

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Sagaponack will hold a public hearing on the 12th day of April, 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. 4 OF 2023

**A LOCAL LAW AMENDING SECTION 245-49 (A) (7)
REGARDING GATES AND GATEPOSTS.**

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 prohibit the future construction of gates and gate posts in the village.

SECTION 2. AMENDMENT/ENACTMENT.

Village Code Sections 245-49(A) (7) is amended and enacted as follows:

§ 245-49 (A) (7) GATES AND GATEPOSTS.

(7)

- (i) New gates and gateposts: No residential driveway gates or gateposts shall be installed or erected within the Village on or after the effective date of this chapter.

*new language is underlined.

(ii) Preexisting gates and gateposts: Nonconforming driveway gates and gateposts lawfully preexisting as of the effective date of this chapter may remain after the effective date of this section, however no such lawfully preexisting nonconforming gates or gateposts may be reinstalled if any such driveway gates or gateposts have been destroyed, damaged to the extent that they are not functional, or otherwise removed.

~~(a)~~

~~Gateposts at a driveway entrance or exit may exceed the foregoing height limitation (four feet) but shall not exceed six feet.~~

~~(b)~~

~~Gates at a driveway entrance or exit cannot exceed four feet in the vertical center and, when hung, cannot exceed a height of five feet at the center. Each gate may slope or arc towards the gatepost(s) to a maximum height of six feet, and the width of the gate(s) and/or the distance between the gateposts shall not exceed an aggregate of 25 feet.~~

~~(c)~~

~~Any provision in this chapter or otherwise to the contrary notwithstanding, residential driveway entry gates and/or gateposts are prohibited on both the east and west sides of Sagg~~

~~Main Street south of Montauk Highway as well as each side of those portions of Hedges Lane, Personage Lane, Gibson Lane, Daniels Lane, Sagaponack Road and Bridge Lane which are in the Sagaponack Historic District.~~

~~{Added 4-18-2016 by L.L. No. 3-2016}~~

~~**(d)**~~

~~Any provision in this § **245-49A(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.~~

~~{Added 8-21-2017 by L.L. No. 9-2017}~~

~~**[1]**~~

~~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 and current character of the streetscape, in no event with a setback to the street of less than 20 feet if a lot is 40,000 square feet or less or a setback to the street of less than 40 feet if a lot exceeds 40,000 square feet lot area. Even if an application is in compliance with the foregoing setback requirements, the Architectural and Historic Review Board in all events may condition an approval hereunder upon requiring a greater setback if~~

~~appropriate upon an evaluation under the design standards
in § 245-49A(7)(d)[2] below.~~

~~{Amended 10-21-2019 by L.L. No. 4-2019}~~

~~Design. Design criteria shall by way of illustration, not
limitation, include the following:~~

~~[a]~~

~~Avoidance of excessive ornamentation;~~

~~[b]~~

~~Concealment from public view;~~

~~[c]~~

~~Functionality, without unnecessary design features;~~

~~[d]~~

~~Limited structural and visual mass;~~

~~[e]~~

~~Use of wood, natural and unpainted, except for light stain
or clear finish;~~

~~[f]~~

~~Visual compatibility with surrounding properties, including
whether gate and/or gatepost is a dissimilar use;~~

~~{Added 10-21-2019 by L.L. No. 4-2019}~~

~~[g]~~

~~Harmonious relationship with neighborhood, including
whether the gate and/or gatepost is typical;~~

~~{Added 10-21-2019 by L.L. No. 4-2019}~~

~~**{h}**~~

~~Mitigative impact upon increasing setback from required setbacks;~~

~~{Added 10-21-2019 by L.L. No. 4-2019}~~

~~**{i}**~~

~~Placement at greatest reasonable setback from street, including evaluation of least visual impact on passersby; and~~

~~{Added 10-21-2019 by L.L. No. 4-2019}~~

~~**{j}**~~

~~Necessity (or absence thereof) of gate and/or gatepost for the security of the property.~~

~~{Added 10-21-2019 by L.L. No. 4-2019}~~

~~**{3}**~~

~~Review by Committee. Any review hereunder shall be pursuant to Village Code § **245-74F**.~~

~~{Amended 10-21-2019 by L.L. No. 4-2019}~~

~~**{4}**~~

~~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. 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: March 22, 2023

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