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DEPARTMENT OF STATE
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KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

January 25, 2024

Oyster Bay Cove
Office of the Village Attorneys
HUMES & WAGNER, LLP
7 Forest Avenue - PO Box 546
Locust Valley, New York 11560

RE: Village of Oyster Bay Cove, Local Law 1 2024, filed on 1/22/2024

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

MOS



**Department
of State**

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 Oyster Bay Cove

Local Law No. 1 of the year 2024

A local law to amend Chapter 320, "Zoning," Section 320-1, "Definitions," and Section 320-12, "Uses,"
(Insert Title)
of the Code of the Village of Oyster Bay Cove.

Be it enacted by the Oyster Bay Cove of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Oyster Bay Cove as follows:

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

**INCORPORATED VILLAGE OF OYSTER BAY COVE
LOCAL LAW 1-2024
AMENDMENT TO CHAPTER 320
ZONING**

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Oyster Bay Cove as follows:

SECTION I. Amend Section 320-1 "*Definitions*," in part, to read as follows:

...

RESIDENCE FACILITY FOR INSTITUTION OF HIGHER EDUCATION: A building or buildings containing a room or rooms for occupancy by postdoctoral fellows or faculty at an institution of higher education offering courses of study approved by the New York State Department of Education when authorized by special exception by the Board of Zoning Appeals.

...

SECTION II. Amend Section 320-12, "*Uses*", in part, to read as follows:

§320-12 Uses.

A. No building, lot or premises shall be used or maintained for any except the purposes enumerated below and for no other, and no building shall hereafter be erected, enlarged, remodeled, used, maintained or altered if as so erected or as a result of such enlargement, remodeling, use, or alteration, such building or any part thereof is arranged, designed or intended to be used for any except the uses enumerated below.

B. Such uses shall not include any uses customarily carried on as a business or any billboard or advertising sign except as hereinafter specifically permitted. This provision shall not be deemed to permit any driveway or walk giving access to premises used for business purposes or used for purposes not herein permitted in Residence A-1 District.

C. Enumeration.

...

12. Residence Facilities for Institution of Higher Education offering courses of study approved by the New York State Department of Education when authorized by a special exception by the Board of Zoning Appeals and compliant with the following minimum requirements:

- 1) The Institution of Higher Education main campus is located within a 4-mile radius of subject property,
- 2) The minimum lot size for such use shall not be less than eleven (11) acres in area,
- 3) The principal building on the subject premises was constructed in 1915 or earlier,
- 4) The principal building on the subject premises shall contain a minimum of 15 bedrooms,
- 5) The residence facilities shall be occupied by no more than thirty (30) individuals,
- 6) Yards. Notwithstanding any other provisions in this Chapter 320, the principal building on the subject premises shall have the following front, side and rear yard setbacks:

- a) Front yard setback: 150 feet.
 - b) Side yard setback: 150 feet.
 - c) Rear yard setback: 150 feet.
 - d) Notwithstanding any other provisions in this Chapter 320, the location, size and use of accessory buildings and structures shall be determined by the Board of Zoning Appeals based upon consideration of the following factors:
 - i) The age, size and location of the building or buildings;
 - ii) The proposed number of occupants of the building or buildings;
 - iii) The use for which the building or buildings are intended.
- 7) Off-street parking on the lot shall be provided as determined by the Board of Zoning Appeals. Where a parking area is located within 20 feet of a property line, a screen of evergreen shrubs having a minimum height of four feet in height and 20 feet in width, or such other screen planting as may be determined by the Board of Zoning Appeals to adequately screen the parking area from the view of the neighboring property shall be installed and maintained along said property lines.
 - 8) Buffer planting, walls and fences shall be required, where necessary as determined by the Board of Zoning Appeals, to protect and provide maximum screening for neighboring residential properties.
 - 9) Exterior lighting shall be installed and arranged to reflect light away from adjoining streets and to prevent any nuisance to property in neighboring residential properties. In general, light sources shall be screened from view from the street and adjoining properties to the maximum extent possible.
 - 10) Drainage facilities shall be provided and constructed in accordance with the requirements of the Village Engineer to meet all the specifications and standards of the Village as well as all applicable specifications and standards of the Town of Oyster Bay, the County of Nassau and the State of New York.
 - 11) Notwithstanding any other provisions in this Chapter 320, the Board of Zoning Appeals shall have the authority to vary the requirements herein relating to the location and size of the buildings and structures, the size of the site in relation to the buildings and the location of the site with respect to streets providing access upon a finding that the proposed application is in harmony with the appropriate and orderly development of the neighborhood and to promote the purposes set forth in the Village Law.
 - 12) Application: Every application to the Board of Zoning Appeals made pursuant to this subsection for a permit shall contain and conform to the following regulations:
 - a) The person, firm or corporation for whom the use is intended shall be the applicant.
 - b) The application shall be in writing and verified.
 - c) The name and address and acknowledged consent of the owner, if different from the applicant.
 - d) If a firm or corporation, the full name and residence of each member of the firm or that of the principal officers of the corporation, as the case may be.
 - e) Land and Tax Map description and the area of the subject lot or premises and of all other properties of the applicant in the Village.
 - f) Description of existing structures and uses.
 - g) Distance from public water supply, electricity, public roads, sewers and public transportation.

- h) Statement of proposed use.
- i) Period of time for which the permit is requested.
- j) Accompanying said verified application, which shall be construed as constituting a part thereof, there shall be submitted:
 - i) A site plan showing the location and uses of existing buildings, structures, facilities and open spaces on the lot or premises, including but not limiting the foregoing, parking areas, driveways, walks, sports and recreational areas, exterior lighting, signage, means of water supply, buildings and structures on adjoining premises within 100 feet of the subject premises, and streets and highways and the width thereof abutting the subject lot or premises.
 - ii) A site plan showing all existing buildings and facilities to be retained and all proposed buildings, structures, facilities, open spaces and their uses on the lot or premises, including but not limiting the foregoing, parking areas, driveways, walks, sports and recreational areas, exterior lighting, signage and landscaping. All dimensions and distances shall be set forth on the plan.
 - iii) A statement setting forth all present and proposed future uses of buildings, structures and facilities, including the maximum occupancy requested.
 - iv) A radius map showing all properties within 1,000 feet of the subject premises along with the names, addresses and section, block and lot of each property located within 1,000 feet of the subject premises.

SECTION II. The local law shall take effect upon the filing with the Department of State.

(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. 1 of 20 24 of the ~~(County)(City)(Town)~~(Village) of Oyster Bay Cove was duly passed by the Board of Trustees on December 18, 20 23, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 _____, 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.

Joanne A. Casale
Clerk of the county legislative body, ~~CITY, TOWN or~~ Village Clerk or
officer designated by local legislative body Joanne Casale

Date: 12/18/2023

(Seal)