

Local Law Filing

TOWN of OYSTER BAY

Local Law No. _____ of the year 2024

A LOCAL LAW TO AMEND CHAPTER 246 – ZONING, SECTION 246-4, GENERAL REGULATIONS, AND SECTION 246-5, DISTRICT REGULATIONS, OF THE CODE OF THE TOWN OF OYSTER BAY, AND TO AMEND THE BUILDING ZONING MAP OF THE TOWN OF OYSTER BAY.

Be it enacted by the TOWN BOARD of THE TOWN OF OYSTER BAY as follows:

Section 1. Amend Section 246-4, “General Regulations”, by adding a new Subsection 4.13, as follows:

4.13 Residential Subdivision Yield.

- 4.13.1. Legislative Intent. It is the legislative intent of the Town Board of the Town of Oyster Bay to promote the public health, safety, and general welfare by protecting and preserving sensitive environmental resources and associated community character, which contribute significantly to the high quality of life enjoyed by the residents of the Town. In advancing this goal, the Town Board finds that it is appropriate and necessary to establish regulatory standards and procedures to deduct from the yield calculation for a parcel proposed for residential subdivision those areas of environmental sensitivity that merit protection and are not considered suitable for *disturbance* or other development activities, particularly those areas containing *steep slopes* and/or *wetlands*. The sensitivity of *steep slopes* and the importance of their preservation are set forth in §246-4.10 of this Chapter. The sensitivity of *wetlands* and the importance of their preservation are also well-established, as set forth in Title 6, Part 611 of the New York Code, Rules and Regulations (NYCRR) pertaining to tidal wetlands and 6 NYCRR Parts 663 and 664 pertaining to freshwater wetlands.
- 4.13.2. Applicability. All residential subdivision applications shall be subject to the provisions set forth herein for determining

buildable area and calculating the maximum permissible number of residential *lots*.

- 4.13.3. Procedures. The application and approval of residential subdivisions, specifically with regard to calculation of the maximum permissible residential lot yield of a given parcel of land, shall continue to follow the usual procedures as administered by the Nassau County Planning Commission, except as specified herein below.
- 4.13.4. Residential Yield Calculation. In determining the maximum permissible lot yield of a parcel proposed for residential subdivision, areas of the parcel containing either or both of the following features shall be excluded as buildable area:
 - (1) *Wetland* areas as defined in §246-2.4 of this Chapter
 - (2) *Steep Slope* areas, as defined in §246-2.4 of this Chapter.

Section 2. Amend Section 246-5, "District Regulations", Subsection 5.4, "Additional Regulations", Subsection 4.1, "Conservation Subdivisions", Paragraph 1.2 therein, as follows:

- 5.4.1.2 Applicability. Conservation development shall be mandatory for all residential subdivision applications of twenty (20) acres or more. All residential subdivision applications having an area of five (5) acres or more, but less than twenty (20) acres, shall be considered for possible conservation subdivision.

Section 3. Amend Section 246-5, "District Regulations", Subsection 5.4, "Additional Regulations", Subsection 4.7, "Additional Regulations in the APO District", Paragraph 7.5 therein, as follows:

- 5.4.7.5 Conservation (cluster) development. The Town Board of the Town of Oyster Bay, pursuant to the authority granted to it by § 278 of the Town Law of the State of New York, and in furtherance of the purposes and legislative intent as set forth in this Chapter, may permit or require *applicants* for subdivision approval in the Town's One-Family Residence Districts, to apply for conservation (cluster) development subdivision approval, except that in the case of properties which are twenty (20) acres or larger, conservation development shall be mandatory; and conservation development shall also be mandatory for parcels located in the APO District that have an area of less than twenty (20) acres, but more than five (5) acres, unless the applicant can demonstrate to the satisfaction of the reviewing agency that a standard subdivision layout in accordance with the applicable district regulations provides environmental protection benefits that are equal to or greater than that which can be achieved with conservation development. In addition to the goal of increasing the amount of *open space* and *natural vegetation* to

be preserved, any such conservation development plan shall also seek to maximize the contiguity of such preserved areas as well as the quantity and quality of groundwater *recharge*. The Town Board in each case may specify the minimum permissible *lot area for one-family dwellings*, the types of *dwellings* to be permitted, and any other special standards as it may determine appropriate, taking into consideration the size, location and nature of the property involved, as well as the purposes of this Chapter. The procedure for so doing shall be as set forth in § 5.4.1 of this Chapter.

Section 4. Amend the Building Zone Map, Town of Oyster Bay, Nassau County, New York to change the zoning district from R1-20 One-Family Residence to R1-2A One-Family Residence for the property known as North Shore Country Club in the unincorporated community of Glenwood Landing, as illustrated in the accompanying map, extending to the center line of adjoining roadways, comprising the following tax parcel on the Land and Tax Map of Nassau County, New York:

- Section 21, Block M, Lot 28E

Section 5. Amend the Building Zone Map, Town of Oyster Bay, Nassau County, New York to change the zoning district from R1-7 One-Family Residence to R1-2A One-Family Residence for the property known as Engineers Country Club in the unincorporated community of Glenwood Landing, as illustrated in the accompanying map, comprising the following tax parcel on the Land and Tax Map of Nassau County, New York:

- Section 20, Block F, Lot 36H

Section 6. Amend the Building Zone Map, Town of Oyster Bay, Nassau County, New York to change the zoning district from LI Light Industry to REC Recreation for the property known as Cantiague County Park in the unincorporated community of Hicksville, as illustrated in the accompanying map, extending to the center line of adjoining roadways, comprising the following tax parcels on the Land and Tax Map of Nassau County, New York:

- Section 11, Block 499, Lot 103
- Section 11, Block 499, p/o Lot 106 (i.e., excluding the area of said lot containing the Nassau County Highway Yard on the west side of the lot, fronting on Cantiague Rock Road)

Section 7. Amend the Building Zone Map, Town of Oyster Bay, Nassau County, New York to change the zoning district from R1-10 One-Family Residence and R1-1A One-Family Residence to REC Recreation for the property known as Bethpage State Park in the unincorporated communities of Bethpage, Old Bethpage and Farmingdale, as illustrated in the accompanying map, extending to the center line of adjoining roadways,

comprising the following tax parcels on the Land and Tax Map of Nassau County, New York:

- Section 47, Block A, Lot 21A
- Section 47, Block A, Lot 21C
- Section 47, Block A, Lot 21G
- Section 47, Block A, Lot 21H
- Section 47, Block A, Lot 21J
- Section 47, Block A, Lot 25
- Section 47, Block H, Lot 100A
- Section 47, Block H, Lot 100B
- Section 47, Block A, Lot 157
- Section 47, Block A, Lot 158
- Section 47, Block D, Lot 17A
- Section 47, Block D, Lot 17H
- Section 47, Block D, Lot 17J
- Section 47, Block H, Lot 70A
- Section 47, Block H, Lot 70D

Section 8. Conflicting Standards. When the requirements of this Local Law impose a different restriction or requirement than imposed by other sections of the Code of the Town of Oyster Bay, the Town Law of the State of New York or other applicable rules or regulations, the requirements of this Local Law shall prevail.

Section 9. SEQR Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

Section 10. Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

Section 11. Effective Date. This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

Certification:

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2024 of the Town of Oyster Bay was duly passed by the Town Board on _____ 2024, in accordance with the applicable provisions of law.

Clerk of the Town of Oyster Bay

(Seal)

Date: _____, 2024

STATE OF NEW YORK
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

Town Attorney

Title

Town of Oyster Bay

Date: _____ 2024