

Councilor:

Introduced the following resolution and moved its adoption:

VILLAGE OF ELBRIDGE, TOWN OF ELBRIDGE, VILLAGE OF JORDAN JOINT WATER SYTEM
IMPROVEMENTS
LATERAL RESTRICTION – CONDITIONS ON FUTURE SERVICE

The Town of Elbridge imposes the following conditions, on the management of water lines located in the Village of Elbridge, Town of Elbridge, and Village of Jordan within an agricultural district, map of which is attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department of Agriculture and Markets (Department). It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water service. The municipality shall develop a hardship application to be filed with the municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.
- (3) If it can be demonstrated to the Department’s satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.

(4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

Seconded by Councilor:

The question of the adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>
Vern Richardson, Town Supervisor		
Douglas Blumer, Councilor		
Floyd Duger, Councilor		
Mike Caron, Councilor		
Todd Platten, Councilor		

The foregoing resolution was thereupon declared duly adopted.

Dated: _____

I hereby certify that this resolution was adopted on _____ and is recorded in the Meeting Minutes of the Town of Elbridge Town Board.

Town Clerk