



## VILLAGE OF SAGAPONACK

PO Box 600  
3175 Montauk Highway  
Sagaponack, NY 11962  
www.sagaponackvillage.org  
631-537-0017 631-537-0612 (FAX)

### APPLICATION FOR A AGRICULTURAL FENCE PERMIT

1. Completed Agricultural Fence Application to include:
  - Completed application form
  - A survey showing the location of the fence and gate(s)
  - Property owners authorization for the installation of the fence
  - Fee of \$600.00
2. Applicant should become familiar with Village Code 245-49 (D) which includes the following requirements among others:
  - The fence and poles can be no higher than eight (8) feet with round wood poles no greater than 6" diameter
  - Fence must be removed by property owner if the field is not farmed after 2 years
  - Any fencing on road frontage must be kept clear of any vegetation
  - If the property owner changes and the property is still being farmed, or the farmer changes, an updated application will have to be submitted and re-approved
  - Where alternatives to location of gates on road frontage fencing are available, those options should be used
  - If property is not in current cultivation, the farmer must plant the fields with a cash crop within twelve (12) months of the fence permit approval or the permit may be revoked and the fence will be removed.

#### PART I – PROPERTY and OWNER INFORMATION

1. Name of Owner: \_\_\_\_\_
2. If owner is a corporation or LLC, name of person authorized to act on behalf of Corporation or LLC:  
\_\_\_\_\_
3. Owner's Mailing Address: \_\_\_\_\_
4. Owner's E-Mail Address: \_\_\_\_\_
5. Owner's Telephone/Cell Number: \_\_\_\_\_
6. Property Address: \_\_\_\_\_ Tax Map# 473615-\_\_\_\_ - \_\_\_\_ - \_\_\_\_.
7. Property Size: \_\_\_\_\_

#### PART II – FARMER INFORMATION:

1. Name of Farmer: \_\_\_\_\_
2. Farmer's Mailing Address: \_\_\_\_\_
3. Farmer's E-Mail Address: \_\_\_\_\_
4. Farmer's Telephone/Cell Number: \_\_\_\_\_

**PART III – ATTORNEY INFORMATION – if applicable**

- 1. Name of Attorney: \_\_\_\_\_
- 2. Attorney’s Mailing Address: \_\_\_\_\_
- 3. Attorney’s E-Mail Address: \_\_\_\_\_
- 4. Attorney’s Telephone/Cell Number: \_\_\_\_\_

**PART IV – AGENT INFORMATION – if applicable**

- 1. Name of Agent: \_\_\_\_\_
- 2. Agent’s Mailing Address: \_\_\_\_\_
- 3. Agent’s E-Mail Address: \_\_\_\_\_
- 4. Agent’s Telephone/Cell Number: \_\_\_\_\_

**PART V – CONTRACTOR INFORMATION:**

- 1. Name of Contractor: \_\_\_\_\_
- 2. Contact for Contractor: \_\_\_\_\_
- 3. Contractor Mailing Address: \_\_\_\_\_
- 4. Contractor E-Mail Address: \_\_\_\_\_
- 5. Contractor Telephone/Cell Number: \_\_\_\_\_

**Contractor will be required to file current liability and workers compensation insurance with the Village prior to issuance of a permit.**

**PART VI – FARMING INFORMATION:**

Describe the current farming operation of farmer who will be farming the property where fence is proposed to be installed. (proposed location of crops may be sketched by applicant on the survey)

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If the application is for a start-up farm operation, please describe in detail the business plan for the first year of operation including capital investments, crops to be planted, and where the planting will occur. (proposed location of crops may be sketched by applicant on the survey) – attach separate sheet if necessary

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Describe the economic loss that will occur to crops without the approval of this application.

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Describe alternative types of fencing and gates that have been considered and why each is unacceptable.

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**By signing this application, I acknowledge that I have read the application and attachments concerning agricultural fencing:**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Signature of Property Owner/Farmer**

\_\_\_\_\_  
Date

Sworn to before this  
\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

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**For Administrative Use Only**

Date Received: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Date

## **APPLICATION CHECK LIST**

This application is submitted as follows:

1. One completed original and two (2) additional copies of the Application including the following:
  - Notarized properly
  - Written authorization form signed by the owner if applicant is not owner
  - Code Acknowledgment signed by applicant
  - Three (3) accurate original surveys prepared by a NY State Licensed Surveyor showing all existing buildings, fences, easements and rights of ways
  - Three (3) copies of every certificate of occupancy or completion issued for this property
2.  \$600.00 filing fee payable to the Village of Sagaponack
3.  Three (3) copies of recorded deed and any easements
4.  If within 300 feet of tidal wetlands, three (3) copies of a NY State Dept. of Environmental Conservation determination or no jurisdiction letter is required
5.  If Village Code Chapter 225, three (3) copies Wetlands is applicable, a Southampton Town Conservation Board determination or no jurisdiction letter is required
6.  Three (3) copies of photographs or samples of fence materials
7.  Applicant affirms that he/she will notify all property owners within a two hundred (200) foot radius by Certified Mail, return receipt requested. Notice must be at least ten (10) days prior to the scheduled review of the application by the Village Board of Trustees. Original receipts of the certified mailings must be submitted to the Village Clerk five (5) days prior to the review date and the signed returned receipt cards must be submitted to the Village Clerk at or prior to the review date.

**CERTIFICATION OF APPLICANT**

\_\_\_\_\_ states as follows:

(insert name)

- (1) I am interested in an application for a special permit now pending before the Village of Sagaponack Board of Trustees.
- (2) I reside at: \_\_\_\_\_
- (3) The nature of my interest in the aforesaid application is as follows:  
\_\_\_\_\_
- (4) If applicant or owner is a corporation, list officers:  
 President: \_\_\_\_\_  
 Vice President: \_\_\_\_\_  
 Secretary: \_\_\_\_\_  
 Treasurer: \_\_\_\_\_
- (5) Do any of the following individuals have an interest, as defined below, in the owner or applicant:  
 (A) Any New York State officer, or  
 (B) Any officer or employee of the Village of Sagaponack, Southampton Town or Suffolk County.

An officer or employee shall be deemed to have an interest in the owner or applicant when a relative is either a spouse, brother, sister, parents, children, grandchildren or the spouse of any of them:

- (1) Is the applicant or owner, or
- (2) Is an officer, director, partner or employee of the applicant or owner, or
- (3) Legally or beneficially owns or controls stock of a corporate applicant or owner, or
- (4) Is a party to an agreement with such and applicant or owner, express or implied, whereby he (she) may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application.

If the answer to any of the questions in Section 5 above is yes, then state the name, address, and nature and extent of the interest of such individual.

(Name)	(Address)
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(Extent of Interest)

**A person who knowingly and intentionally fails to make such disclosure shall be guilty of a misdemeanor as provided for in General Municipal Law, Section 809**



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**AFFIDAVIT OF MAILING**  
**AGRICULTURAL FENCE PERMIT**

STATE OF NEW YORK )

)ss:

COUNTY OF SUFFOLK )

I, \_\_\_\_\_, being duly sworn, deposes and says:

1. I reside at \_\_\_\_\_

2. Pursuant to the provisions of Section 245-49 (D) (3) (a) of the Village of Sagaponack Code, deponent notified neighbors within 200 feet of the perimeter of subject properties of proposed Agricultural Fence Permit Application by certified mail, return receipt requested, addressed as set forth on the annexed original postmark receipts.

\_\_\_\_\_  
Signature of Deponent

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public



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**OWNER'S AUTHORIZATION**

**For Installation of Agricultural Fencing**

STATE OF NEW YORK )

)ss:

COUNTY OF SUFFOLK )

\_\_\_\_\_, being duly sworn, depose and say, that I reside at \_\_\_\_\_, that I am the owner (or an officer of the corporation, which is the owner) of the property located at \_\_\_\_\_ where an agricultural fence is proposed to be installed, and hereby grant permission to \_\_\_\_\_ who is currently farming my property, to install the agricultural fence for the purpose of protecting his/her crops. I further acknowledge that if my property ceases to be used for agriculture, that I am responsible for the removal of the eight foot agricultural fencing.

\_\_\_\_\_

**Signature of Owner**

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

**Notary Public**

**Code Acknowledgement  
for  
Agricultural Fence Application**

**§ 245-49**

D. Agricultural fencing.

(1) Within all residential districts any portion of which is situated within the Agricultural Overlay District, the Board of Trustees may approve an increase in the permitted height of a fence in order to protect agricultural crops from damage due to deer. The maximum height of any portion of such an agricultural fence approved by the Board of Trustees may not exceed eight feet.

(2) The increase in permitted fence height shall be based on the following findings of the Board of Trustees:

(a) The subject property is now or about to be land used in agricultural production, as that term is used in New York Agriculture and Markets Law Section 301 meaning in the context of this local law land, facilities and practices which contribute to the production, preparation and marketing as a commercial enterprise of crops subject to deer damage.

(b) The applicant can demonstrate that an economic loss will occur to agricultural crops without an increase in fencing height.

(c) Alternatives to eight (8) foot fencing that will reduce the economic loss of agricultural crops have been investigated and found not to have been reasonable.

(d) Alternative types and heights of fencing materials have been investigated and found not to have been reasonable.

(e) The installation of the fencing will be accomplished in a manner to preserve and protect the visual and scenic resources of the Village.



***Village of Sagaponack Agricultural Fence Application***

(f) In the case of a startup farm operation an application shall be evaluated utilizing the following:

- (i) Completion of the startup period within two (2) years for crops and nurseries or such other period as considered reasonable by the New York Department of Agriculture and Markets;
- (ii) Capital investment;
- (iii) Acreage in production;
- (iv) Gross sales to date;
- (v) Applicant's knowledge, experience and intent;
- (vi) Applicant's business plans;
- (vii) Applicant's direct participation in terms of time and effort; and
- (viii) Financial risk of farm operation.

(3) An application for agricultural fencing shall be an application for a special exception permit on forms provided by the Village Clerk. The application shall be reviewed by the Board of Trustees and shall include:

- (a) Applicant's affidavit of service by registered mail, return receipt requested, of a copy of the application upon each property owner within a 200-foot radius of the proposed fence or any portion thereof;
- (b) The required fee as fixed from time to time by resolution of the Board of Trustees;
- (c) A current survey depicting at least the property and improvements thereon, the location of any crop production during the two (2) preceding years, the location of the proposed fence, and any encroachments of contiguous properties (a current survey may be waived for good cause);
- (d) Any title or regulatory documents evidencing the interest of any third party in the premises including any easements of any kind, any declaration restricting use or improvement of the premises, any agency

*Village of Sagaponack Agricultural Fence Application*

resolution limiting the use or improvement of the premises or any similar document;

(e) Current deed of record;

(f) Consent of owner if applicant is not the owner;

(g) Photograph of similar fence or sample of proposed fence material, exclusive of poles; and

(h) Any other documents, information or material requested by the Board of Trustees.

4. Any consideration of a special permit shall address at least the following:

(a) Removal at owner's expense of any fence as approved upon a field remaining fallow for two (2) years (or removal of any portion of a fence if a portion of a field remains fallow for two (2) years) and upon a failure of compliance removal by the Village on thirty (30) days' notice to the owner with any expense thereof to be assessed upon such property, constitute a lien and be enforced and collected in the same manner as provided by law for the enforcement and collection of real property taxes in the Village;

(b) Maintenance of a setback from any public road sufficient to allow safe passage of vehicles and deer;

(c) Exclusive use of round wood poles not exceeding 6 inches in diameter;

(d) Description of current agricultural production and its location at the premises or if none a schedule of all such activity to be commenced within 12 months thereafter;

(e) Description of current deer damage to crops;

(f) Competent financial records evidencing average gross sales value for sale of crops for two (2) preceding years;

(g) Whether the land is within Agricultural District 5;

*Village of Sagaponack Agricultural Fence Application*

- (h) Whether the land has received an agricultural assessment or has applied for such assessment;
- (i) Prohibition of vegetation on a continuous basis at or near the line of any fence on a public road approved hereunder so that vistas from public roads will not be impeded except as otherwise provided in subsection 245-49(E) below;
- (j) Use of alternative fence materials not requiring a height in excess of 6 feet and allowing public visual access;
- (k) Required renewal of any special exception permit in the event of any change of ownership of the premises or replacement of the operator of a farm by another operator; and
- (l) Compliance with the New York Department of Agriculture and Markets Golden Nematode Containment Quarantine program.

E. Preservation of vistas.

Any provision hereinabove in this section to the contrary notwithstanding, any fence or hedgerow in any residential district or OSC district or agricultural overlay district which shall impede the public view from any road or street of a scenic vista, including, by way of illustration, not limitation, a farm field where development rights have been acquired by any government agency or the farm field is restricted from nonagricultural development, a preserved open space of any kind, a scenic easement or conservation easement, a public property, or any unimproved or improved area similar to the foregoing is prohibited except as may be permitted under this subsection. This subsection does not apply to the planting of crops, e.g. Corn, grapes, and nursery stock maintained using ordinary practices of commercial production.

**I acknowledge that I have read and complied with Section 245-49 (D) & (E) of the Village Code concerning the application for an agricultural fence application.**

\_\_\_\_\_  
**Signature of Applicant/owner**

\_\_\_\_\_  
**Date**