

**INCORPORATED VILLAGE OF EAST HILLS
BOARD OF TRUSTEES**

PROPOSED LOCAL LAW NO. ____ OF THE YEAR 2019

A LOCAL LAW AMENDING PARTS OF CHAPTER 271
OF THE CODE OF THE INCORPORATED VILLAGE OF EAST HILLS
RELATING TO THE AREA OF A BASEMENT

It is enacted by the Board of Trustees of the Incorporated Village of East Hills as follows:

Section 1. Purpose

The Board of Trustees has determined that certain refinements and technical amendments are necessary to clarify the definition of a basement and to restrict the extent of a basement area to the area beneath the footprint of the principal building. Through this provision, excessive runoff and flooding in East Hills is avoided and water is better held and contained on properties.

Section 2. Definitions and Provisions

§271-7B , the definitions of BASEMENT and CELLAR are repealed and replaced with the following new definitions of BASEMENT and CELLAR:

BASEMENT: A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes. No basement shall extend beyond the footprint of the ground floor in order to increase its area.

CELLAR: A story partly underground and having more than 1/2 of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories. No cellar shall extend beyond the footprint of the ground floor in order to increase its area.

§271-226C, the definitions of BASEMENT and CELLAR are repealed and replaced with new definitions in Section §271-226 C of BASEMENT and CELLAR as follows:

BASEMENT: That portion of a building that is partly or completely below grade. No basement shall extend beyond the footprint of the ground floor in order to increase its area. (See also "story above grade.")

CELLAR: For purposes of calculating floor area, the word "cellar" is synonymous with "basement." No cellar shall extend beyond the footprint of the ground floor in order to increase its area.

A new subsection to ARTICLE XI “**Provisions Applicable in All Districts**” is added with the new language, as follows:

§271-128.4 Basement location and restrictions.

In no event shall any basement area extend beyond the coverage of the principal structure.

Section 3. Separability

If any section, subsection, sentence, clause or phrase of this local law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this local law.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.