

**PLANNING COMMISSION  
SOUTHAMPTON VILLAGE  
JULY 5, 2018**

Due notice having been given, the public hearing of the Planning Commission for the Village of Southampton was held in the Board room of the Municipal Building, 23 Main Street, NY on Thursday, July 5, 2018 at 5:00PM.

Chair Paul Travis, Marc Chiffert, Edward F. Corrigan and Eldon Scott were present. Robert Essay, Laura Devinney, Edoardo Simioni and Joseph McLaughlin were absent.

Chair opened the meeting.

For discussion was a proposal brought to the Trustees by the Building Inspector and former Village Attorney regarding deer fencing. It's been a big problem for the last ten years or so. In 2012, a law was proposed. At that time there were two concerns, how the fencing would change the look of the Village and that deer fencing would not address the issue of controlling deer. The law was not adopted at that time. In April, the Building Inspector came back and requested the law be considered again. Wayne Bruyn, the Village Attorney, has drafted a law regarding deer fencing and asked the Board to give feedback regarding the situation.

Edward Corrigan is in favor of fencing and possibly culling to handle the deer problem. It is a problem with the whole South Fork.

Eldon Scott is concerned if it will be effective in the smaller streets, he would like landscape screening to be required with a fence. The wording in the draft is not definitive, it is too vague. Gates will be necessary too, so that may change the feel of the neighborhoods on smaller streets. He is also worried that it may solve a problem for one person but not the Village as a whole. He feels it is a balance between controlling the issue and the aesthetics of the Village.

Edward Corrigan noted that he wondered how many people currently hedges had, it may be that fifty percent are hedged currently.

Marc Chiffert mentioned that grating or rollers can be used in lieu of gates to keep properties more open.

Chair stated that many Villages have used six feet as the parameter because it is less of a wall. Marc Chiffert stated that is better because it doesn't trap deer in the fence, as well as having the hedges less high. He added that Cornell University has a program of deer control with DEC involvement may be able to aid in stemming the population.

Chair Travis noted that Hilton Head had an article regarding what they are doing there to stem the problem, chemical sterilization may be a solution. Edward Corrigan noted that they are Islands with the deer population contained, it works for them. However, once they are sterilized they cannot be eaten, with the deer moving around that may not be an option for our area. In the Village there is no legal hunting. Chair Travis stated that the deer have a circuit and they come in from the Town anywhere, they are not Village deer. Chemical sterilization may now work here.

Currently, the code has no provision for front yard fencing. The current provision would allow for a wire fence for deer control only, it would have to be screened with hedges. Edward Corrigan stated that six feet is not high enough, it needs to be eight feet. Eldon Scott also noted that ocean front properties may not be required to plant, we need to make sure that there are not large fences or hedges that will block the beach.

Edward Corrigan stated that the hedges may already have deer fences in them, the hedges already exist so this is a way to manage it. Eldon Scott stated that screening needs to be required if they allow deer fencing. It is not permitted in the current zoning, but people do have them and how do you enforce not having them. They can be hidden in the landscape so there may be more than we think. Chair stated that a hedge along the street that is 8 feet high is visually very high, but 6 feet less so. He thinks several Towns went to 8' and switched to 6' because of unintended consequences. The smaller the street the more dramatic. Potentially they can look at heights per Town. Marc Chiffert stated that in Southampton Town they allow 6' high deer fences with a permit. Edward Corrigan added that Marty Shay, a Town Inspector, believed there was a balance between nature and human needs.

Edward Corrigan stated there were more hunters out here, the residents got tired of hunting because the numbers of deer were so great. Chair Travis stated that development has affected the problem as well.

Evelyn Conrad, South Rosko Drive, feels that deer is an environmental and health hazard and need to be handled on a State level. She doesn't feel that residents will maintain an 8' hedge and she feels the \$500.00 permit fee is ridiculous. She feels the DEC should be involved and that the Trustees compose a letter to them. She feels there is a desperate need for governmental involvement. Regarding the fence, she says plastic does not work. She feels it needs to be 8' metal. It imposes a heavy responsibility on the residents, she feels it will create a hedge wall within the Village. She says this law violates the 116 Law about corner fences, she feels it has unintended consequences.

Candace Post, 420 Hill Street, feels it is health and aesthetic issue. She feels that existing 8' tall privet is part of the Hamptons character already. She's wondering if in the smaller lots the fences can be from the house to the side yard for less visual impact. She feels it is a health issue, she has had two tick bites this year. She has tried many deterrents and she is in favor of the 8' tall fence. She feels the gates are beautiful and people are adding spikes to them because of the deer problem which is detracting from them, so allowing a higher attractive gate may be necessary.

Franklin Fedder, Whitefield resident, they are very in favor of the proposed law. He noted there is another letter from the Building Inspector dated July 3, 2018 that was not available tonight. Chair Travis was not aware of it but received it from him.

Chair Travis read a letter from John Foster, he is in support of the Local Law. In the letter, John Foster stated that the proposal of the law with 8' fence would require hedges to conceal them. He continued that Cornell, citing several studies, has stated that it must be 8' to prevent deer. He urged the Board to recommend to the Trustees that they enact the Law. Chair Travis stated he would get a copy of the letter and handed it back to Mr. Fedder.

Franklin Fedder felt the legislation draft was not clear that a fence and hedge are required together. Under the existing lots, 8' gates are acceptable but must go before the ARB, as he reads that letter the hedging is required the statute takes care of that. The Law is not mandatory, it is voluntary to permit those who want to obtain it. The current landscaping at Whitefield has been destroyed by the deer. The owners, 25 units, have small backyards, it is impossible to have any plantings. He was also concerned about the health problem with ticks. The deer are dangerous as well for driving in the Village. He feels that there is not an option for 6' or 8' feet fence, it needs to be 8'. There 6' fence is in the hedge but is useless. He had four studies from Cornell that show that there must be 8' fences to control deer infiltration.

Chair Travis stated that everyone agreed 8' is needed to keep out deer, however, a 6' or 7' fence is a deterrent. It also may be a burden on less affluent homeowners because once everyone has a choice and many act on it, it may be that everyone will have to do it, so they do not become inundated by deer.

Marc Chiffert stated Whitefield is a large area so completely enclosing with 8' may make more problems. Franklin Fedder stated that solutions are great but there needs to be an expedient option because it is such a problem. Edward Corrigan stated that it may cut it down from 3 to 2 jumping the fence. Edward Corrigan agrees with him, he wants the Village to allow 8' but 6' to 7' does deter deer.

Chair Travis stated that the traffic issue really cannot be studied, however, once there is fencing they may choose to go in the street more. He stated they have some responsibility to make sure that they don't create a problem with the law that they support. It's not traffic control it is vision control the Village is concerned about.

Eldon Scott asked how substantial the visual effect of 6' versus 8'. Chair Travis and Marc Chiffert stated that it is substantial. The limit for the hedge height in the Village is 6' currently but not enforced. Eldon Scott is concerned that the ARB load will be greater with the request for gates since they are subject to the approval of the Board. Eldon Scott has a friend that has two low fences that work not to allow the deer to jump. He felt that may be a good option for the ocean front lots since they can be lower and won't block sight lines.

Eric Winkler, John Street, wanted to emphasize that he feels it is a partial solution. There are just too many deer in the Village, fences alone will not solve the problem. It needs to be comprehensive or multi-prong approach. He feels that it is an emotional issue and has pros and cons. He also feels this is being discussed without all the facts. E. Winkler asked if there has been a study of the deer?

Chair Travis stated that there was a study several years ago that was a census of all the deer. The pattern of development is changing their environment so it is not clear if there are more or that they have shifted. The same population is getting pushed around. Fencing may not take away the problem, it will just shift the problem. Marc Chiffert stated they need more facts. E. Winkler stated that the deer are not endangered so they are not counted. He tried all sorts of things to stem the deer and spends hundreds of dollars each year. He feels the solution is culling them. He stated maybe CPF funding could help with a deer population problem. In terms of the desired aesthetics, he stated why would an 8' attractive fence not be allowed. There could be an attractive fence subject to approval. Eric Winkler stated the deer are a traffic concern. Finally, he encouraged that Board to do something and act on the proposed law.

Chair Travis stated to summarize, there is no opposition to a deer fence law, however, it may need further study. The 8' on the side and back yard may not be an issue but the 6' on the front may be a concern. He also made clear to the audience that they need to be clear that the fence law is not the solution, maybe culling is an option. Evelyn Conrad said to sue the State to bring it to their attention. Chair Travis wondered whether they can pass this with a sunset clause so that they can revisit it if the Law does not work as drafted. Can they pass a resolution that they are in favor of the law? Marc Chiffert wants an Environmental Consultant to recommend other solutions and study the deer. Possibly moving or culling the deer can help. The fence will not solve the problem. Chair Travis stated that North Haven has been using culling and it has reduced the problem.

Chair Travis stated that when they pass code, they don't want to create a bigger problem. This will not solve the deer problem. Marc Chiffert stated that seeing into Whitefield or other yards is what makes the Village attractive.

**The Board's position to the Trustees is in favor of a deer fence law, 8' on rear and side yards and more study regarding 8' on front. They will need a study on management of the deer as well to help the problem. Knowing the number of deer will help in determining the impact. Eldon Scott wants clarification of landscape and fence being required together, the wording needs to be must not may.**

On Vote: Chair Travis, Eldon Scott, Edward F. Corrigan and Marc Chiffert

One other topic that needs to be handled with expediency, in 2007 drafting of the comprehensive code, the Trustees on advice of the Commission permitted a detached garage to be within 5' of the property line. It created a pattern that kept the houses apart from each other and it made for the aesthetic we currently enjoy in the Village. In 2017, they amended the setback rule as part of the new zoning law. Unbeknownst to the Commission, the then Village Attorney omitted from the code the provision of allowing the 5' detached garage. The Chair wants to propose an amendment to the code that they allow a detached garage 5' from property line.

**Vote to amend the current code to allow the detached garage from 5' from the property line not the needed 15'.**

On Vote: Chair Travis, Eldon Scott, Edward F. Corrigan and Marc Chiffert

Respectfully Submitted by:

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JoLee Sanchez  
File Date: \_\_\_\_\_

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Village Clerk