

TOWN OF BERGEN

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SEPTEMBER 9, 2023

Dear Agricultural District Property Owner,

We previously shared Lateral Restriction information with water district property owners. We are sending this letter as a reminder as according to Genesee County, you have property that is in either Agricultural District #3 or #4 (see enclosed map).

As a condition of the United States Department of Agriculture (USDA) Rural Development grant and low-interest loan program that funded the Town of Bergen's new water district, the Bergen Town Board was required to adopt a Lateral Restriction Resolution. This lateral restriction prohibits future hookups to the water system for non-agricultural uses on parcels within a state-certified Agricultural District. This is standard practice for all Towns in the area that have received federal funds for water expansion.

How does this affect your property in the Town of Bergen?

Public water hook-ups are not allowed for new non-agricultural uses on parcels that are enrolled in a NYS certified Agricultural District.

What if you want to build a house or open a non-agricultural business?

You should consider removing your property from the Agricultural District Program when the district renews. However, if you rent land to a farmer, you should consult with the farmer before removing the land from the district.

How can you remove your land from the Agricultural District Program?

Parcels can only be removed from this program during that particular district's review which only take place every eight years. During a review, all landowners are sent a letter in the mail with instruction on how to add or remove land from the program. There are two different Agricultural District that cover the Town of Bergen. If the parcel is within Agricultural District #4, landowners can request removal when the district is up for review in 2029. If the parcel is within Agricultural District #3, landowners can request removal when the district is up for review in 2027. Participation in this program is completely voluntary, but once a parcel is enrolled it must complete its eight-year term before being removed. Please note that the Agricultural District Program is wholly separate from the Agricultural Assessment Program which provides property tax relief to qualifying agricultural properties.

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 UDSA 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.

Is there a process for hardship cases?

There is a process for relief from the restriction by: demonstrating financial hardship, providing proof of significant water quality/quantity issues, or demonstrating health-related hardships that require public water. Please be aware that hardship applications have to be approved not only by the Town of Bergen, but also the Genesee County Health Department and the New York State Department of Agriculture and Markets. State approval is not easy to obtain and is reserved for groundwater contamination issues and/or inadequate groundwater supply, and likely require the property owner to demonstrate the hardship by drilling a well on the property in question.

What are other restrictions to public water access?

In addition to the restrictions described above, landowners and prospective developers should also be aware that Genesee County has a Smart Growth Plan that designates Development Areas. Only inside these areas, are parcels guaranteed public water hook-ups for new non-agricultural uses. Outside of these areas, a Genesee County committee reviews and authorizes public water hook-up applications on a case-by-case basis. There are several criteria that are taken into consideration during this review, but the main objective is to ensure that the availability of public water is not causing the conversion of active and productive agricultural lands to non-agricultural uses.

The Town of Bergen's goals for the new water district were to provide public water access to all existing homeowners, to all properties with agricultural operations and to allow other properties to connect in the future without impacting our rural, agricultural and natural character. If you need additional information about Agricultural Districts or the Genesee County Smart Growth Plan, please call my office or the Genesee County Planning Department at (585) 815-7901 or via email at planning@co.genesee.ny.us.

Sincerely,

Ernest Haywood, Supervisor



NYS Agricultural Districts Town of Bergen



