

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Sagaponack on the 17th day of September, 2018 adopted the following Local Law:

LOCAL LAW NO. 3 OF 2018

**A LOCAL LAW PROVIDING FOR A TEMPORARY MORATORIUM
ON THE PROCESSING OR APPROVAL OF
APPLICATIONS FOR AGRICULTURAL FENCING**

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SAGAPONACK AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this Local Law is to address a clarification of the existing review standards pertaining to agricultural fencing as contained in Village Code § 245-49(D). On the basis of pending applications it has become evident that the meaning of "agricultural production" must be clarified consistent with standards which are typical and traditional and are recognized in the New York Agriculture and Markets Law. The enclosure of a farm is a reasonable improvement that is typically balanced with the expectations of the community when the farm is a farm within recognized understandings. Each of the current applications has served to highlight the lack of clarity in the meaning of "agricultural production" which has now required this enactment.

SECTION 2. PROCESSING AND/OR APPROVAL OF AGRICULTURAL FENCING APPLICATIONS.

Except as otherwise provided herein, for a period of ninety (90) days after the effective date herein, there shall be neither processing nor approvals of applications for agricultural fencing and no such application, pending or otherwise, shall be either deemed complete or processed for a hearing before any agency or board, except as allowed under Section 4 below.

SECTION 3. SUPERSESSION.

This Local Law shall supersede any inconsistent law, state or local, including by way of illustration, not limitation, Chapters 30 (Building Construction) and 245 (Zoning) of the Village of Sagaponack Code and Article 7 of the New York Village Law. This declaration of supersession is made by authority of the Village's Municipal Home Rule Law powers, pursuant to §§10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b)(3) of the New York State Constitution.

SECTION 4. EXCLUSIONS.

This Local Law shall not apply to any application for agricultural fencing of land used in agricultural production as that term is contained in New York Agriculture and Markets Law Section 301(4).

SECTION 5. EXEMPTIONS.

Notwithstanding any other provision of this Local Law, the Board of Trustees may during the term of this Local Law by resolution process, approve or deny an application for approval provided that the following requisites occur:

- A. Procedural requirements. The following procedural requirements shall be prerequisite to the grant of an exemption hereunder:
 - (1) The owner of the land affected shall have filed with the Board of Trustees a written application specifically requesting exemption from this Local Law together with any application fee fixed by resolution of the Board of Trustees for such an exemption application; and
 - (2) The Board of Trustees shall have held a public hearing on the petition upon at least ten (10) days' prior public notice, which notice shall have been published in The Southampton Press.

- B. Substantive requirements. No exemption shall be granted hereunder unless the Board of Trustees shall specifically find and determine, and shall set forth in its resolution granting such exemption, that:
 - (1) Failure to grant an exemption to the owner will cause the owner undue hardship, which hardship is substantially greater than any harm to the general public welfare resulting from the grant of the exemption; and
 - (2) Grant of the exemption will clearly have no adverse effect upon any of the Village's goals or objectives in adopting this Local Law; and
 - (3) The application for which owner seeks an exemption will be in harmony with the

existing character of the Village as a whole and the area of the Village in which the affected land is located, and will be consistent with any interim data, recommendations, or conclusions which may be drawn from any planning work then in progress or under review;

- (4) Owner's circumstances are different from any other member of the community to the extent owner is burdened by this Local Law substantially greater than any other member of the community; and
- (5) Grant of an exemption will not serve to defeat the goals of this Local Law.

SECTION 6. SEQRA.

This Local Law is exempt from review under 6 NYCRR §617.5(b)(30).

SECTION 7. SEVERABILITY.

Should any part or provision of this Local Law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Local Law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 8. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: September 17, 2018

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SAGAPONACK
Rosemarie Cary Winchell, CMC
Village Clerk