

## Village of Southampton

23 MAIN STREET  
SOUTHAMPTON, NY 11968-4899

Phone: 631.283.0247

Fax: 631.283.4990

Website: [www.southamptonvillage.org](http://www.southamptonvillage.org)

MEMORANDUM FOR: NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

SUBJECT: Local Law #15-2024

DATE: April 23, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #15-2024. All support documentation is provided. Please reach out to [csweeney@southamptonvillage.org](mailto:csweeney@southamptonvillage.org) or contact 631.332.1050 should any questions or concerns arise.

Kind Regards,

Cathy M. Sweeney  
Village Clerk  
Incorporated Village of Southampton

# Local Law Filing

## Instructions

New York State Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001  
www.dos.ny.gov

### PLEASE OBSERVE THESE INSTRUCTIONS FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original certified copy.
3. Each local law shall be filed on a form provided by the Department of State. If additional pages are required, they must be the same size as the form. Typewritten copies of the text may be attached to the form. Only legible copies will be accepted.
4. File only the number, title and text of the local law.
5. In the case of a local law amending a previously enacted local law, the text must be that of the law as amended. Do not include any matter in brackets, with a line through it, italicized or underscored to indicate the changes made. The printed number of the bill and explanatory matter must be omitted.
6. For the purpose of filing a local law with the Department of State, number each local law consecutively, beginning with the number one for the first local law filed in each calendar year. The next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption. The date of filing of a local law is the date on which the local law is placed on file by the Department.

It is suggested that municipalities use introductory identifying bill numbers for proposed local laws. After the local law is enacted (and approved by the voters, if required), the local law should then be numbered with the next consecutive local law number, as described above, and then submitted to the Department for filing.

7. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. Certification forms are provided herewith.
8. A copy of each local law may be mailed or delivered to:  
NYS Department of State  
Division of Corporations, State Records and Uniform Commercial Code  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231.

**(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)**

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Southampton

Local Law No. 15 of the year 2024

A local law amending Chapter 116-9.1 to restrict basements and cellars to the footprint of the first floor  
(Insert Title)  
of a dwelling as recommended by the 2022 revision to the Village's Comprehensive Plan.

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Southampton as follows:

adding CHAPTER 116 -9.1 to restrict basements and cellars to the footprint of the first floor of a dwelling as recommended by the 2022 revision to the Village's Comprehensive Plan

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

2024 CMS.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 15 of 20<sup>1</sup> of the (County)(City)(Town)(Village) of Village of Southampton was duly passed by the Board of Trustees on April 23 20<sup>1</sup>, in accordance with the applicable provisions of law.

2024 CMS

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the and was deemed duly adopted on 20, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved) (repassed after disapproval) by the on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

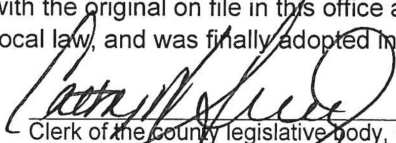
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

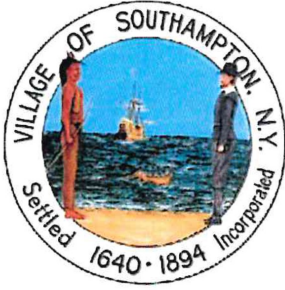
**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 25, 2024

(Seal)



# Village of Southampton

23 MAIN STREET  
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247

Fax: (631) 283-4990

Website: [www.southamptonvillage.org](http://www.southamptonvillage.org)

## Resolution

2024-161

4/23/2024

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**Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law adding CHAPTER 116 -9.1 to restrict basements and cellars to the footprint of the first floor of a dwelling as recommended by the 2022 revision to the Village's Comprehensive Plan; and**

**WHEREAS, the Village of Southampton's Planning Director, has conducted a review of the proposed action and**

**WHEREAS the matter was referred to the Suffolk County Planning Commission for review pursuant to General Municipal Law section 239-m; and**

**WHEREAS, on April 9, 2024, the Suffolk County Planning Commission staff issued a letter of local determination; and**

**WHEREAS, a public hearing was held by the Village Board of Trustees on April 11, 2024, at which time all persons either for or against said amendment were heard; and**

**WHEREAS, the public hearing was closed but the record was kept open for ten (10) days to receive additional written comment; and**

**WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered an "Unlisted Action" under 6 NYCRR Part 617.4 provisions of the New York State Environmental Quality Review Act (SEQRA); and**

**WHEREAS, the Southampton Village Planning Director, prepared a Short Environmental Assessment Form Parts I and a Full EAF Form Part 2 dated April 1, 2024 which identified no, or small impact may occur and a Full EAF Form Part 3 which determined there would be no significant adverse impacts on the environment;**

**NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby assumes Lead Agency status as there are no other involved agencies and issues a Negative Declaration pursuant to SEQRA as there are no significant negative environmental impacts anticipated by this zoning amendment; and be it**

**FURTHER RESOLVED, that Local Law No. 15 of 2024 is hereby adopted.**

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**Department:**  
**Category:**

Village Hall  
Public Hearing

**Sponsors:**  
**Functions:**

### Financial Impact

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### Body

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### Voting

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Motioned: William Manger

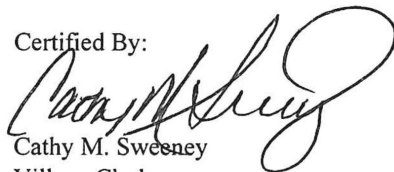
Seconded: Gina Arresta

Y: William Manger, Gina Arresta, Robin Brown, Roy Stevenson, Leonard Zinnanti

N: None

A: None

Certified By:



Cathy M. Swesney

Village Clerk

Incorporated Village of Southampton

**NOTICE OF ADOPTION OF A LOCAL LAW  
ADDING CHAPTER 116 -9.1 TO RESTRICT BASEMENTS AND CELLARS TO THE  
FOOTPRINT OF THE FIRST FLOOR OF A DWELLING AS RECCOMENDED BY THE  
2022 REVISION TO THE VILLAGE’S COMPREHENSIVE PLAN**

WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law adding CHAPTER 116 -9.1 to restrict basements and cellars to the footprint of the first floor of a dwelling as recommended by the 2022 revision to the Village’s Comprehensive Plan; and

WHEREAS, the Village of Southampton’s Planning Director, has conducted a review of the proposed action and

WHEREAS the matter was referred to the Suffolk County Planning Commission for review pursuant to General Municipal Law section 239-m; and

WHEREAS, on April 9, 2024, the Suffolk County Planning Commission staff issued a letter of local determination; and

WHEREAS, a public hearing was held by the Village Board of Trustees on April 11, 2024, at which time all persons either for or against said amendment were heard; and

WHEREAS, the public hearing was closed but the record was kept open for ten (10) days to receive additional written comment; and

WHEREAS, the Board of Trustees of the Village of Southampton has determined that this proposed local law is considered an “Unlisted Action” under 6 NYCRR Part 617.4 provisions of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Southampton Village Planning Director, prepared a Short Environmental Assessment Form Parts I and a Full EAF Form Part 2 dated April 1, 2024 which identified no, or small impact may occur and a Full EAF Form Part 3 which determined there would be no significant adverse impacts on the environment;

NOW THEREFORE BE IT RESOLVED that the Village Board of Trustees hereby assumes Lead Agency status as there are no other involved agencies and issues a Negative Declaration pursuant to SEQRA as there are no significant negative environmental impacts anticipated by this zoning amendment; and be it

FURTHER RESOLVED, that Local Law No. 15 of 2024 is hereby adopted as follows:

**LOCAL LAW NO. 15 OF 2024**

A LOCAL LAW Adding Chapter 116 -9.1 to the Village Code of Southampton to restrict basements and cellars to the footprint of the first floor of a dwelling as recommended by the 2022 Revision to The Village’s Comprehensive Plan.”



**SECTION 1. AMENDMENT**

Village Code § 116-9.1 of the Village Code of the Village of Southampton is hereby added to the Code by adding the underlined words:

**116-9.1 Basements and Cellars**

A. Except as set forth in paragraph B below, basements and cellars may not extend beyond the building footprint of the first floor of a dwelling; basements and cellars are further not allowed below any portion of a dwelling that extends into required setbacks.

B. Window wells, staircases and egress window wells which serve a basement or cellar may extend beyond the first-floor footprint up to a maximum of four (4) feet.

**Section 2. AUTHORITY**

The proposed Local Law is enacted pursuant to NYS Village Law 70700, as well as Municipal Home Rule Law §10(1)(ii)(a)(11) and (12).

**Section 3. APPLICABILITY**

The proposed Local Law shall not apply to any application which was made and is pending or in the approval process as of the effective date of the law.

**Section 4. SEVERABILITY**

If any clause, sentence, paragraph or part of this Local Law, or the application thereof to any person, firm or corporation, or circumstance shall be judged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect or impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law, or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

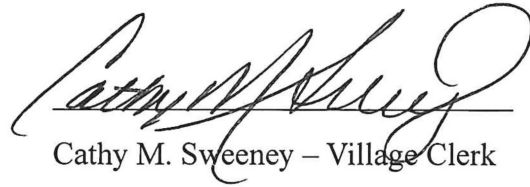
**Section 5. EFFECTIVE DATE**

This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Municipal Home Rule.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
<u>  Y</u>	_____	Mayor Manger	<u>  Y</u>	_____	Trustee Stevenson
<u>  Y</u>	_____	Trustee Arresta	<u>  Y</u>	_____	Trustee Zinnanti

Y \_\_\_\_\_ Trustee Brown

Dated: April 23, 2024



Cathy M. Sweeney – Village Clerk

BY ORDER OF THE BOARD OF TRUSTEES  
VILLAGE OF SOUTHAMPTON  
CATHY SWEENEY, VILLAGE CLERK