

**NOTICE OF ADOPTION
LOCAL LAW 4-2023
INCORPORATED VILLAGE OF OYSTER BAY COVE
BOARD OF TRUSTEES**

The Board of Trustees of the Incorporated Village of Oyster Bay Cove, Nassau County, New York, at a meeting of said Board duly called and held on Monday, December 18, 2023, at which a quorum was present and voting, after due notice and a public hearing, duly adopted, Local Law 4-2023, amendment to Chapter 320, “*Zoning*,” Section 320-12, “*Uses*” as follows:

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:

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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.

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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.

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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.

By Order of the Board of Trustees
Joanne Casale
Village Clerk/Treasurer

Dated: January 3, 2024