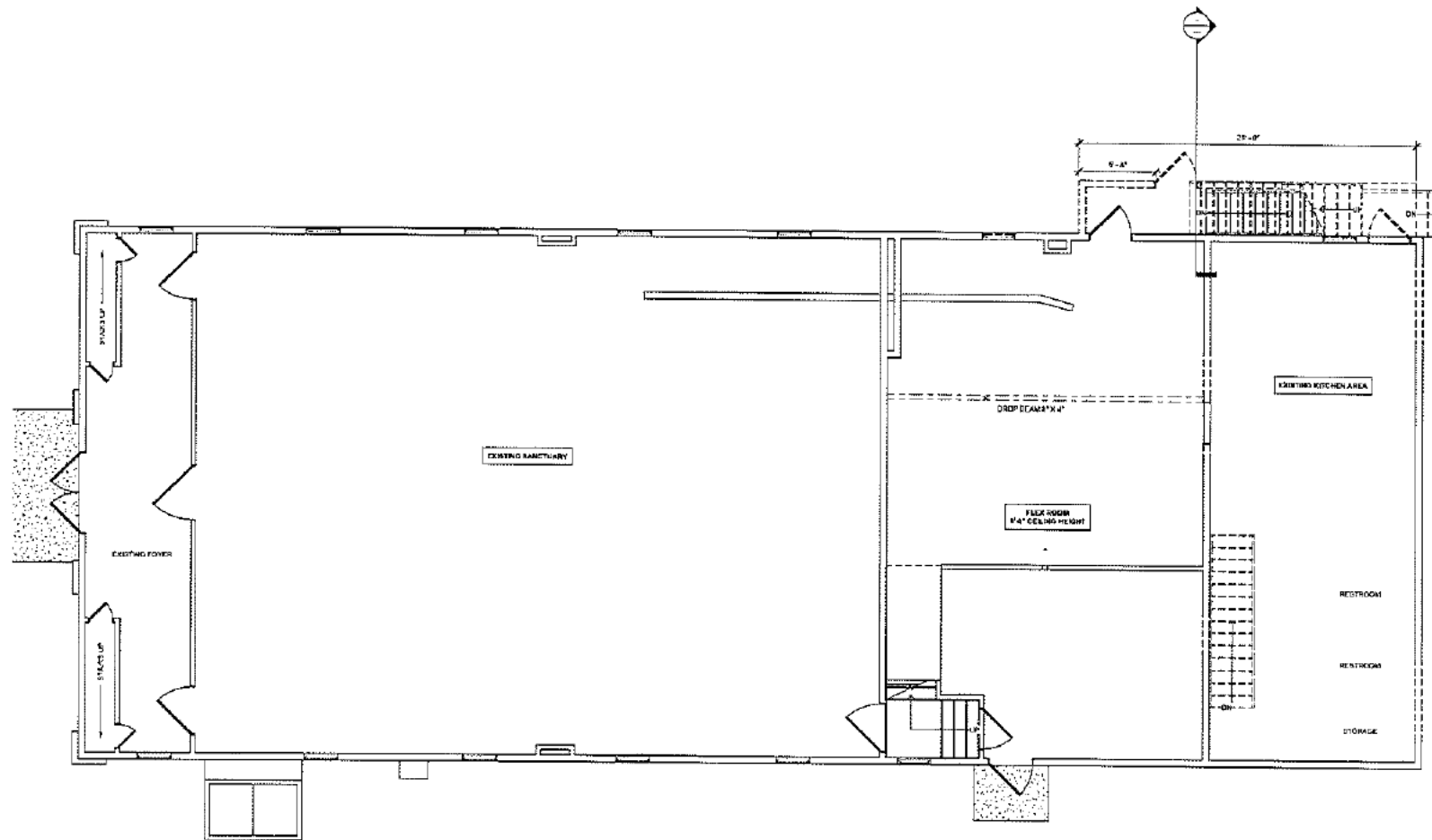
~275 KB











① Existing Floor EXISTING  
1/4" = 1'-0"

PROJECT: CARE HOME  
**COMFORT CARE HOME**  
 240 SOUTH EAST ROAD  
 STAMFORD, NEW YORK 14156  
 EXISTING FIRST FLOOR PLAN



1000 EAST STREET  
 STAMFORD, NY 14156  
 TEL: 716.353.1111  
 WWW.DDNY.COM

ARCHITECT:  
**ANDREW H. HINTENACH III, AIA**  
 ARCHITECT

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REV: 1/11/11 DATE: 1/11/11

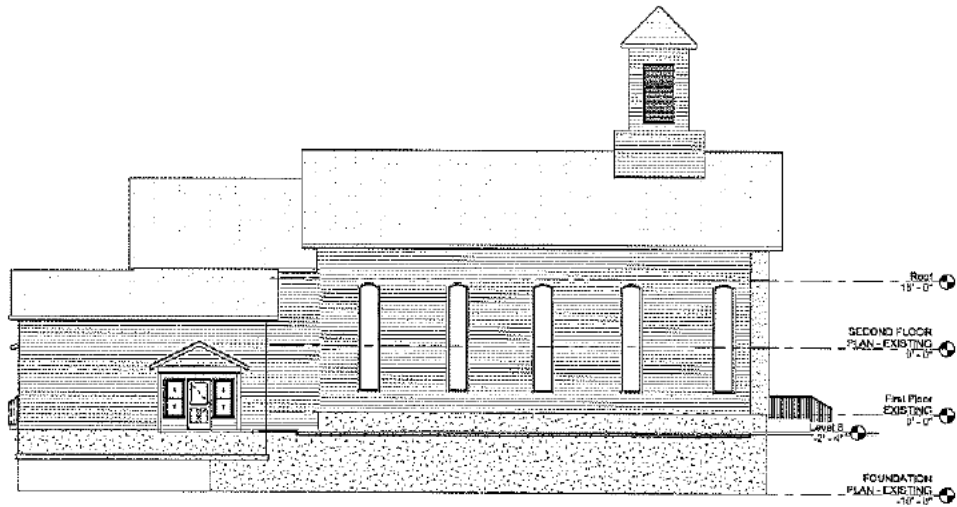
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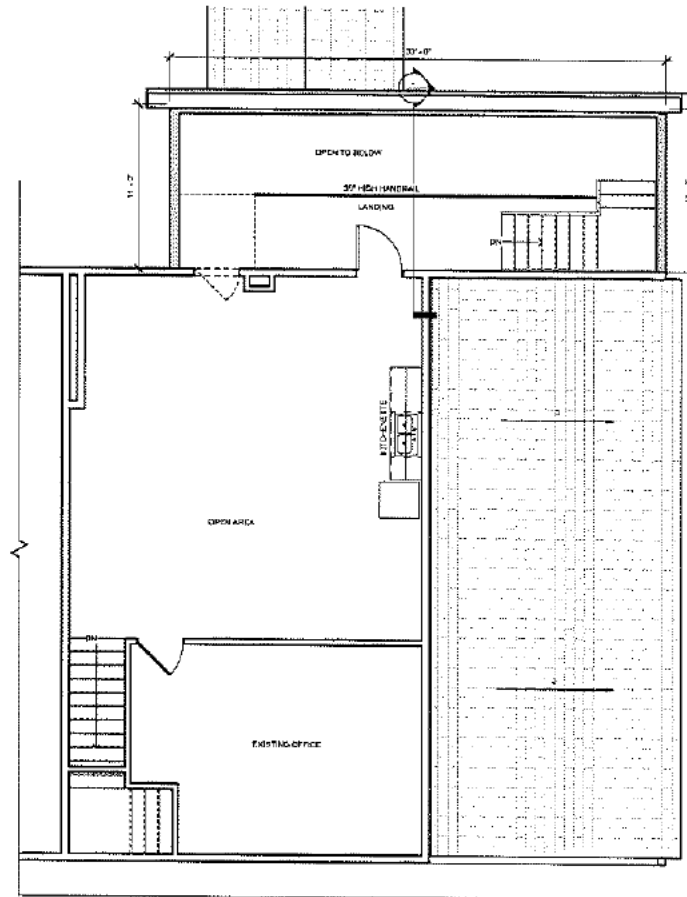
A102

SHEET #

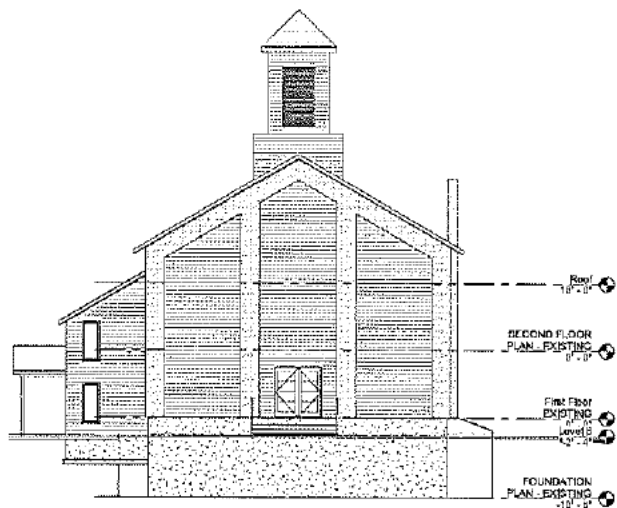




1 NORTH ELEVATION  
1/8" = 1'-0"



2 SECOND FLOOR PLAN - EXISTING  
1/4" = 1'-0"



3 WEST ELEVATION  
1/8" = 1'-0"

PROJECT NAME  
**COMFORT CARE HOME**

TOWN NORTH LANE ROAD  
HEMLOCK, NEW YORK, 14843  
DRAFTING/CRUIER/FLOOR PLAN

---

DESIGN & DRAFTING  
BY GENA, LLC  
GENA PUSPULO  
ARCHITECTURAL DESIGNER

DATE OF DRAWING: 03/15/2020  
DRAWN BY: GMP  
CHECKED BY: GMP  
PROJECT NO.: 2020-042  
SCALE: As indicated

---

ARCHITECT  
**ANDREW H. HINTERMACH III, AIA**  
ARCHITECT  
100 Main Street  
Hemlock, NY 14843  
Tel: 716-653-1111  
www.hintermach.com

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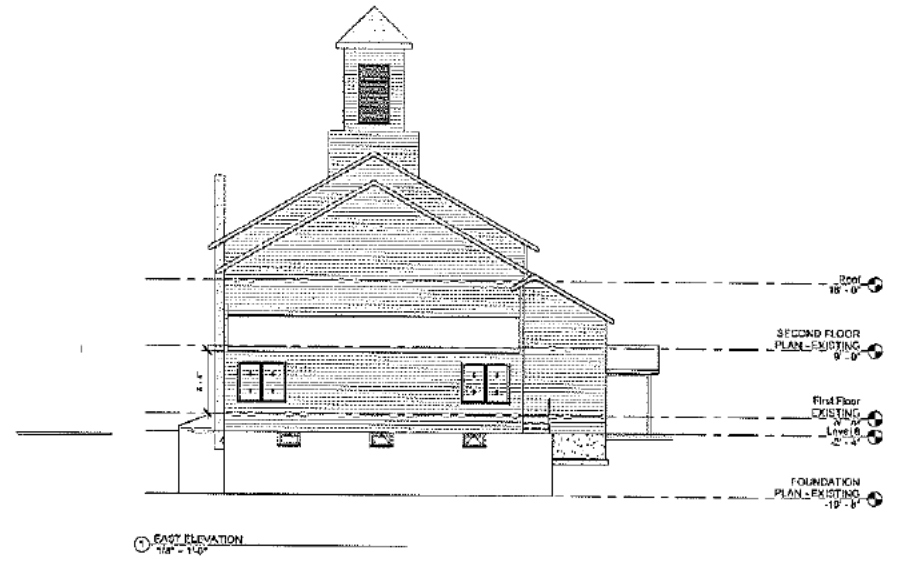
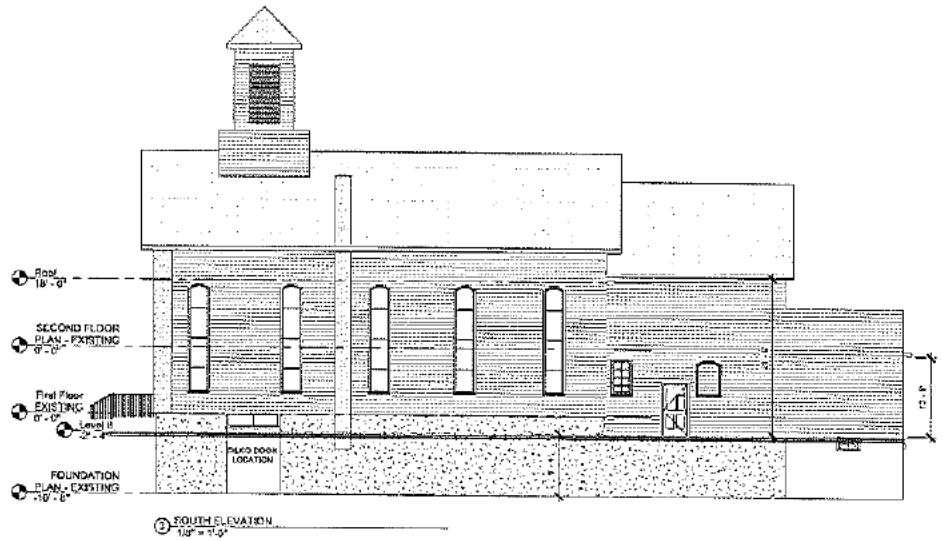
REVISION	DATE

SECOND FLOOR PLAN, NORTH ELEVATION,  
WEST ELEVATION

DRAWING NAME:  
DATE: 03-15-2020  
DRAWN: GMP CHECKED: GMP  
PROJECT NO.: 2020-042  
SCALE: As indicated

**A104**

SHEET #



COMFORT CARE HOME  
 2000 MIDDLEBURY STREET  
 BUREN, NEW YORK 14804  
 EXISTING CHURCH FLOOR PLAN



ARCHITECT  
 2000 MIDDLEBURY STREET  
 BUREN, NEW YORK 14804  
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 FAX: 716.865.1111  
 WWW: WWW.GINADRAFTING.COM

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REVISION	DATE

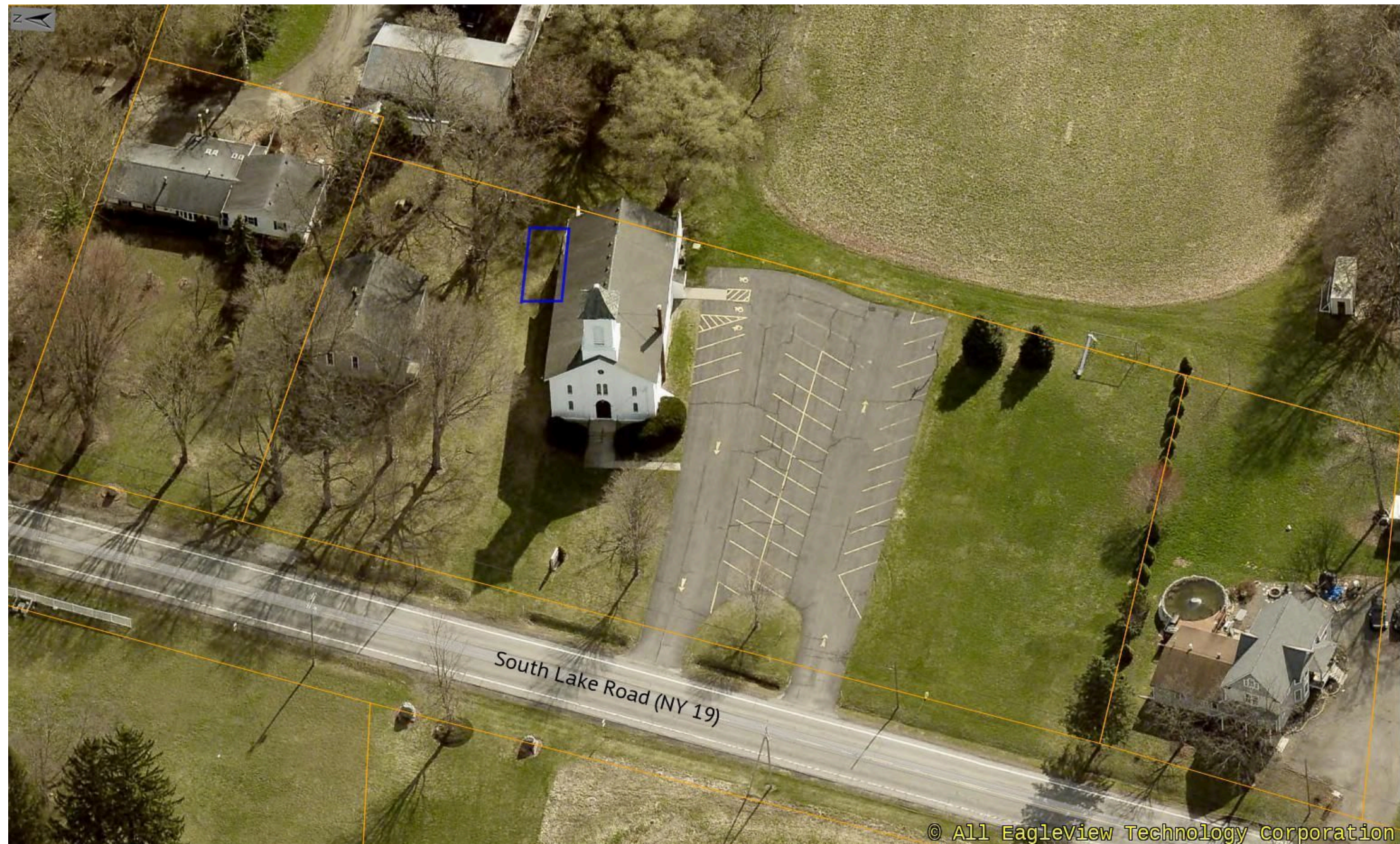
SITE PLAN, SOUTH ELEVATION, EAST ELEVATION

DATE	3-16-2023
DRAWN	GMP
CHECKED	GMP
PROJECT NO.	23-002
SCALE	1/8" = 1'-0"

A105

MDP

**T-01-BER-04-26**



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**04/04/2025**