

**TOWN OF OAKFIELD
WATER DISTRICT NO. 3**

LATERAL RESTRICTIONS RESOLUTION

WHEREAS, the Town Board of the Town of Oakfield has created the Town of Oakfield Water District No. 3 pursuant to Town Law for the express purpose of providing public water supply to residents along portions of Maltby Road, Fox Road, Drake Street (NYS Route 262), and Fisher Road; and

WHEREAS, part of the land area within Water District No. 3 is also within Genesee County Agricultural District No. 2; and

WHEREAS, the Town Board has filed a Notice of Intent to Undertake an Action Within an Agricultural District to evaluate the impact of providing a source of public water supply within this area on lands within Agricultural District No. 2; and

WHEREAS, the New York State Department of Agriculture and Markets (“Department”) has expressed concern about the potential adverse impact that said public water supply is likely to have on agriculture within the Agricultural District,

NOW THEREFORE BE IT RESOLVED, that the Town Board, in recognition of the concerns that have been raised, hereby resolves to adopt the “Lateral Restriction - Conditions on Future Service” specified by the New York State Department of Agriculture and Markets as follows:

Lateral Restriction - Conditions on Future Service

The Town of Oakfield imposes the following conditions, as warranted or recommended on the management of water/sewer lines located along the portions of Maltby Road, Fox Road, Drake Street (NYS Route 262), and Fisher Road, included in Water District No. 3, within an agricultural district:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, further agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the filing of the Final 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, and 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 and/or sewer service will not be extended to the fifth and subsequent parcels

