

**INCORPORATED VILLAGE OF OYSTER BAY COVE  
LOCAL LAW 5-2015  
ADDITION OF NEW ARTICLE XIV, "SCENIC & HISTORIC BY-WAYS"**

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

**SECTION I.** Add new Article XIV entitled, "*Scenic & Historic By-Ways*," to read as follows:

**§ 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 wars' Culper Spy Ring members; George Washington; as well as Roosevelt's 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 multi generational 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 be 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. Designation.**

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 neighbors 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 By-Way 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.

**§ 320-93. Acts prohibited relative to buildings located along Scenic & Historic By-Ways.**

No person, firm, corporation or entity owning, controlling or occupying any building along a Scenic or Historic By-Way 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.

**§ 320-94 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.

**§ 320-95. 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.

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

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