

Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NY 11968-4899

Phone: 631.283.0247

Fax: 631.283.4990

Website: 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 #16-2024

DATE: April 23, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #16-2024. All support documentation is provided. Please reach out to 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. 16 of the year 20²⁴

A local law amending Chapter 116-17.1 to include certain structures in the calculation of a lot's gross
(Insert Title)
floor area and coverage 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:

amending Chapter 116 -17.1 to include certain structures in the calculation of a lot's gross floor area and coverage 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.)

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

I hereby certify that the local law annexed hereto, designated as local law No. 16 of 20ⁱ 2024 CMS of the (County)(City)(Town)(Village) of Village of Southampton was duly passed by the Board of Trustees on April 23 20ⁱ 2024 CMS, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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 _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (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.)

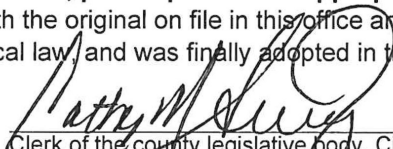
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.)

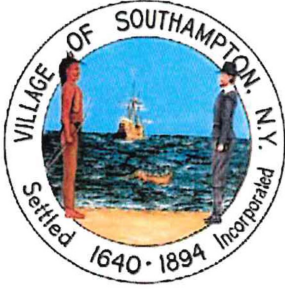
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

Resolution

2024-163

4/23/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law amending Chapter 116 -17.1 to include certain structures in the calculation of a lot's gross floor area and coverage 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. 16 of 2024 is hereby adopted.

Department:
Category:

Village Hall
Public Hearing

Sponsors:
Functions:

Financial Impact

Body

Voting

Motioned: William Manger

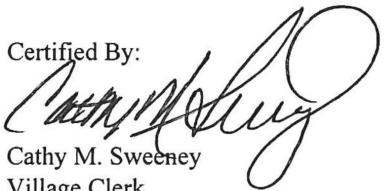
Seconded: Gina Arresta

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

N: None

A: None

Certified By:


Cathy M. Sweeney
Village Clerk

Incorporated Village of Southampton

**NOTICE OF ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 116 -17.1 TO INCLUDE CERTAIN STRUCTURES IN THE
CALCULATION OF A LOT'S GROSS FLOOR AREA AND COVERAGE 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 amending Chapter 116 -17.1 to include certain structures in the calculation of a lot's gross floor area and coverage 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. 16 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 16 OF 2024

A LOCAL LAW amending Chapter 116-17.1 of the Village Code of Southampton to A Local Law amending Chapter 116-17.1 of the Village Code of Southampton to include certain

structures in the calculation of a lot's Gross Floor Area and Coverage as recommended by the 2022 revision to the Village's Comprehensive Plan.”

SECTION 1. LEGISLATIVE INTENT

Throughout the 2022 comprehensive planning process, an interest was expressed to limit teardowns, in particular, of older homes in the Village. Residents have indicated that teardowns are a serious issue, as new homes tend to maximize building envelopes on the property, resulting in buildings that are out of scale with older and more modest homes. The Comprehensive Plan document recommended the changes herein to help maintain neighborhood scale and prevent oversized buildings.

SECTION 2. AMENDMENT

Village Code § 116-17.1 of the Village Code of the Village of Southampton is hereby amended by adding the underlined words and deleting the strikethroughs:

§ 116-17.1 **Maximum gross floor area of dwellings in certain residence districts (R-120, R-80, R-60, R-40, R-20, R-12.5, R-7.5 and MF-20).**

A. As used herein, the term "gross floor area of a ~~dwelling~~ building" shall include the total gross horizontal area of all floors of a ~~dwelling~~ building measured to the exterior of the outside walls, including the horizontal floor area of any enclosed breezeway-type structure that is part of the dwelling and the horizontal floor area of any enclosed porch, but excluding the following:

- (1) The floor area of a cellar shall be excluded in calculating the gross floor area.
- (2) The floor area of a half story shall be excluded in calculating the gross floor area to the extent that the half story has a ceiling height of at least 7 1/2 feet over not more than 1/3 of the total floor area of the half story. If the half story has a ceiling height of at least 7 1/2 feet over more than 1/3 of the total floor area of the half story, the excess (the portion of the floor area having a ceiling height of at least 7 1/2 feet which exceeds 1/3 of the total floor area of the half story) shall be included in calculating the gross floor area.
- (3) Any floor area under the roof of a roofed porch, deck, patio, balcony or similar roofed structure attached to the dwelling shall be excluded in calculating the gross floor area, provided that the roofed porch, deck, patio, balcony or similar roofed structure is not enclosed so as to be habitable space.
- (4) The floor area of a garage that is part of the dwelling shall be excluded to the following extent in calculating the gross floor area:

(a) In districts requiring 20,000 square feet of lot area or less, the floor area of such garage shall be excluded to the extent of ~~520~~ 260 square feet. (If the floor area of such garage exceeds ~~520~~ 260 square feet, the excess shall be included in calculating the gross floor area.)

(b) In districts requiring more than 20,000 square feet of lot area, the floor area of such garage shall be excluded to the extent of ~~800~~ 400 square feet. (If the floor area of such garage exceeds ~~800~~ 400 square feet, the excess shall be included in calculating the gross floor area.)

B. In any room in a building where the ceiling height exceeds 16', the floor area shall be doubled when calculating the gross floor area.

~~B.~~ ~~The maximum gross floor area of a dwelling within the R-120, R-80 and R-60 Residence Districts shall be 10% of the lot area of the lot, plus 1,500 square feet.~~

C. In the case of a lot where the maximum gross floor area limitation calculated pursuant to Subsection ~~B~~ ~~above or~~ Subsection ~~E~~ below would permit the buildings on a lot to have an aggregate gross floor area in excess of 18,000 square feet ~~a dwelling having more than 18,000 square feet of gross floor area~~, the maximum gross floor area limitation applicable to all buildings on such lot shall be an aggregate of 18,000 square feet. It is the intent of this provision that, notwithstanding Subsection ~~B~~ ~~above or~~ Subsection ~~E~~ below, the aggregate gross floor area of a dwelling ~~all buildings on a lot shall not exceed 18,000 square feet under any circumstance.~~

D. Gross floor area shall be calculated and certified as correct by a New York State licensed architect, professional engineer, or surveyor.

E. The maximum gross floor area of a dwelling within the R-120, R-80, R-60, R-40, R-20, R-12.5 and R-7.5 Residence Districts and the MF-20 Multi-Family Residence District shall be 10% of the lot area of the lot, plus 1,500 square feet, less the total gross floor area of accessory buildings on the lot calculated in accordance with the following provisions.

(1) In calculating the total gross floor area of accessory buildings on the lot, the floor area of a detached garage without any living area shall be excluded to the following extent:

(a) In districts requiring 20,000 square feet of lot area or less, the floor area of such detached garage shall be excluded to the extent of 520 square feet. (If the floor area of such garage exceeds 520 square feet, the excess shall be included in calculating the gross floor area.)

(b) In districts requiring more than 20,000 square feet of lot area, the floor area of such garage shall be excluded to the extent of 800 square feet. (If the floor area of such garage exceeds 800 square feet, the excess shall be included in calculating the gross floor area.)

(2) The exclusion from gross floor area of a dwelling set forth in Subsection **A(4)** above for a garage that is part of the dwelling shall not be applicable in the case of a lot which utilizes the exclusion for a detached garage set forth in Subsection **E(1)** above. In the case of a lot which utilizes the exclusion for a detached garage set forth in Subsection **E(1)** above, the entire floor area of a garage that is part of the dwelling shall be included in calculating the gross floor area of the dwelling.

(3) It is the intent of this Subsection **E** to reduce the maximum gross floor area of dwellings in the R-120, R-80, R-60, R-40, R-20, R-12.5 and R-7.5 Residence Districts and the MF-20 Multi-Family Residence District by the total gross floor area of accessory buildings on the lot calculated as herein set forth.

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. 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 5. 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 6. 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