

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 #20-2024

DATE: May 31, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #20-2024. 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. 20 of the year 20²⁴

A local law amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review)
(Insert Title)
and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code

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

County City Town Village
(Select one:)

of Southampton as follows:

A local law amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review), and

Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village.

(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. 20 of 2024 of the (County)(City)(Town)(Village) of Village of Southampton was duly passed by the Board of Trustees on May 21, 2024, 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 *(Elective Chief Executive Officer*)* 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.)

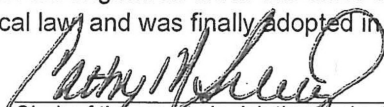
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: May 31, 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 2024-195 4/11/2024

Information: PLEASE TAKE NOTICE, that a public hearing shall be held as a Hybrid In-Person/ZOOM Meeting on May 9, 2024 at 6:00 p.m. in the Village Meeting Room at the Southampton Village Hall, located at 23 Main Street Southampton, New York 11968 to hear any and all persons either for or against a proposed local law entitled "A LOCAL LAW amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review) and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village."

Department:	Village Hall	Sponsors:
Category:	Resolutions	Functions:

Financial Impact

Body

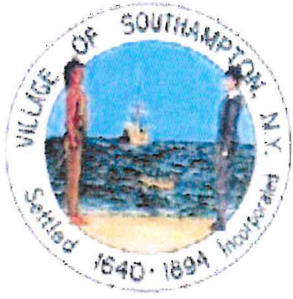
Voting

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



Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247
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Website: www.southamptonvillage.org

VILLAGE ADMINISTRATOR/TREASURER
ANTHONY M. CARTER

SENIOR BUILDING INSPECTOR
CHRISTOPHER M. TALBOT

VILLAGE CLERK
CATHY M. SWEENEY

VILLAGE ATTORNEY
EILEEN A. POWERS, ESQ.

MAYOR
WILLIAM MANGER, JR.

TRUSTEES
GINA S. ARRESTA
ROBIN BROWN
ROY STEVENSON
LEONARD ZINNANTI

Village of Southampton Notice of Public Hearing Before the Board of Trustees

PLEASE TAKE NOTICE, that a public hearing shall be held as a Hybrid In-Person/ZOOM Meeting on May 9, 2024 at 6:00 p.m. in the Village Meeting Room at the Southampton Village Hall, located at 23 Main Street Southampton, New York 11968 to hear any and all persons either for or against a proposed local law entitled "A Local Law Amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review) and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village."

Copies of the proposed law, sponsored by Mayor William Manger, Jr., are on file in the Village Clerk's Office, Monday through Friday from 9:00 a.m. to 4:00 p.m.

Cathy M. Sweeney, Village Clerk

Village of Southampton
23 Main St.
Southampton, N.Y 11968
631-283-0247 Ext. 328
csweeney@southamptonvillage.org

posted: April 15, 2024 1040L



Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247

Fax: (631) 283-4990

Website: www.southamptonvillage.org

Resolution

2024-292

5/21/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law Amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review) and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village.; 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 May 7, 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 May 9, 2024, at which time all persons either for or against said amendment were heard; 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 Part I dated May 1, 2024 and a Full EAF Form Part 2 dated May 9, 2024 and signed May 21, 2024, which identified no, or small impact may occur and a Full EAF Form Part 3 dated May 9, 2024 and signed May 21, 2024, 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. 20 of 2024 is hereby adopted.

Department:

Village Hall

Sponsors:

Category:

Resolutions

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

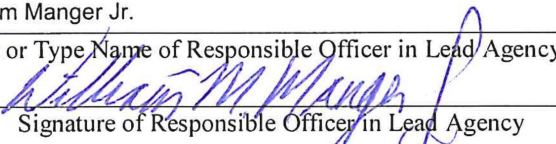
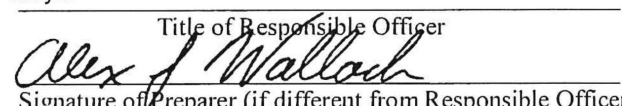
Incorporated Village of Southampton

Project:	LL: Regulation of Fill
Date:	05/09/2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law regulating the importation, exportation, and excavation of fill material within Southampton Village has been drafted to help minimize adverse environmental impacts. By requiring site plan approval for such activities, the law ensures thorough review by the Planning Board, allowing for the assessment of potential impacts on soil quality, drainage patterns, and overall environmental integrity. The inclusion of limitations on fill placement, exemptions for certain activities, and the requirement for detailed applications, including engineering assessments and environmental considerations, underscores the commitment to responsible land use practices. Southampton Village, as the lead agency, has determined that individual applications made to the Planning Board under this section will be subject to SEQRA environmental review, enabling evaluation of any potential impacts and the implementation of mitigation measures where necessary. Through these measures, the proposed action is expected to have minimal adverse environmental effects, promoting sustainable development and the preservation of Southampton Village’s natural resources.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Village of Southampton Board of Trustees <hr/> Name of Lead Agency	05/09/2024 05/21/2024 <hr/> Date
William Manger Jr. <hr/> Print or Type Name of Responsible Officer in Lead Agency	Mayor <hr/> Title of Responsible Officer
 <hr/> Signature of Responsible Officer in Lead Agency	 <hr/> Signature of Preparer (if different from Responsible Officer)

Project:	LL: Regulation of Fill
Date:	05/09/2024

**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**NOTICE OF ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 116-2 (DEFINITIONS AND WORD USAGE), CHAPTER 116-38
(SITE PLAN REVIEW) AND ADDING CHAPTER 116-18.2 (IMPORTATION AND
EXPORTATION OF FILL) TO THE VILLAGE CODE OF SOUTHAMPTON TO LIMIT
AND REQUIRE A PERMIT AND/OR SITE PLAN APPROVAL FOR THE
IMPORTATION, EXPORTATION OR EXCAVATION OF FILL TO OR FROM
PROPERTIES WITHIN THE VILLAGE**

WHEREAS, the Board of Trustees of the Village of Southampton is considering A Local Law Amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review) and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village.; 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 May 7, 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 May 9, 2024, at which time all persons either for or against said amendment were heard; 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 Part I dated May 1, 2024 and a Full EAF Form Part 2 dated May 9, 2024 and signed May 21, 2024, which identified no, or small impact may occur and a Full EAF Form Part 3 dated May 9, 2024 and signed May 21, 2024, 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. 20 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 20 OF 2024

A LOCAL LAW Amending Chapter 116-2 (Definitions and Word Usage), Chapter 116-38 (Site Plan Review) and Adding Chapter 116-18.2 (Importation and Exportation of Fill) to the Village Code of Southampton to Limit and Require a Permit and/or Site Plan Approval for the Importation, Exportation or Excavation of Fill to or from Properties within the Village.

SECTION 1. AMENDMENT: Chapter 116-2 (Definitions and Word Usage) of the Village Code of the Village of Southampton is hereby amended by adding the underlined words:

EXCAVATION

The extraction, removal or stripping of material from the ground or the breaking of the surface soil in order to facilitate or accomplish the removal, extraction or stripping of fill.

EXPORTATION

The act of causing fill as defined herein to be removed from a parcel of real property located within the Village and transported to another parcel of real property located outside of the Village.

FILL

Topsoil, loam, earth, sand and/or gravel or any similar material.

IMPORTATION

The act of causing fill as defined herein to be brought to a parcel of real property located within the Village which originated from another parcel of real property located either inside or outside of the Village.

SECTION 2. AMENDMENT: The Village Code of the Village of Southampton is hereby amended by adding the underlined words:

§ 116-38 SITE PLAN REVIEW.

A. Applicability of site plan procedure and standards. Except where provided in this section, an application for a building permit for any use, building or structure, except one-family dwellings or agricultural buildings and structures, shall require site plan approval by the Planning Board. In addition, the importation, exportation or excavation of fill, as set forth in 116-18.2, shall require site plan approval by the Planning Board pursuant to this section. In all cases where site plan approval is required by this section, no building permit shall be issued by the Building Inspector except upon authorization of and in conformity with plans approved by the Planning Board.

SECTION 3. AMENDMENT: The Village Code of the Village of Southampton is hereby amended by adding the underlined words:

Chapter 116-18.2 IMPORTATION, EXPORTATION OR EXCAVATION OF FILL

A. Limitation on the importation of, and/or excavation and placement of fill.

1. Notwithstanding anything to the contrary herein or elsewhere in the Village Code, the importation of, and/or excavation and placement of fill, shall not be permitted:

(i) On properties over 40,000 feet in size, on the first twenty (20) feet around the perimeter of the property;

(ii) On properties 40,000 feet in size or less, on the first five (5) feet around the perimeter of the property.

(2) This section shall not be construed to prevent excavation for the creation of a swale to convey and treat stormwater runoff.

B. Site plan approval required. Except to deposit and grade soil excavated at a site incident to any lawful construction which does not change the natural grade or existing topographical elevation of the property or existing surface water runoff, the placement, deposit, excavation or importation of fill shall require site plan approval from the Planning Board in accordance with §116-38 of the Village Code.

C. Fill permit required. The exportation of fill shall require an exportation permit from the Building Inspector.

D. Exemptions. Site Plan approval and/or a fill permit is not required for any of the following:

(1) Dredging of a waterway pursuant to all required regulatory approvals.

(2) Any activity for which a waiver of fill permit is granted by the Zoning Board of Appeals upon an express finding that regulation of such activity is outside the purpose of enactment of this section.

(3) Removal, cleanup and/or remediation of contaminated soil required by order of a federal or state agency pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 or similar statute or regulation.

E. Applications. Any application for a fill permit or Site Plan approval under §116-38, for activities regulated by this section, shall include at least the following:

(1) A detailed statement of the proposed work, the proposed excavation or importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and proposed topography of said plot or premises when the work is completed.

(2) An estimate prepared by a licensed engineer of the total volume of fill proposed to be excavated, or imported to the property.

(3) The elevations of all abutting properties to the extent available and to the extent necessary to indicate the existing drainage condition and its relationship to the subject property.

(4) A duly acknowledged consent of the owner of the premises, including addresses.

(5) Where the application pertains to land used in agricultural production, the application must be referred to the Commissioner of Agriculture and Markets of the State of New York or his or her duly appointed agent or representative to ascertain that any fill to be exported is apparently free from golden nematode or similar condition.

(6) The purpose of the proposed excavation or importation.

(7) The groundwater level at the location as determined by a current test well or boring.

(8) The procedures whereby dust or other fugitive or windborne materials shall be controlled.

(9) A current site plan including such topographical data as required by the Planning Board.

(10) A statement by a licensed engineer attesting that there will be a minimum of 2-inch storm water retention on the property.

F. Standards of review. The Planning Board, upon any review of an application hereunder, must affirmatively find that the importation of fill shall not cause damage to Village roads or other Village resources; the placement of any fill shall not cause adverse changes in existing surface water runoff patterns; any change in topography resulting from the placement or removal of fill shall be necessary to the reasonable development of the site; and granting of any approval of a permit hereunder shall achieve a harmonious balance between existing site topography and any development activity at said site.

G. Fee. Except as amended by resolution of the Board of Trustees, and in addition to any other fee required, the fee for the importation or exportation of fill shall be \$10 per cubic yard of fill imported or exported. The fee for the exportation of fill shall be calculated by the Building Inspector based on an estimate, prepared on behalf of the applicant by a licensed engineer, of the total volume of fill to be exported. The fee for the importation of fill shall be based upon the amount to be imported to the property. The Building Inspector, in his or her discretion, may issue a one-time waiver of the fee for the exportation of up to 600 cubic yards of fill. Any payment of a fee shall be subject to a supplemental payment in the event that an Engineer retained by the Village determines that the applicant's statement or estimate of cubic yards was

inaccurate and/or understated. The payment of these fees shall occur upon the filing of either a site plan or, fill permit, application for activities regulated by this section.

SECTION 4. AUTHORITY

The proposed Local Law is enacted pursuant to NYS Village Law 7-700, 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
<u>Y</u>	_____	Trustee Brown			

Dated: May 21, 2024



Cathy M. Sweeney – Village Clerk

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