

# horses in the hamptons



On December 10, 2009 many media outlets reported that Madonna was buying a Bridgehampton horse farm from photographer Kelly Klein. As a Licensed Real Estate Instructor, I identified this purchase as a teaching moment to educate Hamptonite

equestrians about the legal issues involved in purchasing property for such a purpose. As a disclaimer, I have no involvement in this transaction and only point to same for the purposes of illustration. Yet, if my law firm did represent Madonna, the immediate issue presented would be if the subject property was appropriately zoned for her intended use.

In addressing this issue, I would first identify that the property is located within Bridgehampton and therefore would know that the subject property was located within one of the 19 hamlets of the Town of Southampton. As a derivative of same, I would know that no village code pertains to the subject property because a property is either located within a Hamlet, which is not incorporated and has no local zoning laws, or a Village, which is incorporated and has local zoning laws that supersede a Town's code with respect to same, but not both. Consequently, I would know to look to Southampton's Town Code to address the issue.

With respect to Southampton's Town Code, section 330 is entitled "Zoning." Therein, the Code contains a plethora of defined Land Uses within section 330-5, including the applicable category of "Horse Farm, Horse Stabling Facility or Horseback Riding Academy" (hereinafter "horses"), which is defined as: "A facility, being a land use together with buildings and accessory structures, designed and used for the boarding, breeding, raising, training or stabling of four or more horses or other equines, as either a commercial or noncommercial (private) enterprise."

Next I would recognize that Madonna's intended use is not generally one that is permissible everywhere throughout a Town. A Town is subdivided into sections, with varying permissible uses. Such subdivisions are designated as Districts, which are distinguished by way of a zoning map as prescribed by the

Town. Thereafter, I would identify the District of the property by looking on the property's tax bill, contacting the Town, or analyzing the applicable zoning map.

Here, I analyzed the applicable zoning map and learned that the subject parcel is located within District CR-80. Thereafter, I located the "Residence Districts Table of Use Reg." at Ch 330 330a, within the Code and determined the uses permitted within District CR-80. I learned that horses are only permitted within the subject property with a special exemption.

The requirements for a special exemption can be found at section 330-162.1 of the Code. Approval is granted by way of the issuance of a building permit by the Planning Board. Therefore, I would determine if prior approval existed in facilitating this transaction, but for purposes of this article, I assume no such approval in order to illustrate the difficulty the reader may face in seeking same. Approval generally requires a lot to be at least 10 acres. Next, the number of horses intended to be kept at the subject property are of issue because approval requires the existence of 30,000 square feet of open area space per horse for the first 15 acres of property and 20,000 per horse for acreage thereafter. Next, approval requires an appropriate outermost fence to enclose the horses. Thereafter, approval requires that the accumulation of manure would transpire at least 50 feet away of any side or rear lot line and 100 feet of any front lot line. After that, I would utilize a survey of the property to determine what accessory structures exist, such as an indoor training track or exercise ring, because approval also requires that those structures meet specifications. As the reader can see, without prior approval, there are many hurdles to operating a residential horse stable, so much so that even the architectural style of the stable

and the topography of the land are applicable determinative facts for the Planning Board. The lesson of this article is that without prior approval, a purchaser of a horse farm should not presume that the farm is permissible at the site.



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