

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 #27-2024

DATE: August 1, 2024

On behalf of the Incorporated Village of Southampton, please accept this request of Local Law #27-2024. 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. 27 of the year 2024

A local law Amend Village Code Chapter 116-24 of the Village Code (Board of Appeals; Organization
(Insert Title)
and General Procedure) to Amend the Process for Issuing ZBA Decisions.

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

County City Town Village
(Select one.)

of Southampton as follows:

Local Law 27-2024, the proposal to amend Village Code Chapter 116-24 of the Village Code (Board of Appeals; Organization and General Procedure) to Amend the Process for Issuing ZBA Decisions.

(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. 27 of 2024 of the (County)(City)(Town)(Village) of Southampton was duly passed by the Board of Trustees on July 23 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

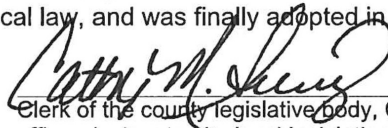
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

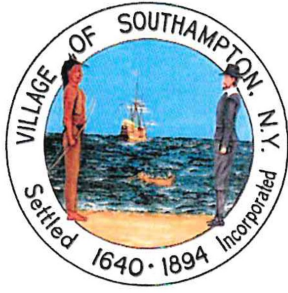
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

Date: August 1, 2024

(Seal)



Village of Southampton

23 MAIN STREET
SOUTHAMPTON, NEW YORK 11968-4899

Phone: (631) 283-0247

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Resolution

2024-373

6/25/2024

Information: BE IT HEREBY RESOLVED, that the Village Board hereby directs that a public hearing shall be held as a Hybrid In-Person/ZOOM Meeting on July 11, 2024 at 6:00 p.m. at 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 116-24 of the Village Code (Board of Appeals; Organization and general procedure) to Amend the process for Issuing ZBA Decisions, which provides as follows:

LOCAL LAW NO. 27 OF 2024

A LOCAL LAW amending Chapter 116-24 (Board of Appeals; Organization and general procedure) to Amend the process for Issuing ZBA Decisions.

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

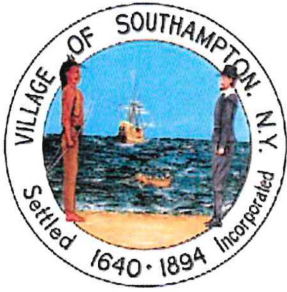
A: None

Certified By:

Cathy M. Sweeney

Village Clerk

Incorporated Village of Southampton



Village of Southampton

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Resolution

2024-472

7/23/2024

Information: WHEREAS, the Board of Trustees of the Village of Southampton is considering “a Local Law Chapter 116-24 of the Village Code (Board of Appeals; Organization and General Procedure) to amend the process for issuing ZBA decisions”; 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 July 16, 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 July 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, a public hearing was held by the Village Board on July 11, 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 a “Type II Action” under 6 NYCRR Part 617.5 provisions of the New York State Environmental Quality Review Act (SEQRA) and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 27 of 2024 is hereby adopted.

Department:

Village Hall

Sponsors:

Category:

Resolutions

Functions:

Financial Impact

Body

Voting

Motioned: William Manger

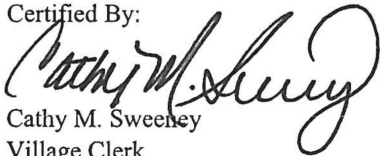
Seconded: Leonard Zinnanti

Y: William Manger, Robin Brown, Roy Stevenson, Leonard Zinnanti, Edward Simioni

N: None

A: None

Certified By:



Cathy M. Sweeney

Village Clerk

Incorporated Village of Southampton

NOTICE OF ADOPTION OF A LOCAL LAW AMENDING CHAPTER 116-24 OF THE VILLAGE CODE (BOARD OF APPEALS; ORGANIZATION AND GENERAL PROCEDURE) TO AMEND THE PROCESS FOR ISSUING ZBA DECISIONS

WHEREAS, the Board of Trustees of the Village of Southampton is considering “a Local Law Chapter 116-24 of the Village Code (Board of Appeals; Organization and General Procedure) to amend the process for issuing ZBA decisions”; 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 July 16, 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 July 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 a “Type II Action” under 6 NYCRR Part 617.5 provisions of the New York State Environmental Quality Review Act (SEQRA) and that no further review under New York Environmental Conservation Law, Article 8, is necessary; now therefore be it

RESOLVED, that Local Law No. 27 of 2024 is hereby adopted as follows:

LOCAL LAW NO. 27 OF 2024

A LOCAL LAW amending Chapter 116-24 (Board of Appeals; Organization and general procedure) to Amend the process for Issuing ZBA Decisions.

SECTION 1. AMENDMENT: The Village Code of the Village of Southampton is hereby amended by adding the underlined words and deleting the strikethroughs.

§ 116-24 **Organization and general procedure.**

- A. The Board of Appeals heretofore established, consisting of five members, shall continue in existence. The method of appointment, terms of office and tenure of its members shall be as prescribed by law.
- B. The Board shall have all the powers and duties prescribed by law and by this chapter.
- C. The Board shall appoint a Secretary and shall prescribe rules for the conduct of its affairs.

D. All meetings of the Board of Appeals shall be open to the public. A quorum shall consist of three members.

E. Decisions. ~~Every decision by the Board shall be by resolution and shall contain a full record of the findings of the Board in the particular case.~~ (a) Except as otherwise provided in New York State Village Law § 7-712-1(12), every motion or resolution of the Zoning Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the the Board as fully constituted regardless of vacancies or absences. The failure of the Board to adopt a decision within any specific period of time shall constitute neither a denial nor an approval. Where an action is the subject of a referral to the Suffolk County Planning Commission, the voting provisions of GML §239-m shall apply. (b) The Zoning Board of Appeals may render its decision on any appeal or application in a short-form format, summarily setting forth the Board's determination and conditions, if any, without enumerating findings or conclusions which formed the basis for the determination. Within 30 days after the filing of the short form decision in the Office of the Village Clerk, any appellant, applicant or other person or persons jointly or severally aggrieved by the decision may file a written demand with the Village Clerk requesting that the Zoning Board of Appeals render its decision in a format containing the findings and conclusions which formed the basis for the Board's determination. The Village Clerk shall promptly deliver such written demand to the Chair, who shall promptly convene a meeting of the Board to render such long-form decision. (c) In a case where the Board renders a short-form decision and no written demand requesting a long-form decision is filed with the Village Clerk within the required thirty (30) day period, the date of filing of the short form decision with the Village Clerk shall be deemed the date of the filing of the Board's decision for all purposes. In a matter where the Board renders, or is required to render, a long-form decision, the date of filing of the long-form decision with the Village Clerk shall be deemed the date of filing of the Board's decision for all purposes.

F. The Village Board shall designate the Chairperson and Vice Chairperson of the Board of Appeals. Such designation shall be for one official year of the Village and shall expire at the end of each official year. During the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall perform all the duties, exercise the powers and be subject to all of the responsibilities of the Chairperson. The designation of Chairperson and Vice Chairperson may be withdrawn at the pleasure of the Village Board. The duties of the Chairperson shall be as follows:

- (1) To preside at all meetings.
- (2) To postpone meetings due to inclement weather and to call special meetings.
- (3) To sign, together with the administrative support personnel of the Village Clerk or Building Department, all official documents of the Board of Appeals.
- (4) To see that all reports, documents, and actions of the Board of Appeals are properly made, executed, filed or taken, as the case may be, in accordance with law and regulations of the Board of Appeals.

(5) To serve as liaison to the Village Board of Trustees and other Village boards.

G. Training. All members of the Board of Appeals, including alternate members, shall be required to meet the training and continuing education requirements as established by law and the Village Board.

H. Alternate members. For the purposes of substituting for a member of the Board of Appeals in the event that such member is unable to participate because of a conflict of interest or is otherwise unavailable, the Mayor may appoint one or more alternate members subject to the approval of the Board of Trustees, with any such appointment for a term of one year from the date of appointment. Any designation of an alternate member in replacement of a member on a particular case shall be made by the Chairperson of the Board of Appeals and shall be entered in the minutes.

SECTION 2. 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 3. 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 4. 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 Brown	<u>Y</u>	_____	Trustee Zinnanti
<u>Y</u>	_____	Trustee Simioni			

Dated: July 23, 2024



 Cathy M. Sweeney – Village Clerk

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