

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Sagaponack will hold a public hearing on the 14th day of August, 2017, at 3:00 P.M., at the Village Hall, 3175 Montauk Highway, Sagaponack, New York, to consider the adoption of a local law as follows:

LOCAL LAW NO. 9 OF 2017

**A LOCAL LAW ENACTING VILLAGE CODE § 245-49(A)(7)(d)
SO AS TO REGULATE THE PLACEMENT AND DESIGN OF GATES**

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 enable the Architectural and Historic Review Board to regulate the placement and design of gates. The Board of Trustees has addressed the increased use of entry gates under Local Law 6 of 2010 and again under Local Law 1 of 2016. As Robert Frost observed in the poem "Mending Walls":

Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to given offense.

The Board of Trustees finds that the steady proliferation of entry gates and the time consumed by the Architectural and Historic Review Board should be addressed so as to avoid the

risk of an unwelcome change to the character of the Village's streetscapes. Historically that character has been marked by the unimpeded ability of passersby to enjoy the views of the residences constituting the community. The use of entry gates can serve as a visual bar, a bar that diminishes the historic streetscapes and serves as Frost stated to "give offense." To allow the Architectural and Historic Review Board to evaluate the placement and design of gates on a site specific basis this local law adds subsection (d) to Section 245-49(A) (7).

SECTION 2. ENACTMENT OF VILLAGE CODE § 245-49(A) (7) (d).

Section 245-49(A) (7) (d) is enacted as follows:

- (d) Any provision in this § 245-49(A) (7), or this chapter or otherwise to the contrary notwithstanding, the placement and design of any entry gate shall be subject to the approval of the Architectural and Historic Review Board.
 - (i) Placement. Gates shall be located as distant from any street as reasonably allows the gate to provide security and as avoids any adverse change to the historic character of the streetscape, in no event with a setback to the street of less than twenty (20') feet if a lot is 40,000 square feet or less or a setback to the street of less than forty (40') feet if a lot exceeds 40,000 square feet lot area. Gates on any flagpole lot shall be located within the bulk of the lot and shall not be located on the narrow strip of land running from the street. In all events placement shall be at a distance

from the street which enables the least visibility of the gate to passersby. Gates installed since the incorporation of the Village shall not be deemed a precedent justifying the placement of a later gate, except a gate which satisfies the standards in this subsection.

- (ii) Design. Design criteria shall by way of illustration, not limitation, include the following:
 - a) Avoidance of excessive ornamentation;
 - b) Concealment from public view;
 - c) Functional, without unnecessary design features;
 - d) Limit structural and visual mass; and
 - e) Use of wood, natural and unpainted except for light stain or clear finish;
- (iii) Review by Committee. Any review hereunder shall be pursuant to Village Code § 245-74(E) subject to the Committee's referral to the full Board.
- (iv) Any gate approval shall require a condition enabling emergency access to the interior on the premises satisfactory to the local Fire Department, with proof thereof to be provided the Building Inspector as a condition of issuance of a building permit.

SECTION 3. 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 4. EFFECTIVE DATE.

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

All persons in interest will be heard by the Board of Trustees at the public hearing to be held as aforesaid and may appear in person or by representative. The Village Hall is accessible to handicapped persons.

Dated: July 17, 2017

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SAGAPONACK

BY: Rosemarie Cary Winchell,CMC
Village Clerk