

**INCORPORATED VILLAGE OF OYSTER BAY COVE**

**68 West Main Street**

**PO Box 66**

**Oyster Bay, NY 11771**

**Phone: (516) 922-1016**

**Building Dept: (516) 922-1071**

**Fax: (516) 922-1761**

**[www.oysterbaycove.net](http://www.oysterbaycove.net)**

Welcome to Oyster Bay Cove

The Inc. Village of Oyster Bay Cove has a website, [www.oysterbaycove.net](http://www.oysterbaycove.net), which contains a lot of useful information about the Village.

The Village also has local laws (Village Codes/Local Laws) which can be found on our website, as well as building department forms which must be completed if you plan on doing renovations to your home.

Included for your reference are the following:

- Important contact information
- Typical work that requires a building permit
- Scenic and Historic Byways (There are certain laws which govern making any exterior changes to your home/property if it is on Cove Road, McCouns Lane, Sandy Hill Road or Yellow Cote Road)
- Lighting Law
- Regulation of Invasive Species
- Tree Law
- Tree Permit Form (which is required to be completed before trees can be removed)

If you have any questions, please do not hesitate to contact the Village office. We are open to the public Monday, Wednesday and Friday from 10 am to 2 pm.

Please go to our website – [www.oysterbaycove.net](http://www.oysterbaycove.net) – and sign up for E-Alerts so that you can be notified of emergencies, news and important Village reminders. This is located on our home page in the right corner.

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The following are a few items to better familiarize yourself on certain issues pertaining to the Incorporated Village of Oyster Bay Cove

- Oyster Bay Cove Village Hall – Our hours of operation are Monday, Wednesday and Friday from 10:00 am – 2:00 pm. The office is **CLOSED** on Tuesday and Thursday
- Oyster Bay Cove Police Department – For ALL Emergencies and for the dispatching of an officer call 911
- Village Tax Bill- The Village tax bill is due the month of June and mailed to residents the last week of May. At your earliest convenience, please notify this office in writing, that you are the new property owner and where your Village tax bill should be mailed. You may also want to do the same with the Receiver of Taxes for the Town of Oyster Bay, Audrey Avenue, Oyster Bay (516-624-6400) which is a separate tax billing.
- Garbage Collection - Enclosed please find a schedule from the sanitation company, Winters Bros 516-937-0900
- Alarm Systems – It is necessary to register your alarm system with the Incorporated Village of Oyster Bay Cove. Enclosed is an application for both fire and burglar alarms and the local laws. There is a one-time fee of \$50.00 (\$25.00 each). Please note, you will also need to register your fire alarm with the Nassau County Fire Marshal's office. Their phone number is 516-572-1000, Monday through Friday 9:00 am - 4:45 pm.
- Building Department - If you are interested in doing an addition, alterations, a pool, fence, etc, a building permit is required. You can obtain an application from the Village Hall or from our website. The hours of operation are Monday, Wednesday and Friday from 10:00 am – 2:00 pm. The direct phone number to the building department is 516-922-1071.

# INCORPORATED VILLAGE OF OYSTER BAY COVE

## BUILDING DEPARTMENT

### **TYPICAL WORK THAT WOULD REQUIRE A PERMIT**

*If your work is not on the list please call the Building Department.*

*This list does not cover unique or atypical situations*

- New dwellings & accessory structures (garages, tennis courts, sports courts, etc.)
- All additions and alterations to existing dwellings and buildings
- Any interior alterations and some repairs (those regulated by the Building code)
  - Structural, plumbing electrical, changing egress windows, more than 50% window replacement, roofing over existing layers, basement alterations, etc.)
- Removal/Demolition of any regulated structure (ie; dwellings, sheds, pools, tennis courts, accessory structures, etc.)
- Exterior or re-siding work on Historic Byways (Cove Rd., McCouns Lane, Yellow Cote Rd. & Sandy Hill Rd.) if original house pre-dates 1947.
- Any swimming pool with a water depth greater than 18"
- Swimming pool cabanas (accessory structures)
- Hot tubs/Spas, etc.
- Swimming pool heaters (gas or electric)
- Fences more than 4 ft. in height. Not to exceed 6'-6" in height
- On-grade patios, raised patios or decks, exterior cellar/basement entrances
- Roof-overs/Carports (permanent or temporary canvas type structures, tents, etc.)
- Temporary Trailers (Board of Zoning Appeals approval required)
- Sheds - irrespective of size (144 sf or greater requires permanent foundation).
- All fireplaces and chimneys (interior or exterior)
- Permanently installed BBQ's and/or outdoor ovens
- Gas/Oil fired equipment (generators, pool heaters, heating, cooking, fireplaces, etc.)
- Oil and LP gas tanks
- New, replacement or expansion of existing sanitary systems.
- New potable water or irrigation wells.
- Installation of new storm water drywells.
- Freestanding – exterior mounted AC condensing units
- Electric Vehicle Charging Stations\*\*
- Solar Panels\*\*
- Geo-Thermal Systems
- Earthwork, regrading, filling, altering grade of land (incl. erecting a berm)
- Tree Removal (Please contact Tree Warden before removing any trees)
- Docks, Bulkheads (new, extension or repairs)
- Signs (Real Estate, office of professional, etc.)
- All exterior regulated Outdoor Lighting – Chapter 200 of Village Code
- Special Uses - Keeping of Horses or Livestock, Home Occupancies, etc.
- Small accessory structures (pergolas, flag poles, playsets, dog runs, fish ponds, etc.)

*\*\* These applications can be processed under OBC's expedited permitting procedures.*

*\*\* It is the property Owners responsibility to obtain all necessary permits and approvals for all regulated work on properties within the Village of Oyster Bay Cove. The Village Code can be viewed on the Village's website at [www.oysterbaycove.net](http://www.oysterbaycove.net).*

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Winters Bros. will collect garbage three (3) days per week. All collections shall be made between the hours of 7:00 am and 4:00 pm. Recycling is picked up on Wednesdays, alternating weeks between "A" days which is newspapers and "B" days which are plastics & cans. Please note GLASS is not recyclable and should be thrown out with the regular trash. No collection will be made on a legally recognized holiday. In the event any scheduled pickup day is a legally recognized holiday, the pickup shall be done on the next succeeding business day.

New Year's Day  
Memorial Day  
4<sup>th</sup> of July  
Labor Day  
Thanksgiving Day  
Christmas Day

Special pickups (ie: furniture, appliances, excessive landscaping debris, etc) will only be made after receiving a request from the homeowner. Winters Bros. will ask for a credit card number and bill the property owner for the special pickup.

**Monday and Thursday**

Amber Lane  
Annandale Drive  
Berry Hill Road  
Bridle Court  
Coves Run  
Forest Court  
Fox Court  
Foxhunt Crescent  
Glendale Drive  
Grace Lane  
Northern Blvd/Route 25A  
High Meadow Lane  
Huckleberry Court  
Koenig Drive  
McCouns Lane  
Meadowlark Lane  
North Court

Palatine Court  
Pleasant Lane  
Pond Place  
Redmond Lane  
Rodeo Drive & Circle #60-120 ONLY  
Sabine Road  
Saddle Court  
Sandy Hill Road  
Skyview Court  
Split Rock Road  
Sunken Orchard Drive  
Tall Oak Court  
Tall Oak Crescent  
Tiber Road  
Twin Ponds Lane  
Ursuline Court  
Wenmar Lane  
White Birch Court  
White Oak Tree  
Woodward Drive

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**Tuesday and Friday**

Ariana Court  
Blair Road  
Cove Edge Road  
Cove Meadow Lane  
Cove Road  
Cove Woods Road  
East Woods Lane  
Highwood Circle  
Landing Road  
Laurel Cove Road  
Laurel Hollow Road #1518, 1499, 1497, 1495

Morris Lane  
North Road  
Royston Lane  
Shutter Lane  
South Road  
Sunset Road  
  
Steamboat Landing  
Tiffany Road  
Woodland Drive  
Yellow Cote Road

If you have any questions regarding sanitation pick up, please call Winters Bros. directly at 516-937-0900.

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### **General Information**

The Village co-ordinates its activities with the governmental agencies in nearby villages and cooperates wholeheartedly with the authorities of the State, County, Town and special districts. The Village receives from the State revenues in the form of mortgage tax and State aid. Through the County Tax rolls we pay our proportionate share of the court, Town and special district expenses. The County Board of Assessors assesses all property within the Village. The Village tax covers all services rendered by the Village, including police, refuse removal and maintaining village roads. Currently, the Village is comprised of 728 homes, consisting of approximately 2,250 residents.

### **Police Department**

Police service is provided by the Village Police Department. The Police Department is located at Corner of Berry Hill Road & Route 25A  
Oyster Bay, N.Y. 11771

General Information: 516-922-6363

Emergencies and to dispatch an officer call 911

Police Chief: Kevin Cronin

**Burglar Alarms:** Must be registered with the Village Clerk. There is a fee for the registration.

**Fire Alarms:** Must be registered with Nassau County and the Village Clerk. There is a fee for the registration.

### **School Districts**

The Village is served by the Oyster Bay-East Norwich School District No.6 (516) 624-6500, the Syosset School District No.11 (516) 364-5600, and the Cold Spring Harbor School District No.2 elementary (631) 692-7044 and junior/high school (631) 692-4008, which are, in part, within the boundaries of the Village. Village residents are eligible to vote in all school district elections in their respective districts. The Village provides certain revenues to the Oyster Bay-East Norwich School District by obtaining State aid for the summer youth recreation program.

There are also several private schools in the area including:

**Friends Academy:** (516) 656-3559

**East Woods School:** (516) 922-4400

**Lutheran High School:** (516) 626-1700

**Portledge School:** (516) 671-1475

**St. Dominic's High School:** (516) 922-4888

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**Village Recreation Area**

The Village owns a small recreation area adjacent to the bay on the north side of Cove Road, several hundred feet west of Cove Neck Road on the Landing Road. This area is restricted to Oyster Bay Cove residents and their guests. Parking permits, kayak storage permits, mooring permits must be obtained/renewed from the Village Hall office on an annual basis and the area is used at your own risk.

Residents are expected to keep the area neat and orderly. No fires are permitted. Village residents are also entitled to use the Town of Oyster Bay Beaches, some of which are located in nearby Oyster Bay, Bayville and Centre Island, as well as TOBAY Beach on the Atlantic Ocean.

**Highways and Village Roads**

The State maintains Route 25A within the Village for a distance of about 2 miles. Nassau County maintains 4.2 miles of Berry Hill Road and Cove Road in the Village.

The Village maintains the following roads:

**Steamboat Landing Road:** .4 miles

**Yellow Cote Road:** .9 miles

**Sandy Hill Road:** 1.2 miles

**McCoun's Lane:** 790 feet

**Please Note:** All other roads in the Village are private roads and are maintained and snow plowed by their owners or road associations. Private roads must provide sufficient space for deliveries and for garbage removal.

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**Water Districts**

The Oyster Bay Water District and the Jericho Water District serve the Village residents. Charges for water are issued directly by each water district. They can be contacted at:

**Jericho Water District**

125 Convent Road  
Syosset, N.Y. 11791  
516-921-8280

**Oyster Bay Water District**

45 Audrey Avenue  
Oyster Bay, N.Y. 11771  
516-922-4848

**Sewer District**

The Oyster Bay Sewer District (922-4922) serves the Village along Cove Road and part of Sandy Hill Road. Much of the Village depends for its waste removal upon approved private septic and cesspool systems.

**Fire Protection**

Fire protection is provided to the Village by the Atlantic Steamer Fire Company and the Oyster Bay Fire Company No. 1. The Syosset Fire District protects the southern section of the Village. For fire emergencies always call FIRECOM 516-742-3300 or 911.

**Pets**

All dogs must be licensed by the Town of Oyster Bay. Dogs and cats must have rabies shots and wear I.D. tags. Applications for dog licenses are available from the Town Clerk's Office – Town of Oyster Bay, Audrey Avenue, Oyster Bay (624-6329) and the fee is determined by the state of New York.

**Local Parks and Facilities**

**Planting Fields Arboretum:** (516) 922-9200  
**Oyster Bay Golf Course:** (516) 364-1180  
**Muttontown Preserve:** (516) 571-7600  
**Syosset/Woodbury Park:** (516) 677-5990  
**Theodore Roosevelt Beach & Marina:** (516) 624-6202  
**Sagamore Hill National Historic Site:** (516) 922-4788



**Incorporated Village of Oyster Bay Cove**  
**68 West Main St – PO Box 66, Oyster Bay, NY 11771**  
**BURGLAR AND FIRE PERMIT APPLICATION**

THIS APPLICATION IS FOR    ☐   POLICE    ☐   FIRE

**THERE IS A \$50.00 FEE (\$25.00 FEE FOR EACH PERMIT you file one form for both permits)**

NAME \_\_\_\_\_ HOME PHONE \_\_\_\_\_ CELL PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ EMAIL \_\_\_\_\_

**TYPE OF ALARM:**

☐ TELEPHONE DIALER    ☐ EXTERIOR BELL OR SIREN    ☐ HDQT'S CONNECTION    ☐ CENTRAL STATION

MAKE OF ALARM EQUIPMENT \_\_\_\_\_

NAME AND ADDRESS OF  
INSTALLATION COMPANY \_\_\_\_\_

HOUSE AND ALARM KEYS AT: \_\_\_\_\_

ALARM SYSTEM IS (CHECK ONE)    ☐ EXISTING                      ☐ NEW DATE INSTALLED \_\_\_\_\_

**AGREEMENT**

IT IS UNDERSTOOD AND AGREED BY THE UNDERSIGNED THAT:

- 1.The alarm system is considered only as a convenience to the premised owner and an operational aid to the police or fire department.
- 2.The police or fire department shall not be held liable for any response to an alarm
- 3.This application is subject to the approval of the Chief of Police or Fire Chief and may be revoked by the Village.
- 4.The permit holder shall allow inspection of the alarm system by authorized representatives of the police or fire department.
- 5.If the alarm is activated and the owner or authorized occupant is absent from the premises protected by the alarm, the police or fire department personnel shall be permitted to enter the premises without incurring any liability for the purpose of:
  - a Searching for intruders
  - b Extinguishing fires
  - c. Making necessary adjustments to the alarm system
- 6.The applicant shall designate a friend, neighbor, or relative to hold and have available to the police or fire department, a key to the premises and a key to the alarm system.
- 7.The applicant hereby acknowledges that:
  - a. He has read or is familiar with the Village General Ordinance regarding alarm systems.
  - b. He shall be responsible to pay all charges for false alarms.
  - c. The alarm system must be installed by a licensed individual or firm.
  - d. A permit must be issued before an alarm system is installed or altered.

THIS APPLICATION MUST BE FILED ALONG WITH THE PERMIT FEE OF \$25.00 EACH PERMIT. MAKE CHECKS PAYABLE TO THE INC. VILLAGE OF OYSTER BAY COVE.

\_\_\_\_\_  
Village Personnel

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

ARTICLE XIV  
**Scenic and Historic Byways**  
**[Added 10-20-2015 by L.L. No. 5-2015]**

**§ 320-86. Findings and purpose.**

Settled by Thomas Youngs in 1654, the virgin wilderness of Oyster Bay Cove evolved from farmland and apple orchards to today's scenic byways. Over the years, major American history figures such as the Revolutionary War's Culper Spy Ring members, George Washington, as well as the Roosevelts lived or spent time in the Cove. The Cove's byways provide access to President Theodore Roosevelt's grave site and the family's Queen Anne style home, Sagamore Hill. The home is on the national historic registry. The Board of Trustees finds that several houses and outbuildings have survived over the past centuries and that new/renovated/altered structures have been respectful of the Cove's history and architectural styles found on the scenic byways of Cove Road, McCouns Lane, Sandy Hill Road and Yellow Cote Road. Given the rich history and clear multigenerational interest in preserving the architectural styles, manifested and defined as that of structures built circa 1947 and earlier, the Board of Trustees finds that the conservation, protection, and preservation of such structures along the scenic byways is in harmony with the Cove's heritage. It further finds that new construction should harmonize with existing stock in order to preserve, stabilize, enhance and improve the Cove's character and quality that have survived since its settlement.

**§ 320-87. Roadways designated.**

The following roads and streets shall be and hereby are declared to be scenic and historic roadways, and the historic, scenic and cultural resources and the natural beauty of said roadways and adjacent areas within the Village shall be preserved and protected for the benefit and enjoyment of the inhabitants of the Village and its neighbor's areas:

Cove Road  
McCouns Lane  
Sandy Hill Road  
Yellow Cote Road

**§ 320-88. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ALTERATION —**

**A. Includes:**

- (1) The refacing or resurfacing of the exterior facade of a structure or building in any manner which would substantially and significantly affect its exterior appearance; and
- (2) An act or process which substantially and significantly changes one or more of the exterior architectural features of a building or structure located along a historic or scenic byway within the Village.

- B. The term "alteration" shall include additions, such as the attachment of gates, fences, bars or other such devices to the windows or exterior facade of a structure or building, and any other modification of the facade.

**BUILDING** — A structure wholly or partially enclosed within exterior walls or within exterior or party walls and a roof, affording shelter to persons, animals or property.

**EXTERIOR ARCHITECTURAL FEATURES** — The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure, including, but not limited to, the kind and texture of the building material and the type and style of all windows, doors, lights and other fixtures appurtenant to said building or structure. This does not preclude the use of comparable modern building materials that mimic the desired historical appearance.

**STYLES OF ARCHITECTURE** — A style recognized by one of the following organizations or by any other organization generally recognized as expert in historical preservation of buildings, sites and landmarks:

- A. The National Register of Historic Places.
- B. Historic American Buildings Survey.
- C. Historic American Engineering Record, United States Department of the Interior, National Park Service.
- D. Division For Historic Preservation, New York State Office of Parks and Recreation.
- E. National Trust for Historic Preservation.
- F. Society of Architectural Historians.
- G. Society for Preservation of Long Island Antiquities.

**§ 320-89. Prohibited acts.**

No person, firm, corporation or entity owning, controlling or occupying any building along a scenic or historic byway within the Village shall permit it to be demolished or fall into disrepair or reconstructed, modified, altered or have any exterior architectural features reconstructed, modified or altered in any way without the prior approval of the Planning Board, pursuant to the procedural requirements of Chapter 264 of the Village Code.

**§ 320-90. Considerations included in review.**

- A. In reviewing any application, the Planning Board shall be guided, as appropriate, by the following general and specific considerations:
  - (1) The general design, character, and appropriateness to the property of the proposed alteration, demolition, or new construction;

- (2) The scale of proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
  - (3) Texture, materials, and color and their relation to similar features of other properties in the neighborhood;
  - (4) Visual compatibility with surrounding properties, including proportion of the property's front, side or rear facades, proportion and arrangement of windows and other openings within the facade, roof shape, landscaping, and the rhythm of spacing of properties on neighboring streets;
  - (5) The arrangement and location of the building or buildings and their shape, scale and size as set forth on the site plan; and
  - (6) The historical and architectural value and significance and the architectural style of the building.
- B. The Planning Board shall not approve any application unless it affirmatively finds that the building or structure, if constructed, erected, reconstructed, demolished or altered in accordance with the submitted plan, will not:
- (1) Be visually offensive or inappropriate by reason of poor quality of exterior design, monotonous similarity or striking visual discord in relation to the site or surroundings, including those of neighboring structures;
  - (2) Mar the appearance of the area;
  - (3) Impair the use, enjoyment and desirability of neighboring properties, and reduce the value of properties in the area;
  - (4) Be detrimental to the character of the neighborhood;
  - (5) Prevent the most appropriate development and utilization of the site or of adjacent land; and
  - (6) Adversely affect the functioning, economic stability, prosperity, health, safety, comfort and general welfare of the entire community.

**§ 320-91. Penalties for offenses.**

Each violation of this article shall be punishable by a fine of not more than \$25,000. Furthermore, any person who demolishes, alters, or permits a designated property to fall into a serious state of disrepair in violation of this article shall be required to restore the structure and its site to its appearance prior to the violation.

## Chapter 200

### LIGHTING, OUTDOOR

§ 200-1. Prohibited acts.

§ 200-3. Complaints.

§ 200-2. Existing lighting.

§ 200-4. Variances.

[HISTORY: Adopted by the Board of Trustees of the Village of Oyster Bay Cove 3-17-2015 by L.L. No. 3-2015<sup>1</sup>. Amendments noted where applicable.]

#### GENERAL REFERENCES

General penalty — See Ch. 1, Art. III.  
Site plan review — See Ch. 264.

Subdivision of land — See Ch. 283.  
Zoning — See Ch. 320.

#### § 200-1. Prohibited acts.

No person, firm or corporation, or their respective agents, servants or employees, shall install, repair, alter, replace, re-locate, operate or maintain any permanent outdoor light fixture, lamp or other artificial means of radiating light ("exterior lighting") on private property in the Village which is not in compliance with the following requirements:

- A. All exterior lighting shall be either "fully shielded" or fitted with opaque hoods, shields, louvers, shades, and other devices to insure that all light generated by the light source is directed downward and not outward horizontally, and so fitted that no portion of the light source is visible when the light fixture is viewed from the property line. The term "light source" includes the light bulb and all refractive, reflective, and translucent light transmitting parts of the fixture. Post lanterns, pier lanterns and lanterns mounted on residences are exempt from the provisions of Subsections A and B of this chapter.
- B. No exterior light source, including fixtures not mounted on the primary structure, shall be mounted higher than 12 feet measured from the actual grade immediately beneath the light source.
- C. No exterior lighting shall illuminate any public or private road, public waterway, public beach, conservation easement, or public right-of-way.
- D. No exterior light source shall illuminate, reflect, spill over, or otherwise create a nuisance upon an adjoining property.
- E. No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.
- F. No recreational court, including tennis courts, basketball courts, or sports courts shall be artificially illuminated after 10:00 p.m.

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1. Editor's Note; This local law also repealed former Ch. 200, Lighting, Outdoor, adopted 10-5-2005 by L.L. No. 5-2005.

- G. Lighting intended to illuminate foliage, trees, landscape, or architectural structures must be fully shielded and turned off daily by 12:00 midnight. Temporary holiday exterior lighting is exempt from the provisions of this chapter, except that such temporary exterior lighting shall not be lit earlier than 21 days before the date of the respective holiday and must be disabled within 15 days after the date of the respective holiday and must be turned off daily by 1:00 a.m.
- H. No outdoor light fixture shall be operated by a "dusk to dawn" timer or sensor, unless motion-sensor activated. Motion-sensor light fixtures shall be operable to shut off after 10 minutes and shall not be triggered by activity located off the property.
- I. Exterior light source(s) illuminating a driveway or walkway shall be mounted only along the margins of the driveway or walkway, mounted no higher than 18 inches from the grade at its base and spaced at intervals of no less than six feet.
- J. Exterior light source(s) installed along fences are prohibited.
- K. Lighting that is determined by municipal law enforcement personnel to contribute to a condition of disabling or distracting glare into a public roadway from a light source may be ordered to be extinguished at any time.

#### **§ 200-2. Existing lighting.**

Any exterior lighting existing on the effective date of this chapter shall be extinguished or brought into compliance with its provisions on or before August 17, 2016.

#### **§ 200-3. Complaints.**

Any person complaining about a violation of this chapter may make a written complaint to the Village Code Enforcement Officer. Each complaint submitted to the Village Code Enforcement Officer shall include the date, time, place and manner in which a violation of this chapter has occurred and must be signed by the complainant.

- A. Upon receipt of a written complaint, the Village Code Enforcement Officer, upon verification of a violation, shall issue an appearance ticket to appear in the Village Justice Court.

#### **§ 200-4. Variances.**

The Board of Zoning Appeals, after a public hearing, may grant variances from the requirements of this article.

**ARTICLE II**  
**Regulation of Invasive Species**  
**[Adopted 11-15-2016 by L.L. No. 1-2016]**

**§ 115-7. Purpose and intent.**

- A. Purpose. The purpose of this article is to promote and protect the property, property values and welfare of the residents of the Village of Oyster Bay Cove, their guests and visitors to the Village and to protect the property and preserve the ecology and aesthetic qualities of the environment of the Village of Oyster Bay Cove.
- B. Intent. It is the finding of the Board of Trustees that the planting and the growing of invasive species within the Village of Oyster Bay Cove has been and will continue to be destructive to the natural environment, including indigenous flora, and destructive to properties in any manner within the Village adjoining and neighboring those properties where invasive species have been planted and permitted to grow; that because of these effects the planting and the growing of invasive species threatens the safety, value and physical integrity of both public and private property in the Village; and that therefore, in order to protect and preserve the ecology, environment and property values, the Village declares it necessary to regulate and/or prohibit the planting and growing of running bamboo and English ivy within the Village.

**§ 115-8. General provisions.**

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

**INVASIVE SPECIES —**

- (1) Running bamboo, hereinafter defined as any tropical or semitropical grass, including, but not limited to, the following plant genera: golden bamboo (*Phyllostachys aurea*) and nude sheath bamboo (*Phyllostachys nuda*).
- (2) English ivy (*Hedera helix*).

**INVASIVE SPECIES PROPERTY OWNER —** A property owner in the Village who has invasive species on his property.

**§ 115-9. Prohibition.**

The planting of any invasive species shall be prohibited within the Village of Oyster Bay Cove upon the effective date of this article. Any person who plants, or causes to be planted, any invasive species within the Village shall be deemed to be in violation of this article, and shall be subject to such penalties as are set forth hereunder.

**§ 115-10. Regulation of existing invasive species.**

- A. Any invasive species which has been planted or otherwise permitted to grow in any property within the Village of Oyster Bay Cove prior to the effective date of this article

may remain on such property subject to compliance with this article. Each invasive species property owner shall be responsible to ensure that the invasive species planted or growing on his property prior to the effective date of this article does not grow, encroach or grow upon any adjoining or neighboring properties, including public property and rights-of-way held by the Village, and shall be required to take such measures as are necessary to prevent such invasive species from invading or growing onto adjoining or neighboring properties.

- B. No invasive species property owner within the Village of Oyster Bay Cove shall cause, suffer, or allow invasive species to be planted, to be maintained, to grow, to spread or to otherwise be permitted to exist outside of any property line, or within any street, sidewalk, or public right-of-way.

**§ 115-11. Removal from Village property.**

- A. In the event that any invasive species growing on an invasive species property owner's property invades or grows onto property that is owned or held on behalf of the Village of Oyster Bay Cove, the Village shall notify the invasive species property owner that the invasive species has invaded such property and that the invasive species property owner is responsible for the removal of such invasive species. This notice shall be sent by certified mail, return receipt requested, and regular mail to the latest address of the invasive species property owner on file with the Village Clerk's records.
- B. In the event that the invasive species property owner does not remove said invasive species from the Village property within 30 days from the date the Village first deposited the notice as provided in § 115-11A above, then the Village, at its discretion, may remove or arrange for the removal of such invasive species from the Village property, and the invasive species property owner shall be liable and responsible to the Village for the Village's costs of removing the invasive species. Such costs may be assessed against the property of the invasive species property owner. In the event that the costs remain unpaid more than thirty (30) days after demand for payment has been made by the Village, such costs may be assessed upon and collected with the next tax levy of the Village.

**§ 115-12. Replanting.**

Replanting shall be prohibited, unless otherwise permitted and approved by the Board of Trustees. Any invasive species either planted or caused to be planted or existing on a property prior to the effective date of this article may not be replanted or replaced in kind once such invasive species is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.

**§ 115-13. Violations and penalties.**

- A. Any property owner convicted of an offense shall be guilty of a violation as defined in the Penal Law.



- B. A violation of two or more sections of this article, or provisions within a section, shall be separate and distinct offenses for which a fine may be levied.
- C. Each and every week a violation exists or continues shall constitute a separate and distinct violation, conviction for which shall be an additional offense.
- D. Each violation of this article shall be punishable by a fine not to exceed \$350.
- E. Any violation of this article may be enjoined pursuant to law.
- F. The remedies provided for herein shall be cumulative and shall be in addition to any other remedies provided by law, including injunctive relief.

**§ 115-14. Severability.**

In the event that any portion or portions of this article shall be determined to be invalid or unenforceable for any reason, the remainder of the article and its provisions shall remain in full force and effect.

## Chapter 299

### TREES

§ 299-1. Purpose.

§ 299-2. Definitions.

§ 299-3. Permit required for certain actions involving trees.

§ 299-4. Application procedure for tree removal.

§ 299-5. Determination by Board of Trustees.

§ 299-6. Building permits and building procedures.

§ 299-7. Removal of dead trees; presumptions.

§ 299-8. Penalties for unauthorized removal of tree.

[HISTORY: Adopted by the Board of Trustees of the Village of Oyster Bay Cove 3-15-2011 by L.L. No. 4-2011.<sup>1</sup> Amendments noted where applicable.]

#### GENERAL REFERENCES

General penalty — See Ch. 1, Art. III.

Environmental quality review — See Ch. 150.

Site plan review — See Ch. 264.

Subdivision of land — See Ch. 283.

Zoning — See Ch. 320.

#### § 299-1. Purpose.

The Board of Trustees of the Village of Oyster Bay Cove hereby finds and declares that the maintenance of large and mature trees is one of the most significant factors in maintaining the character of the Village and that protection of large and mature trees is crucial to the health, safety, comfort and general welfare of the Village, its residents and property owners.

#### § 299-2. Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the following meanings:

**APPLICANT** — The owner, contract vendee or lessee of real property or its duly authorized agent.

**DRIP LINE** — Outermost spread of tree branches.

**PERSON** — Any resident of the Village or any individual, firm, partnership, association, corporation, company, public agency, public utility or organization of any kind or agent thereof.

**REAL PROPERTY** — Includes all unimproved and improved real property within the Village.

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1. Editor's Note: This local law also repealed former Ch. 299, Trees, adopted 11-15-2005 by L.L. No. 13-2005.

**§ 299-3. Permit required for certain actions involving trees.**

No person shall remove, or cause or permit the removal, death or destruction of any tree having a trunk circumference of 22 inches or more at a height of three feet from the lowest surrounding grade without a permit issued pursuant to this chapter.

**§ 299-4. Application procedure for tree removal.**

A. An application for the removal of one or more trees shall be made to the Village Office by submission of the following:

- (1) A completed application form, identifying the record owner and address of the property, the type of tree(s) sought to be removed, the location of the tree(s) on the property, the circumference of each tree sought to be removed, the reason removal is sought, any restriction, easement or covenant on property, and whether any prior applications for tree removal and/or site plan review have been made with respect to the subject property. If the applicant seeks to remove more than one tree, one form may be used for all trees subject to review at the same time;
- (2) Where required by law, an environmental assessment form;
- (3) Supporting documentation from a licensed arborist or horticulturalist providing relevant information, including, but not limited to, the health of the tree sought to be removed and, if it is claimed that the tree presents a danger, a detailed statement as to the basis for such claim;
- (4) Photographs of the tree sought to be removed and photographs taken from the tree's location showing the view toward any neighboring property that would be impacted by such removal;
- (5) The fee required for such application in an amount to be set and/or modified by resolution of the Board of Trustees;
- (6) Copy of workmen's compensation coverage for the tree service, if applicable;
- (7) Clearly identify the tree(s) with tags, and supply survey of property indicating location of tree(s) to be removed;
- (8) Any other information deemed relevant in furtherance of the purposes of this chapter.

B. Upon receipt of a properly completed application, the Village Tree Warden and Enforcement Officer ("Tree Warden") shall refer the application to the Board of Trustees. However, the Board of Trustees may establish, by resolution, criteria and thresholds for allowing applications to be reviewed and approved or disapproved by the Tree Warden without referral to the Board of Trustees.

C. If the application is to be reviewed by the Tree Warden, the Tree Warden shall use the same standards of review used by the Board of Trustees in determining whether the application shall be approved or disapproved.

- D. If the application is approved by the Tree Warden, the tree(s) must be removed within 60 days of the approval. If it is determined that additional conditions apply, the application will be forwarded to the Board of Trustees for action.
- E. If the application is referred to the Board of Trustees for review and action, the Board may ask for any additional information or documentation it deems necessary to properly determine the application.
- F. By submission of an application pursuant to this chapter, the applicant, and the owner of the property upon which any tree proposed to be removed is located, shall be deemed to have consented to entry and inspection of the subject premises by any official of the Village involved in the review and/or approval of such application at any reasonable time, including weekends and holidays, for the purposes of inspecting the trees on the property for which removal is sought, and any other trees in the vicinity of such trees proposed to be removed. Such consent shall remain in effect until a determination has been made.
- G. Waiver of procedure.
  - (1) Where an applicant claims that a tree presents such an imminent threat to person or property that immediate removal is necessary, the applicant may request that removal of the tree be authorized by consent of the Tree Warden or the Mayor.
  - (2) It is intended that a waiver pursuant to this section will be granted only under very unusual circumstances, limited to cases of emergency or cases where the procedure provided in this chapter is unduly burdensome, and only where the applicant has presented clear and convincing evidence that such waiver is necessary or appropriate.

**§ 299-5. Determination by Board of Trustees.**

- A. The Board of Trustees shall review and determine an application for tree removal within 60 days of receipt of a completed application. In making its determination, the Board may grant such application with or without conditions or modifications, where deemed appropriate, or deny such application. If the Board of Trustees' approval requires the applicant to replace or replant trees, such trees are required to be on the approved Village tree list supplied by the Village Office.
- B. In making its determination on such an application, the Board shall consider various factors, including the following:
  - (1) The size, age, condition, health and type of tree(s) sought to be removed;
  - (2) The reason for seeking removal;
  - (3) The impact of removal upon neighboring properties and the Village;
  - (4) The extent of possible mitigation of the removal impact;
  - (5) The number and/or density of other trees on the subject property;

- (6) The danger, if any, which the tree may present to any person or property;
  - (7) Any other factor which the Board deems relevant in furtherance of the purposes of this chapter.
- C. Any determination of the Board to grant approval of an application for the removal of a tree, with or without conditions, shall include a requirement that the applicant plant three or more trees of a size and type approved by the Board for each tree removed; provided, however, that the Board may waive this requirement upon an express finding that the subject property is so heavily or densely wooded that the imposition of this requirement would serve no purpose.
- D. Upon completion of the authorized tree removal, the applicant shall notify the Tree Warden, who promptly shall inspect or cause to be inspected the subject property to determine compliance with the determination of the Board.
- (1) If after such inspection the Tree Warden determines that the applicant has complied with the determination of the Board, a certificate of completion shall be issued within 10 business days thereafter.
  - (2) If the Tree Warden determines that the applicant has failed to comply with the determination of the Board, a notice of violation shall be issued, together with an order to restore the subject premises to its condition at the time the application was submitted.

**§ 299-6. Building permits and building procedures.**

- A. No building permit shall be issued for construction which would involve or result in the removal of any tree for which a permit is required pursuant to this chapter, until such time as such approval is granted.
- B. Unless otherwise authorized by permit pursuant to this chapter, where a building permit lawfully has been issued by the Building Department, no tree with a circumference of at least 22 inches at a height of three feet above the lowest grade prior to construction shall be removed if such tree is located beyond a horizontal distance of 15 feet from any permitted structure.
- C. Any tree removal of which is not authorized pursuant to this chapter shall be properly protected from damage and soil compactment during construction, to a distance of at least 25 feet from the trunk or drip line of such tree, whichever is greater. The Building Department shall take all actions necessary to assure the protection and survival of such trees.
- D. In addition to any other remedies or penalties provided by law, the Building Department Official, or police officer, shall issue a notice of violation and stop-work order if it is determined that there has been a violation of this chapter.

**§ 299-7. Removal of dead trees; presumptions.**

- A. No permit shall be required for the removal of a dead tree; provided, however, that a written confirmation that a tree is dead shall be obtained from the Tree Warden before any dead tree is removed.
- B. In the event any tree is removed without having first obtained a permit or declaration pursuant to this chapter, there shall be a rebuttable presumption that the tree was not dead and that a permit for such removal should have been obtained.
- C. In any case where a tree is removed without a permit or declaration pursuant to this chapter, there shall be a rebuttable presumption that a permit was required for the removal of such tree where evidence of the removal, including but not limited to portions of the trunk or limbs, is on a property and is of a circumference of 22 inches or more.

**§ 299-8. Penalties for unauthorized removal of tree.**

- A. Any person or entity who violates the provisions of this chapter, or who removes a tree in violation of any condition of a permit, or who fails to comply with any notice given by the Tree Warden pursuant to this chapter, shall be guilty of a violation and shall be punished as provided by law. The owner of property upon which a tree is removed in violation of this chapter, or in violation of the condition of any permit issued pursuant to this chapter, shall also be guilty of a violation.
- B. In addition to any other penalty provided by law, the owner of any property upon which a tree has been removed in violation of this chapter, or upon which there has been a violation of any condition of any permit issued pursuant to this chapter, may not receive any other permit for removal of a tree for a period of one year after such violation, and may not remove any tree pursuant to any permit granted for any property in the Village during such period; provided, however, that the Tree Warden and the Mayor, or the Mayor's designee, may jointly waive this prohibition where it is demonstrated that a tree presents an imminent threat to the safety of persons or property.

Fee Paid: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

TP# \_\_\_\_\_

INC. VILLAGE OF OYSTER BAY COVE/68 WEST MAIN ST/OYSTER BAY, NY 11771

## **TREE REMOVAL APPLICATION**

The OBC Village Tree Removal Application **MUST** be completed for the removal of any tree, including a dead tree, and written approval from the Tree Warden **MUST** be obtained before **any** tree is removed. Application fee covers the inspection for both live and dead trees.

Homeowner(s) Name: \_\_\_\_\_ Homeowner(s) Phone: \_\_\_\_\_

Homeowner(s) Address: \_\_\_\_\_ Email \_\_\_\_\_

Homeowner(s) Signature REQUIRED: \_\_\_\_\_

Has Site Plan been submitted in the past 5 years for this property? \_\_\_\_\_ If so, When: \_\_\_\_\_

Has Tree Permit been issued for this property in the past 5 years? Yes \_\_\_\_\_ No \_\_\_\_\_

Number of trees requested to be removed (Over 22" in circumference): \_\_\_\_\_

Reason for requested removal: \_\_\_\_\_

Will trees be replaced? \_\_\_\_\_ If so, with how many? \_\_\_\_\_

### **REPLACEMENTS MUST BE SELECTED FROM THE OYSTER BAY COVE LIST OF RECOMMENDED TREES**

Type(s) of tree(s) to be removed (Species and size). Use back of this form if additional space is needed. \_\_\_\_\_

Horticulturist/Arborist: \_\_\_\_\_ Phone: \_\_\_\_\_

Tree Service Name: \_\_\_\_\_ License No. \_\_\_\_\_

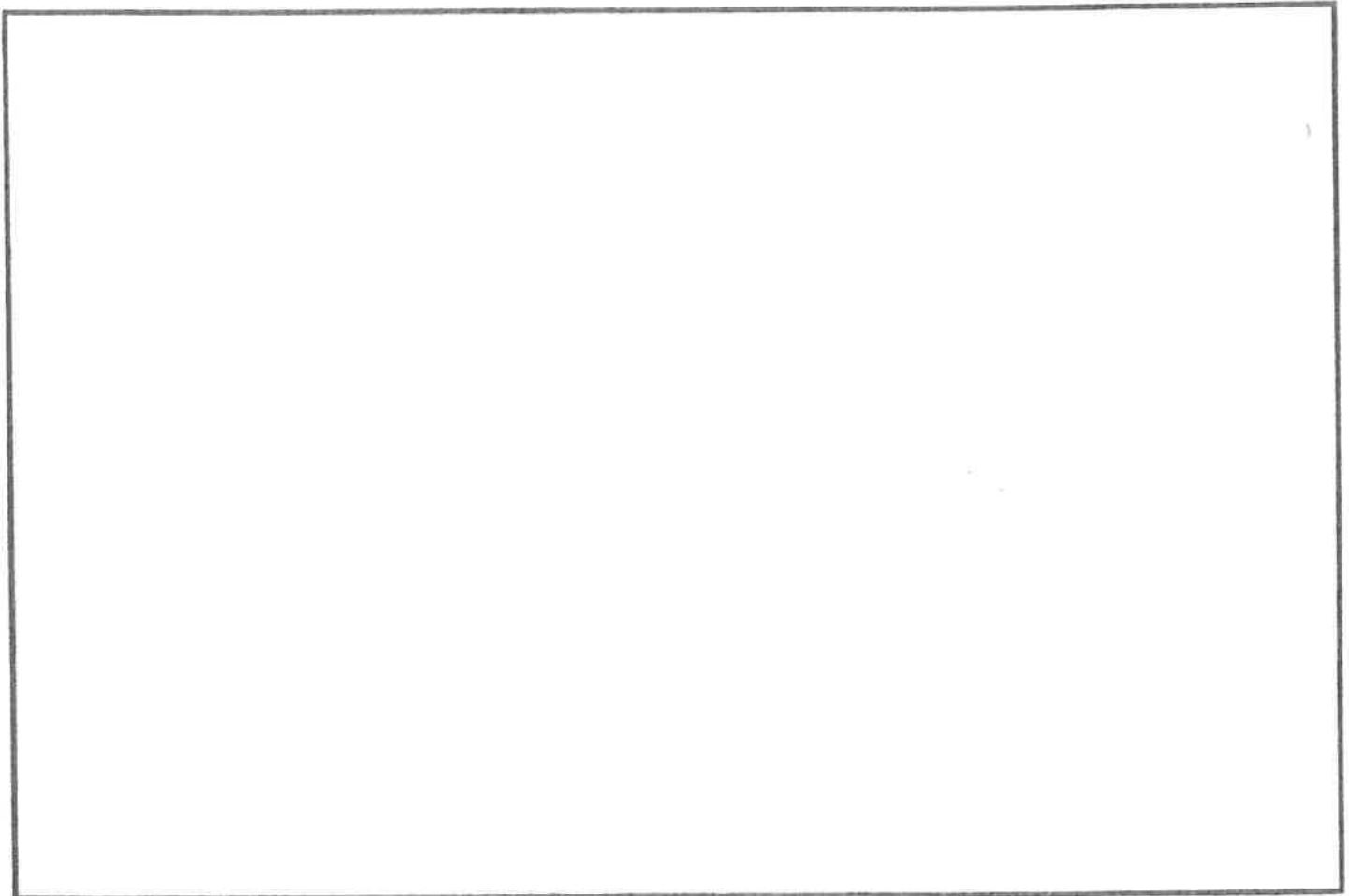
Tree Service Address: \_\_\_\_\_

Tree Service Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

**THE FOLLOWING ITEMS MUST BE SUBMITTED IN ORDER TO PROCESS A PERMIT**

1. \_\_\_\_ A \$50.00 application fee (for 4 or less trees) and \$100.00 (for 5 or more trees) MUST be submitted with this application. Additional fees may be required at the Boards discretion.
2. \_\_\_\_ All applications MUST be submitted with a clear and concise diagram showing the location(s) of the tree(s) listed and all trees are to be adequately marked with paint or ribbon.
3. \_\_\_\_ A copy of Workers' Compensation coverage MUST be submitted by the tree service with this application.
4. \_\_\_\_ Contact Tree Warden (516-922-1016 ext. 14) with date of scheduled removal. Tree Warden MUST be notified when all work has been completed. All work must be scheduled for completion within 60 days of approval, unless otherwise set forth in conditions of approval.

**DIAGRAM OF PROPERTY WITH TREES TO BE REMOVED**



**CONDITIONS OF APPROVAL:**

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TREE WARDEN \_\_\_\_\_

DATE APPROVED \_\_\_\_/\_\_\_\_/\_\_\_\_



# OYSTER BAY EMERGENCY EVACUATION INFORMATION

INC. VILLAGE OF OYSTER BAY COVE  
68 WEST MAIN STREET  
OYSTER BAY, NY 11771

PHONE: (516) 922-1016  
FAX: (516) 922-1761

## LOCAL EMERGENCY PHONE NUMBERS

FOR ALL POLICE AND FIRE  
EMERGENCIES DIAL 911

**\*\*\*PLEASE NOTE:** There are different phone numbers for these services based on whether you live North or South of Route 25A\*\*\*

1. SOUTH of 25A (*EXCLUDING* White Oak Tree and Tall Oak Crescent South of 25A across from Cove Road)

### Syosset Fire Department:

EMERGENCIES:      NON-EMERGENCIES:  
(516) 921-0000      (516) 921-0728

AMBULANCE: 911

2. NORTH of 25A (*INCLUDING* White Oak Tree and Tall Oak Crescent South of 25A across from Cove Road)

FIRE AND AMBULANCE EMERGENCIES:  
(516) 742-3300

NON-EMERGENCIES:

Oyster Bay Fire Co. #1: (516) 922-1126  
OR

Atlantic Steamer Fire Co.: (516) 624-3215

## OTHER IMPORTANT PHONE NUMBERS

Oyster Bay Cove Police Department:  
Non-Emergencies: (516) 922-6363

L.I. Power Authority: 1-800-490-0075

Red Cross: (516) 747-3500

## WHEN TO EVACUATE

IF AN EVACUATION IS ORDERED EVACUATE  
IMMEDIATELY!!!

Tune To NEWS 12 and/ or WCBS 880 am  
For evacuation routes and shelter locations.

## WHEN THE HURRICANE HITS

\* Stay inside and keep away from window and glass doors. If you have been unable to evacuate and flooding appears imminent, turn off the electrical power to the house.

\* Use battery-operated radio for updates and do not venture outside until you have been advised that the hurricane has passed and it is safe to do so.

## AFTER THE HURRICANE

\* When returning home, look for visible structural damage before entering.

\* Check carefully for loose, dangling electrical wires noting they can be covered by debris.

## ASSEMBLE AN EMERGENCY KIT

- BATTERY OPERATED RADIO
  - FLASH LIGHTS
  - FIRST AID KIT
- PRESCRIPTION MEDICATION
- NON-PERISHABLES SUCH AS BOXED DRINKS, PEANUT BUTTER ETC.
  - FRESH WATER

**\*\*If any of these instructions are unclear please contact LIPA or your FIRE DEPARTMENT**

## IMPORTANT WEBSITES

FEMA  
[www.fema.gov/plan/prevent/nhp/stormwatch.shtml](http://www.fema.gov/plan/prevent/nhp/stormwatch.shtml)

National Weather Service for NY  
[www.erh.noaa.gov/okx/](http://www.erh.noaa.gov/okx/)

The Weather Channel  
[www.weather.com](http://www.weather.com)