

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Sagaponack will hold a public hearing on the 8th day of February, 2023, 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. 3 OF 2023**

**A LOCAL LAW AMENDING SECTIONS 245-33 REGARDING  
THE APPLICABILITY OF FLOOR AREA REGULATIONS ON  
PERGOLAS.**

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 clarify the application of floor area regulations to structures consisting of parallel colonnades supporting an open roof or girders and cross rafters or a frame structure typically consisting of posts with a latticework roof, in either case commonly called a "pergola."

SECTION 2. AMENDMENT/ENACTMENT.

Village Code Sections 245-33 B(2)(b)[4] is amended and enacted as follows:

- [4] Any structure typically consisting of parallel colonnades supporting an open roof of girders and cross rafters or a frame structure typically consisting of posts with a latticework roof, in either case commonly referred to as a pergola, shall not be included in gross floor area calculations if its the total lot coverage area for all pergolas on the lot, when measured from its their outermost edges is less

\*new language is underlined.

than or equal to 300 square feet ~~or~~ and its height is less than or equal to 10 feet above grade<sup>7</sup>. ~~and~~ Any excess in the lot coverage of ~~a~~ the total pergolas ~~or pergolas~~ greater than 300 square feet and any portion of ~~a~~ any pergola ~~or pergolas~~ in excess of 10 feet in height shall be included in gross floor area calculations as if it were a roofed accessory building and subject to the limitations of Subsection B(2)(b)[3] above.

SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(C)(26).

SECTION 4. 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 5. EFFECTIVE DATE.

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

Attendance at this meeting may be in person or by zoom or telephone. Contact details are available from the Village Clerk's Office.

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: January 11, 2023

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