

OYSTER BAY HAMLET Moratorium Study

**Prepared for:
The Town Board of the Town of Oyster Bay, New York**

**Prepared by:
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Planning/Development/Environmental/Transportation**

October 2006

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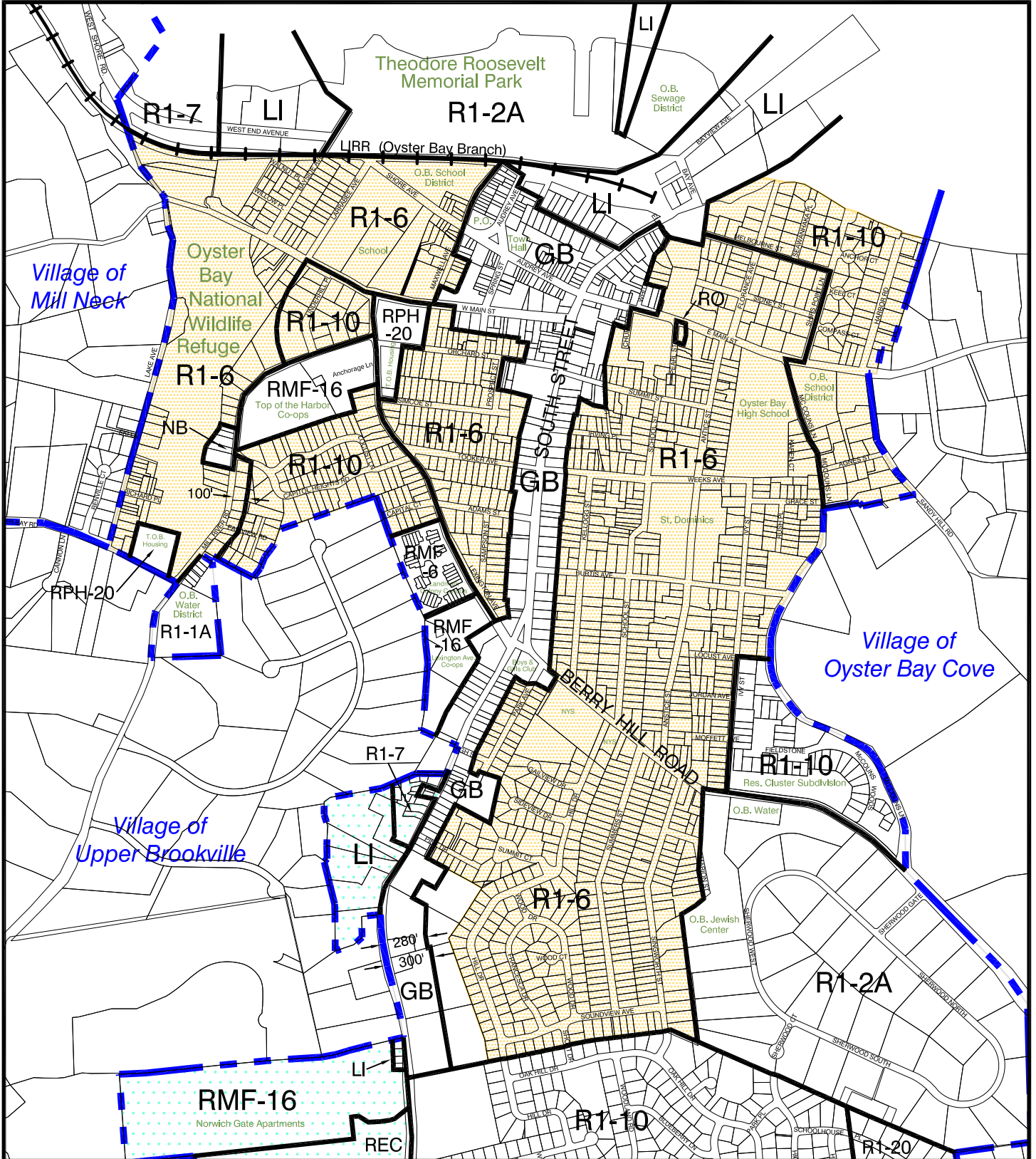
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INTRODUCTION

INTRODUCTION

On October 18, 2005, the Oyster Bay Town Board adopted a six-month moratorium on the issuance of building permits for the construction of new or expanded buildings, demolition permits, preliminary and final subdivision approvals and variances related to lot area, lot dimensions and setbacks for new buildings within the Oyster Bay Hamlet Moratorium Study Area. This area consists of one-family residential districts within the Oyster Bay Hamlet as shown on Figure 1 on the following page. It contains a total of approximately 405 acres.

The development moratorium arose out of the Town Board's concern with respect to the potential impact of new development and/or redevelopment of residential properties in the Oyster Bay Hamlet on the environment and on the character and intensity of new development in existing residential neighborhoods. In April 2006, the moratorium was extended for an additional six-month period and in October 2006 for a further three-month period to facilitate the completion of the ongoing planning and zoning study. A copy of the original Moratorium Local Law is reproduced in Appendix A of this report.



 Moratorium Study Area

OYSTER BAY HAMLET
MORATORIUM STUDY AREA
Town of Oyster Bay, New York

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation

Scale in Feet
1000 500 0 1000



Figure
1
9/18/06

EXISTING CONDITIONS

EXISTING CONDITIONS

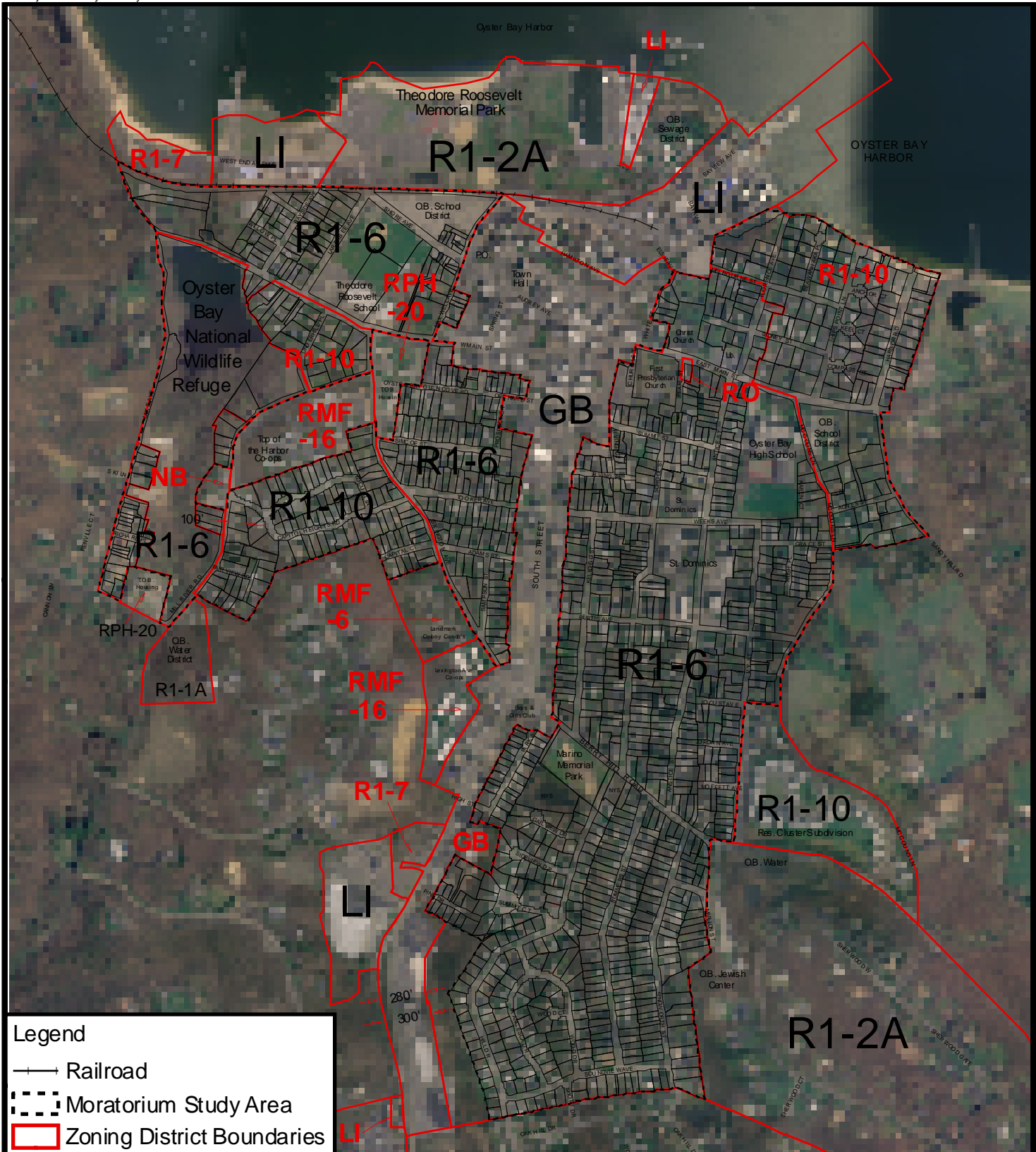
Aerial Photo

An aerial photo of the Study Area, based on 2004 photography, is reproduced as Figure 2 on the following page. This photo graphically illustrates the extent of existing development within the Study Area and also shows existing zoning district boundaries. In addition to indicating showing street names, property lines and zoning boundaries, the photo also identifies the names of key properties in and adjacent to the area.

Existing Zoning

The Moratorium Study Area was designed to include the single-family residence districts in the Oyster Bay Hamlet. There are presently two such districts: the R1-6 (6,000 square foot minimum lot size) District and the R1-10 (10,000 square foot minimum lot size) District. The bulk of the Study Area is within the R1-6 District. All of this is shown on both Figures 1 and 2.

The R1-6 District requires a minimum lot width/frontage of 60 feet, a minimum front yard setback of 25 feet, minimum side yards of 5 feet each (with a total of 15 feet for both) and a minimum rear yard of 25 feet. The maximum permitted building height is two stories and 28 feet and the maximum permitted building coverage is 28%. The R1-10 District requires a minimum lot width/frontage of 80 feet, a minimum front yard setback of 30 feet, minimum side yards of 10 feet each (with a total of 25 feet) and a minimum rear yard of 25 feet. The maximum permitted building height is also two stories and 28 feet but the maximum permitted building coverage is only 20%.



OYSTER BAY HAMLET MORATORIUM STUDY
Town of Oyster Bay, New York

AERIAL MAP (2004)

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Data Sources: Bowne Management,
NYS GIS Clearinghouse,
FPCA GIS

July 6, 2006



Figure 2

In the R1-6 District, the above referenced standards would presently allow a two-story 3,360 square foot home, up to 28 feet in height, to be constructed only 5 feet from a neighboring property on a minimum 6,000 square foot lot. Most existing homes in this district are, however, both smaller and lower than these maximums, although many are located at the minimum setback. With respect to the R1-10 District, the present standards would allow a two-story 4,000 square foot building, up to 28 feet in height, to be located 10 feet from a neighboring property on a minimum 10,000 square foot lot. Once again, most existing homes are substantially smaller than this.

Historic Overview

Oyster Bay has a rich history that is still evident in the built environment. Although the history of the area that now comprises the Hamlet of Oyster Bay precedes the arrival of the Dutch and English in the 17th century, the earliest buildings that remain in the Hamlet date to back the 18th century.

During the time of the American Revolution, Oyster Bay was home to both American patriots and the headquarters for British troops. The place name "Fort Hill," a fortified hill held by the British at what is now the intersection of Prospect St. and Simcoe Street, and Raynham Hall on West Main St., the homestead of rebel Samuel Townsend which later became the headquarters for British troops, bear witness to this era of Oyster Bay's history.

While primarily an agrarian community until the first half of the 19th century, by the mid-1800s Oyster Bay became popular as a nearby rural retreat from the City during the hot summer months, during which time its population swelled and hotels were built. Early industries in Oyster Bay included shipping businesses that transported farm goods to markets in New York City.

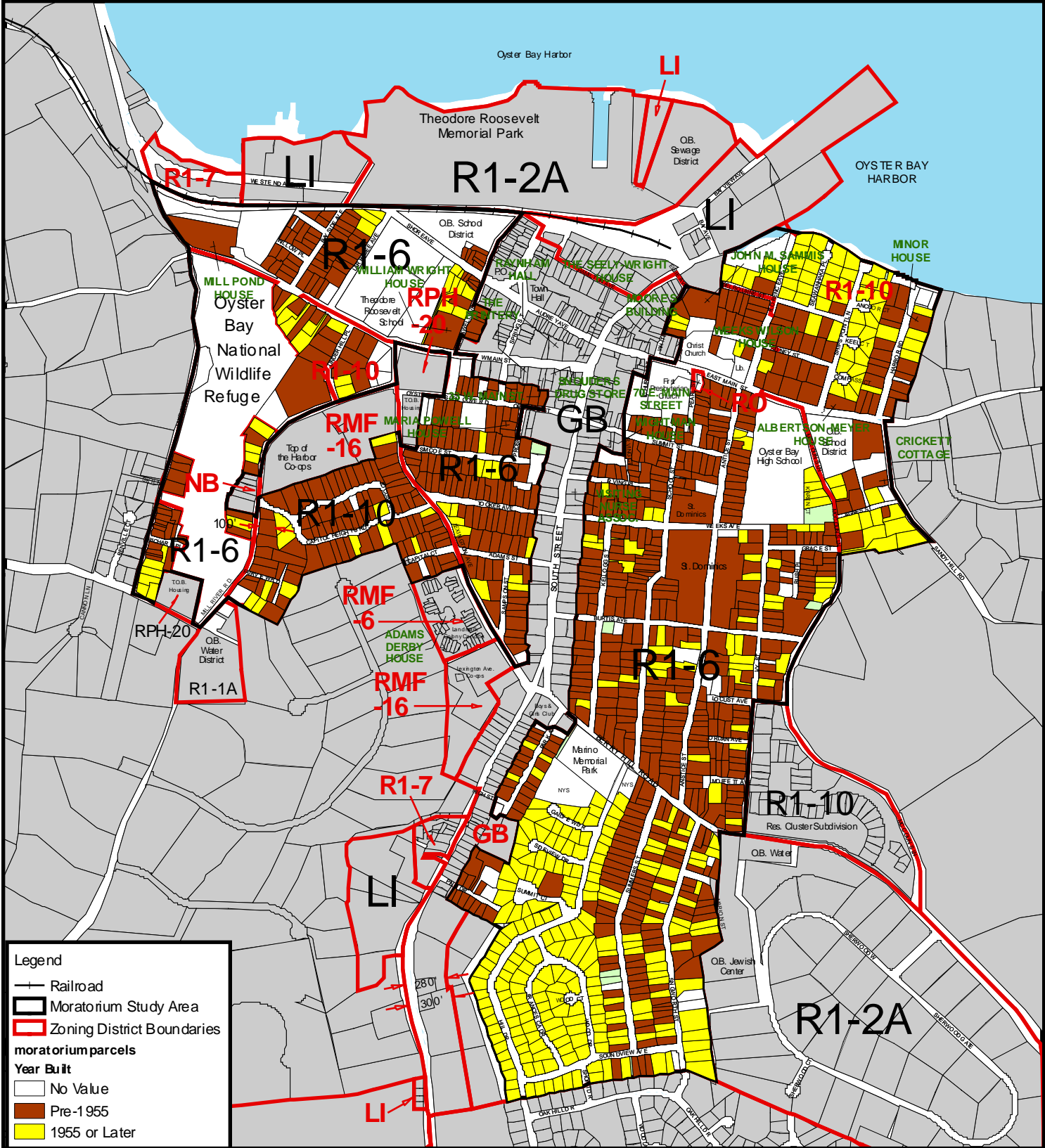
Maps from the mid 19th century to the mid 20th century document the growth of the Town as residential neighborhoods expanded beyond the early thoroughfares. Events such as the initiation of regular steamboat service from Oyster Bay to New York City in the mid 1800s, and the extension of the Long Island Railroad to Oyster Bay in 1889 were significant factors affecting the growth of the Hamlet.

Within the Hamlet Study Area, the predominant residential architecture is from the late 19th and early 20th centuries and many of the houses retain the massing and fenestration characteristic of the Queen Anne and later Shingle styles of architecture. Also represented is the later Colonial Revival styles, exhibited on houses built between the two world wars.

Age of Structures

As a part of our analysis of existing development in the Moratorium Study Area, we have prepared a map indicating the relative age of structures. This is illustrated on Figure 3 on the following page. It should be noted in reviewing this figure that the dates used for mapping purposes were all obtained from Nassau County's tax assessment records. Where there have been renovations made after the original construction date, the date of original construction has been used. However, particularly with respect to older structures, these dates may not always be accurate and, therefore, should not be relied upon for site specific purposes.

Not surprisingly, Figure 3 shows that the general pattern of development in the Study Area is that the older homes were built closer to the hamlet business center and the newer homes have generally radiated out from that. See the Historic Preservation Plan section of this report for additional detailed analysis.



Legend

- Railroad
- Moratorium Study Area
- Zoning District Boundaries
- moratorium parcels
- Year Built**
 - No Value
 - Pre-1955
 - 1955 or Later

OYSTER BAY HAMLET MORATORIUM STUDY
Town of Oyster Bay, New York

Data Sources: Bowne Management

AGE OF STRUCTURES & LANDMARK SITES

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation



July 31, 2006

Figure 3

Landmark Sites

Also illustrated on Figure 3 are the locations and names of all presently designated "landmark" sites, both within the Moratorium Study Area and within the Oyster Bay Hamlet Center. A landmark site is defined in the Town's "Landmarks Preservation" Ordinance, Chapter 143 of the Town Code, as: "A parcel or part thereof on which is situated a landmark, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated." Landmark sites must be designated by the Town Board following a public hearing and based upon a recommendation from the Landmarks Preservation Commission.

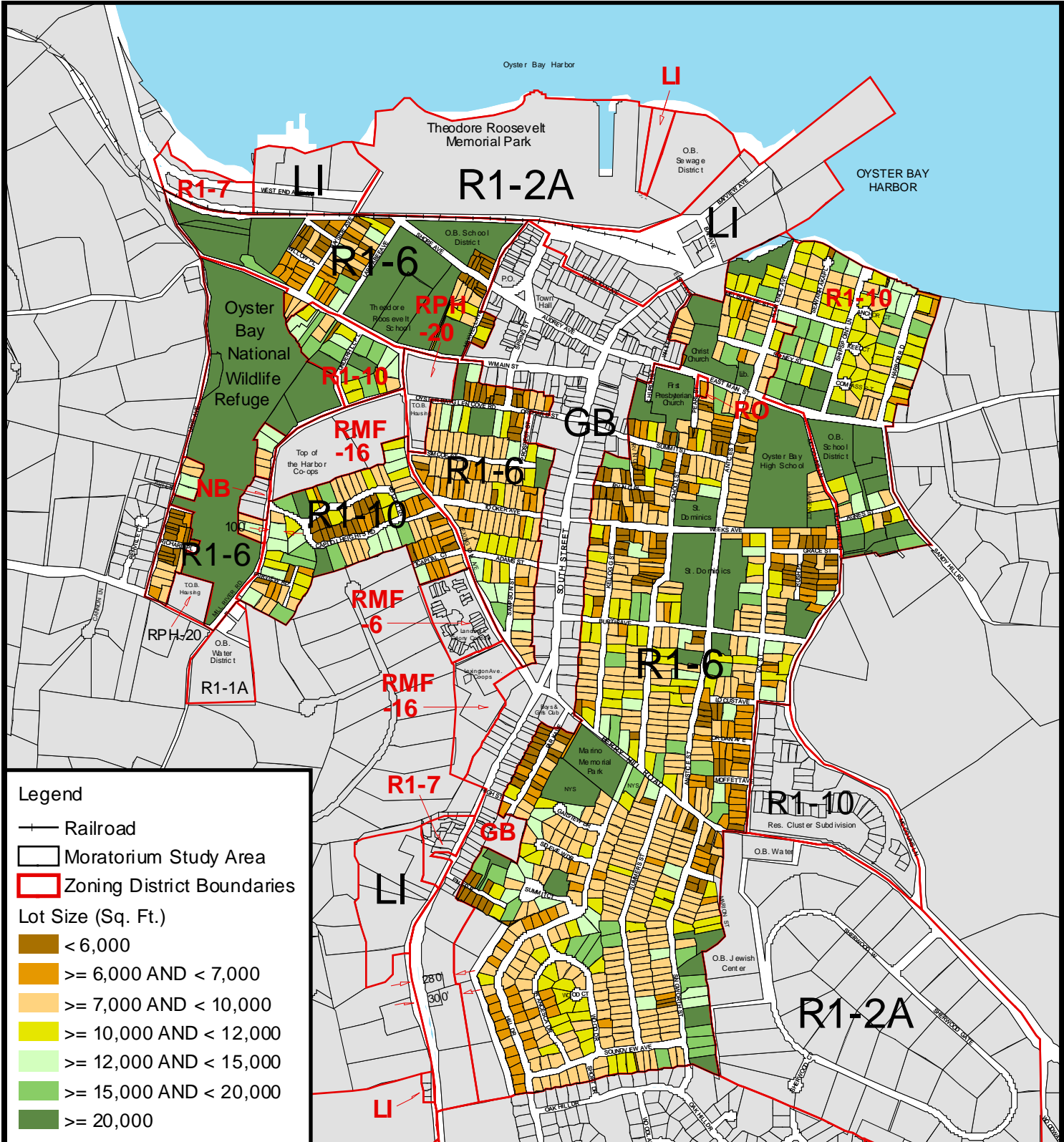
It is interesting to note that of the 17 landmark sites shown, only seven are within the residential Study Area portion of the Hamlet whereas nine are located in the Hamlet Center's GB General Business District. In addition, one is located in the Landmark Condominium project along the westerly side of Lexington Avenue.

Thanks to the assistance of "Save the Jewel By the Bay," a local civic organization, we have a series of photographs of many of the older houses which illustrate the traditional architectural character within the Moratorium Study Area. These photographs are presented in Appendix B to this report, along with an indication of the location of each such home (street address), the year it was originally built and/or last remodeled,¹ its lot size and gross floor area. Also shown is the maximum permissible gross floor area in accordance with subsequent recommendations presented in this report.

Existing Lot Size Analysis

As a part of our evaluation of the existing zoning, we have conducted a "lot size analysis." The results of this analysis are illustrated on Figure 4 on the following page.

¹ Based on Nassau County tax assessment records; not to be relied upon for site specific purposes.



Legend

- Railroad
- Moratorium Study Area
- Zoning District Boundaries

Lot Size (Sq. Ft.)

- < 6,000
- >= 6,000 AND < 7,000
- >= 7,000 AND < 10,000
- >= 10,000 AND < 12,000
- >= 12,000 AND < 15,000
- >= 15,000 AND < 20,000
- >= 20,000

OYSTER BAY HAMLET MORATORIUM STUDY
 Town of Oyster Bay, New York

LOT SIZE ANALYSIS

FREDERICK P. CLARK ASSOCIATES, INC.
 Planning/Development/Environment/Transportation



Data Sources: Bowne Management

July 6, 2006

Figure 4

The size classifications used for this analysis are based upon the minimum lot size requirements in the Town's One-Family Residence Districts and multiples of those which would potentially allow future subdivisions. It is important to understand that this potential is based on lot size alone and does not take into consideration the minimum lot frontage and lot width requirements in the Town's different zoning classifications, as well as other factors.

As can be seen from the Lot Size Analysis Map, most of the existing lots within the R1-6 District are more than 6,000 but less than 10,000 square feet in area. In addition, those lots with an area greater than 12,000 square feet, i.e. potentially subdividable into two or more lots in a 6,000 square foot zone, for the most part do not have the required road frontage or lot width to accommodate two 60' x 100' lots.

Notwithstanding the foregoing, there are a few small areas which would be subject to possible further subdivision in the future: (1) the area bounded by Ships Point Lane on the east, Melbourne Street on the north, Florence Avenue on the west and East Main Street on the south, (2) the area along the easterly side of Singworth Street at the southeasterly corner of the Study Area, and (3) the area along Mill River Road extending from West Main Street on the north to beyond Fairview Road on the south.

The first listed area contains a number of very attractive older homes described in greater detail in the Historic Preservation Plan section of this report. It adjoins an R1-10 District to its north and east.

The second area is a strip of about 8 to 10 lots which back up to the Oyster Bay Jewish Center and an R-2A zone along Sherwood Road to the east.

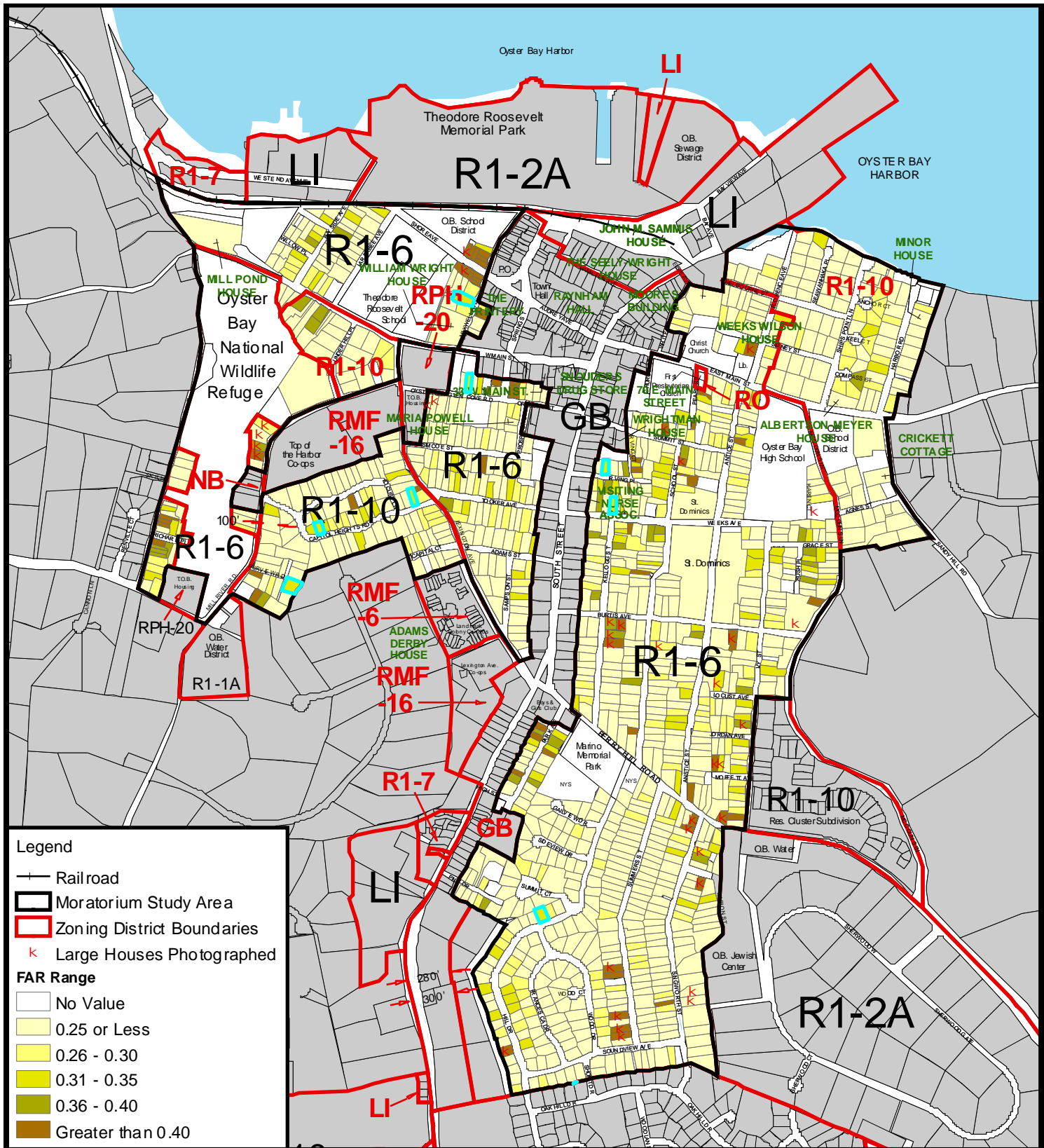
The third area is generally situated between an existing R1-10 District on the east and the Oyster Bay National Wildlife Refuge on the west. It contains many areas of steep slope as well as being situated in a position where it drains down towards the large wetland in the Wildlife Refuge.

Floor Area Ratio (FAR)

Floor area ratio (FAR) is the ratio of the total floor area of all buildings on a lot to the area of the lot itself. It is a very commonly used and helpful tool in evaluating and/or regulating the size of buildings in relation to the area of the lot on which they are located. In other words, it is a good measure of building “bulk” and is frequently used as a “bulk” control in zoning ordinances. In Oyster Bay, FAR is presently used as a bulk control only in a couple of the Town’s non-residential zoning districts.

Figure 5 on the following page presents a mapped analysis of existing floor area ratios within the Study Area. As can be seen from this analysis, most homes within the Study Area have an FAR of 0.3 (30%) or less. There are, however, a number of properties scattered around the Study Area with higher FAR’s. For the most part, these are newly constructed and/or recently expanded homes, although they also include some older homes which were built on very small lots prior to the Town’s adoption of its first zoning ordinance.

Once again, thanks to the assistance of “Save the Jewel By the Bay,” we have a series of photographs of many of those new and/or large homes. For each photo, the street address of the home is noted as well as the year it was constructed, its lot area and its gross floor area. Also shown is the maximum permissible gross floor area in accordance with subsequent recommendations presented in this report. If a home’s floor area is less than that which is proposed to be permitted, it is shown in green; if it is more, it is shown in red. These photos are presented in Appendix C.



OYSTER BAY HAMLET
MORATORIUM STUDY
Town of Oyster Bay, New York

Data Sources: Bowne Management

FLOOR AREA RATIO (FAR) ANALYSIS

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Planning/Development/Environment/Transportation

July 6, 2006



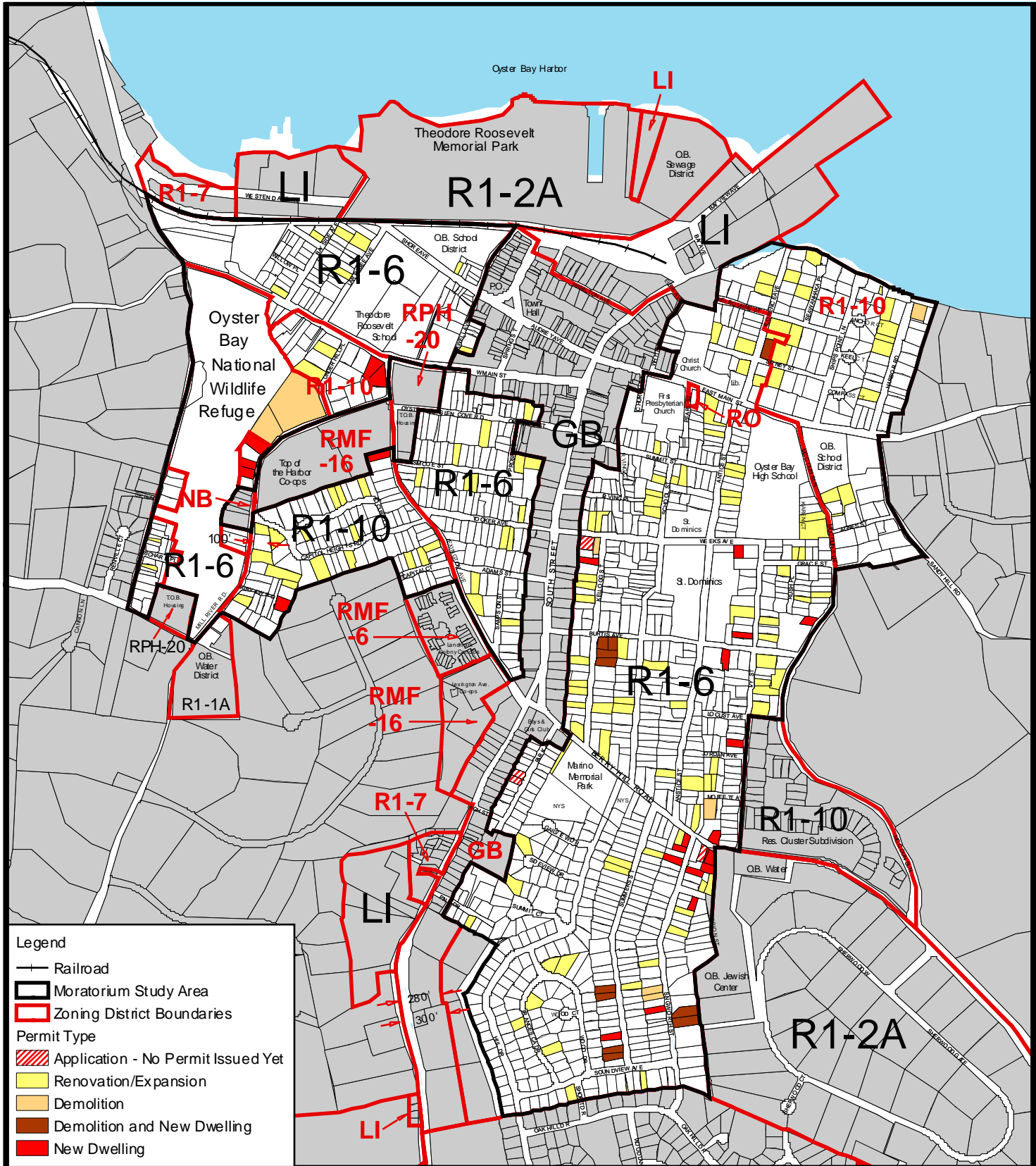
Figure 5

New and/or large homes which have been photographed are identified on Figure 5 with a red asterisk. Although some of the properties with high FAR's simply reflect the old houses which were built on very small lots, most of them are indicative of the types of newer housing which has generated so much concern regarding its impacts on the character of existing neighborhoods and which has been instrumental in bringing about the need for the moratorium and for this planning study.

As the photographs in Appendix C illustrate, many of the new houses are out of scale with the neighborhood in which they are located. Some are also of a different architectural character than the older homes, although a few builders have made an effort to reflect some elements of the existing architecture. In addition, most of the new homes are two stories in height, even though in many cases they have been built at the minimum setback lines. This offer creates a narrow "alleyway" effect between adjacent structures and/or situations where the new structure towers over the older and smaller adjacent one.

Figure 6 on the following page is a mapped illustration indicating the types of building permits which have been issued during the past decade, i.e. 1995 to 2005. As can be seen from this map, the great bulk of the permits which have been issued are for the renovation or expansion of already existing dwellings. Also, as noted in red on Figure 6, there are some new homes which have been built on either existing undeveloped lots or on recently subdivided lots. Figure 7 on the second following page specifically illustrates the FAR's of only those houses which have been built, rebuilt or remodeled during the past decade. Here it can be seen that many of the higher FAR's directly correlate with recent construction.

There have also been a number of permits issued for the demolition (teardown) of existing dwellings and, in most cases, for their replacement with new and larger homes. With the recent run-up in real estate values in Oyster Bay, as in most other communities



**OYSTER BAY HAMLET
MORATORIUM STUDY**
Town of Oyster Bay, New York

Data Sources: Bowne Management

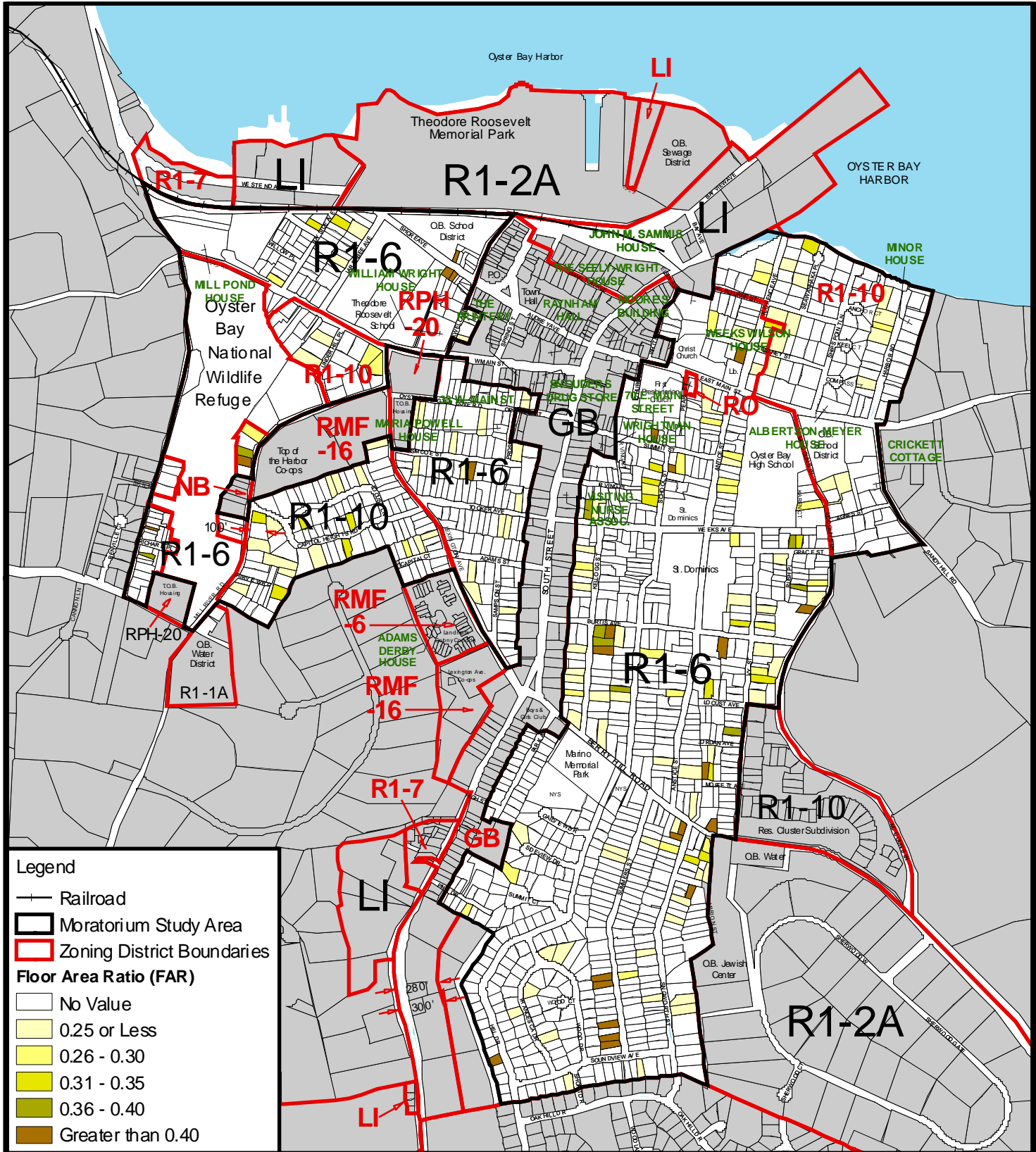
**PERMIT TYPES
(1995 - 2005)**

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July 6, 2006



Figure 6



OYSTER BAY HAMLET
MORATORIUM STUDY
Town of Oyster Bay, New York

Data Sources: Bowne Management

HOUSES BUILT OR REMODELED (1995-2005) BY FLOOR AREA RATIO (FAR)

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation

0 1000 Feet

July 6, 2006

Figure 7

across the nation, teardowns have become increasingly common. As a result, this has often been cited as a major factor leading to the destruction of the character of existing neighborhoods.

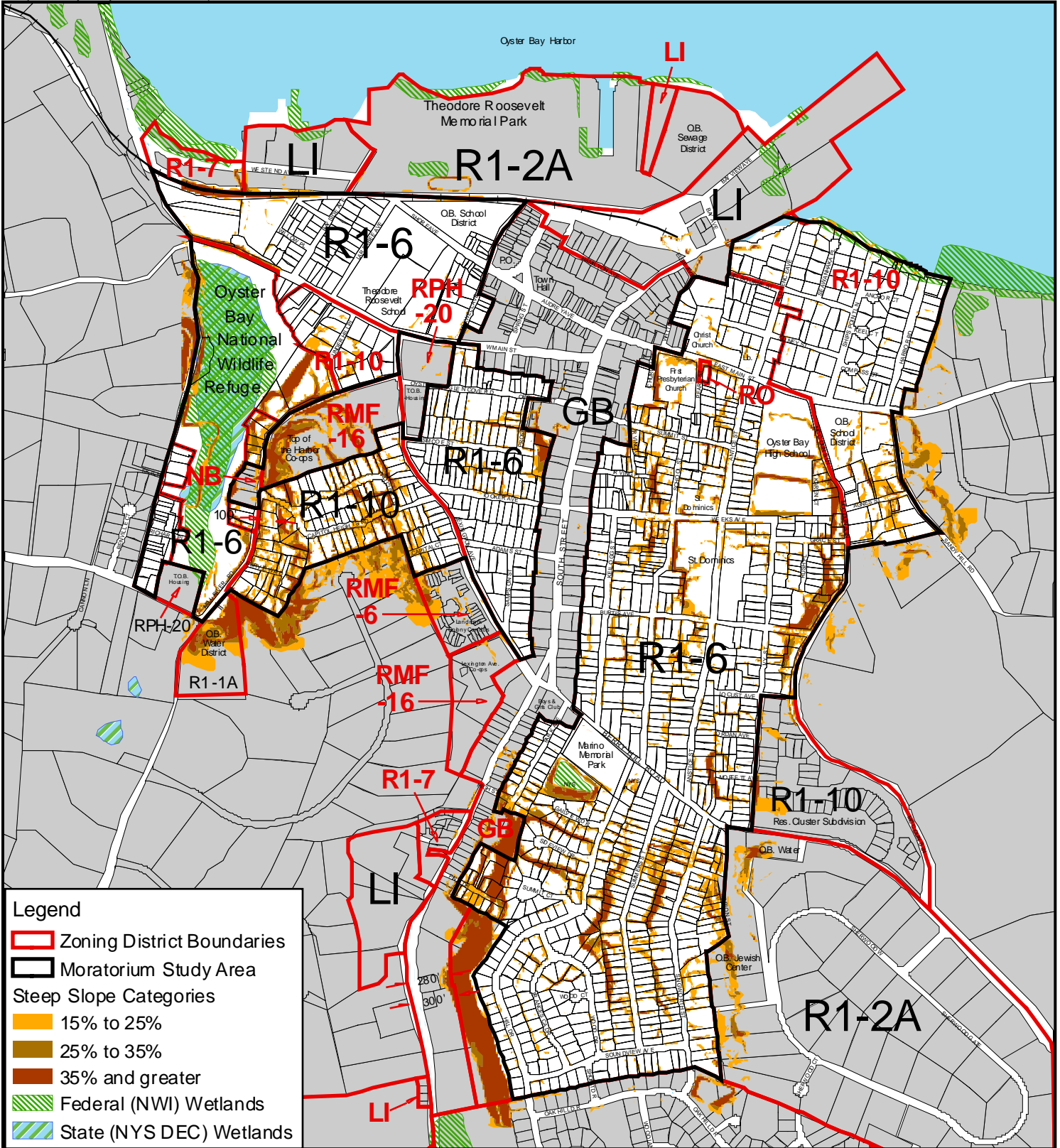
At present, demolition permits are issued by staff in the Department of Planning and Development as an administrative matter. Essentially all that is required are utility disconnection plans and permits, and the posting of a performance bond.

Environmental Conditions

A graphic analysis has also been prepared of existing environmental conditions in the Study Area, specifically related to steep slopes and wetlands. The results of this analysis are shown on Figure 8 on the following page.

Essentially what this analysis indicates is that in terms of wetlands, the only significant one in the Study Area is the large wetland in the Oyster Bay National Wildlife Refuge. However, there are also some small areas of tidal wetland along Oyster Bay Harbor in the northeasterly portion of the Study Area.

Far more significant in extent, are the areas of steep slope. The steep slope analysis is divided into three slope categories: (1) 15 to 25% (2) 25 to 35% and (3) 35% and greater. The most significant areas of steep slope within the Study Area include (1) the westerly side of McCouns Lane, (2) an area along Pine Drive, (3) some narrow bands of steep slope between Singworth and Summers Streets, between Summers Street and Hill Drive, and around both sides of Skyview Drive, (4) an area to the west of School Street, (5) the Capital Heights Road area, and (6) along Mill River Road. Just outside the Moratorium Study Area, there is also a significant band of steep slope at the rear of the GB General Business Zone along the easterly side of South Street, extending from High Street on the north to the southerly end of the Study Area.



**OYSTER BAY HAMLET
MORATORIUM STUDY**
Town of Oyster Bay, New York

**WETLANDS AND
STEEP SLOPES**

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Tree Ordinance

One of the ways in which the character of the Oyster Bay Study Area can be preserved or enhanced is through the preservation of its trees. For this reason, in 1973 the Oyster Bay Town Board adopted a Tree Ordinance. This Ordinance is incorporated in Chapter 225 of the Code of the Town of Oyster Bay.

Based upon that original Tree Ordinance, and subsequent major amendments adopted in 1980 and 1988, the establishment of a Tree Management Commission was authorized and a tree removal permit procedure, operating under the auspices of the Superintendent of Parks, was established. Essentially, the present tree removal permit procedure is administrative in nature.

RECOMMENDATIONS

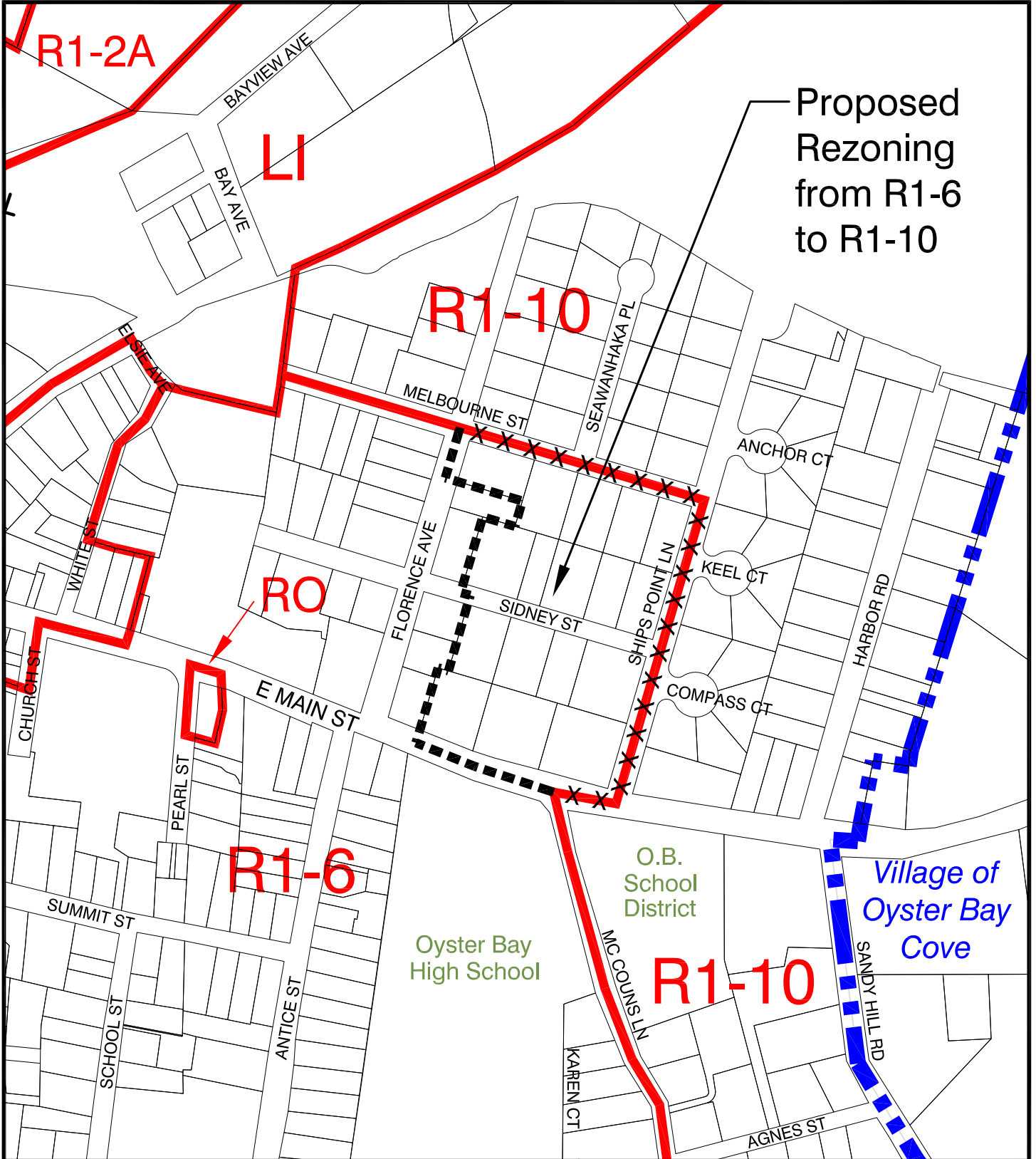
RECOMMENDATIONS





The following are a series of planning and zoning recommendations arising out of the preceding analysis. The basic intent of these recommendations is to preserve the character and scale of existing residential neighborhoods within the Oyster Bay Hamlet Moratorium Study Area, as well as to protect the environment.

Rezoning

Based upon the previously described analysis of existing lot sizes, and taking into consideration topographic characteristics, the character of existing dwellings and existing land uses, the following zoning map changes are recommended:

1. The majority of the two-block area of Florence Park which is bounded by East Main Street on the south, Ships Point Lane on the east, Melbourne Street on the north and Florence Avenue on the west, except for a few smaller lots fronting on Florence Avenue on the east, is recommended for rezoning from its present R1-6 One-Family Residence District to the adjacent R1-10 One-Family Residence District. This is illustrated on Figure 9 on the following page. This recommended rezoning area contains 17 properties, all but one of which contain at least 10,000 square feet of lot area and many of which have attractive houses characteristic of the traditional Oyster Bay Hamlet architectural style.
2. It is also recommended that three separate areas along the south side of West Main Street and both sides of Mill River Road be rezoned (as shown on Figure 10 on the second following page):



-  Municipal Boundary
-  Existing Zoning District Boundary
-  Existing Zoning District Boundary to be Removed
-  Proposed Zoning District Boundary

OYSTER BAY HAMLET
MORATORIUM STUDY AREA
Town of Oyster Bay, New York

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Scale in Feet

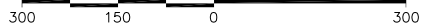
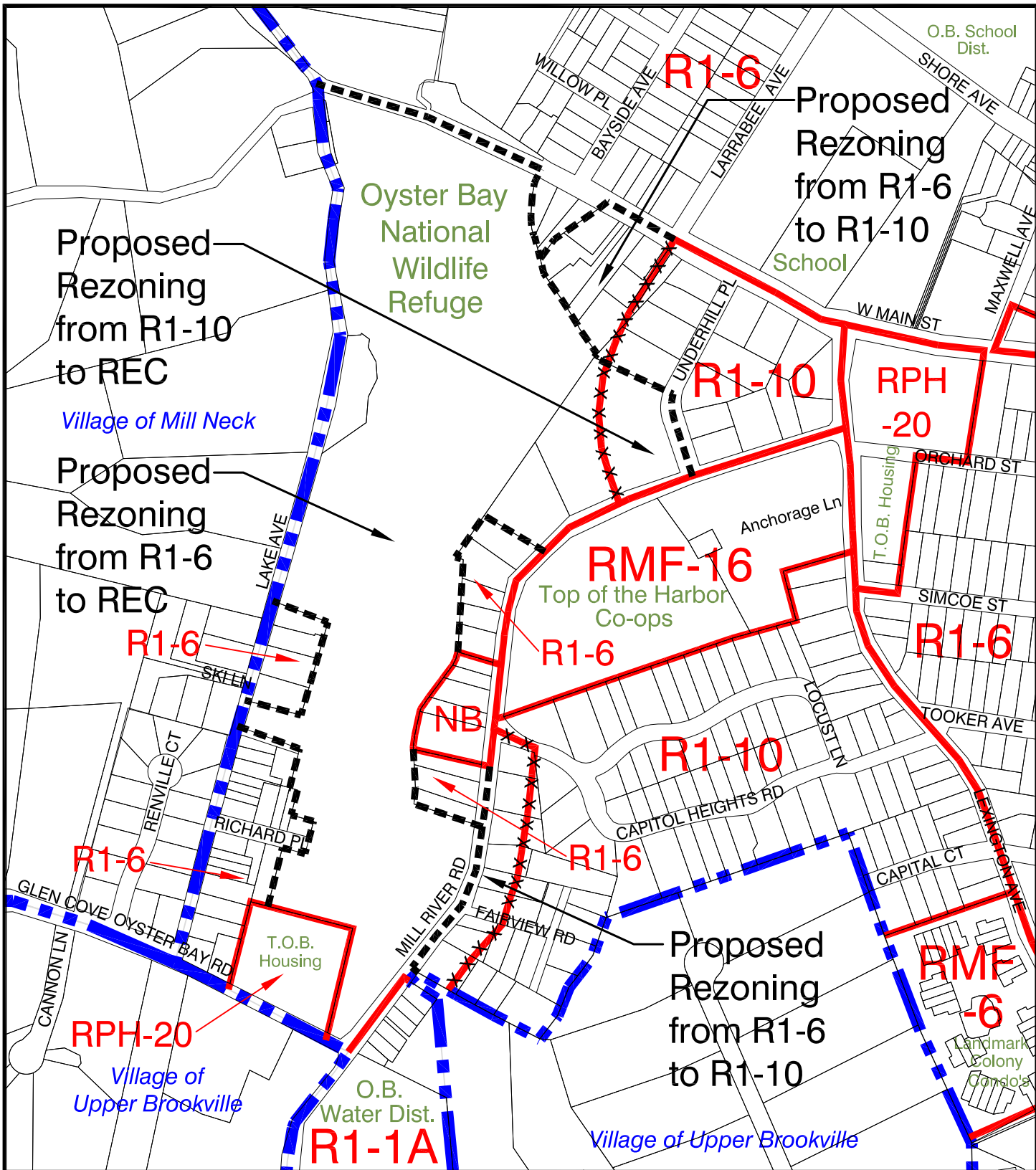


Figure
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- Municipal Boundary
- Existing Zoning District Boundary
- Existing Zoning District Boundary to be Removed
- Proposed Zoning District Boundary

OYSTER BAY HAMLET
MORATORIUM STUDY AREA
Town of Oyster Bay, New York

FREDERICK P. CLARK ASSOCIATES, INC.
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Scale in Feet

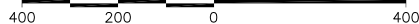


Figure
10

7/31/06

- a. It is recommended that the Oyster Bay National Wildlife Refuge property, the two adjacent properties recently acquired by the Town of Oyster Bay for open space purposes and a parcel of land which is owned by Nassau County and adjoins the west side of the Refuge, all be reclassified into the Town's Recreation (REC) zoning classification.

- b. The second area recommended for rezoning consists of basically seven parcels of land along the south side of West Main Street adjacent to the Wildlife Refuge. Here it is proposed that the adjacent R1-10 District be simply extended to incorporate this area. Most of these properties are already 10,000 square feet or larger and the existing zoning boundary splits some of them between the R1-6 and R1-10 District.

- c. The third area recommended for rezoning is located along the easterly side of Mill River Road beginning at Capital Heights Road on the north and extending to the Village of Upper Brookville boundary on the south. It is across the street from the Wildlife Refuge and contains all or a portion of nine properties. The relocation of the zoning district boundary is recommended not only for planning and environmental reasons but also to correct the present situation whereby some of the lots are divided between the R1-6 and R1-10 Districts.

Floor Area Ratio

In order to address the specific concerns with respect to "teardowns" and the construction of overly large houses, i.e. "McMansions," in their place, a number of communities have adopted some form of building size control. The most common approach, and the one which we recommend for Oyster Bay, is the use of floor area ratio (FAR) controls on a sliding scale basis related to lot size. Specifically, as lot size increases, the maximum

permitted FAR decreases. We further recommend that this regulation be based solely upon lot size, irrespective of the zoning district in which the property is located.

In addition to controlling house sizes in general, there is also a more specific concern with respect to the impact of oversized houses in relation to their immediately neighboring homes. It is, therefore, our additional recommendation that, irrespective of the maximum permitted floor area based upon lot size, such floor area should be further limited based upon the average size of immediately neighboring houses. For this purpose, it is suggested that no new home, irrespective of lot size, be permitted to exceed by more than one-third the average gross floor area of the eight homes located closest to it and which are in the same zoning district. Such a regulation will allow for the reasonable expansion of existing homes but should serve to minimize the incentive for "teardowns" and should also help to minimize the possibility that a new home will have a significant adverse visual impact on the character of an existing neighborhood.

Although it is our opinion that FAR controls would be beneficial on a Townwide basis, it is our suggestion that FAR controls be implemented at the present time only in the Oyster Bay Hamlet Study Area. The reasons for this include the fact that: (a) we have only conducted detailed analyses of FAR's in this Study Area, (b) there are only two one-family residence districts in this Study Area and (c) the range of lot sizes in this Study Area is relatively narrow. We do, however, recommend that further study be conducted on a Townwide basis and that then, either these standards, or revised ones based upon further study, be implemented throughout the Town of Oyster Bay.

Table 1 presents our recommendations for maximum permitted gross floor area by lot size:

Table 1
RECOMMENDED FLOOR AREA RATIO (FAR) STANDARDS
Oyster Bay Hamlet Moratorium Study Area

| LOT AREA | MAXIMUM PERMITTED GROSS FLOOR AREA (Square Feet) |
|---------------------------------|---|
| Less than 6,000 square feet | 40% of lot area |
| 6,000 to 6,999 square feet | 2,400 plus 30% of lot area in excess of 6,000 square feet |
| 7,000 to 9,999 square feet | 2,700 plus 20% of lot area in excess of 7,000 square feet |
| 10,000 to 19,999 square feet | 3,300 plus 14% of lot area in excess of 10,000 square feet |
| 20,000 square feet to 1.0 acres | 4,700 plus 9% of lot area in excess of 20,000 square feet |
| 1.0 to 1.999 acres | 6,820 plus 5% of lot area in excess of 1.0 acres |
| 2.0 to 4.999 acres | 9,000 plus 4% of lot area in excess of 2.0 acres |
| 5.0 acres or more | 14,225 plus 3% of lot area in excess of 5.0 acres |

In our opinion, the above recommended maximum FAR's would allow for the construction of relatively generous sized houses but would still preclude the more egregious examples of oversized homes. To specifically illustrate this point, the proposed maximum gross floor area limitations of the preceding table are shown alongside the actual gross floor areas for the previously referenced homes photographed in Appendices B and C. If the actual gross floor area is less than would be permitted in accordance with these standards, it is printed in green; if it is more than would be permitted, it is printed in red.

In summary, 24 of the 35 "large" houses photographed in Appendix C would have been required to be built at a smaller size in order to conform to these proposed floor area

limitations. By way of contrast, only 4 of the 72 typical older homes photographed in Appendix B would not conform.

It is also important to keep in mind the fact that these FAR standards are recommended in conjunction with our other recommendations, including the establishment of historic districts pursuant to the Town's Landmarks Preservation Ordinance, the future creation of design standards which would help to better integrate new and expanded houses into the architectural fabric of the community, a recommendation for the establishment of "height:setback" controls, a recommended reduction in maximum permitted building height and recommended changes to the demolition permit process. It is recommended that all of this be accomplished within the framework of an "Oyster Bay Hamlet Residence Design Overlay District."

Maximum Permitted Building Height

At the present time, the maximum permitted building height in the Town's R1-6 through R1-20 Districts is two stories/28 feet while in the larger lot size districts, R1-1A through R1-5A, it is two stories/30 feet. The basic theory is that somewhat taller houses can be reasonably and attractively accommodated on larger sized lots with larger setback requirements where they would be out of scale on smaller lots with smaller setbacks.

On this basis, and given the nature of the concerns in this Study Area and the results of the photographic surveys, it is recommended that the maximum permitted building height in the R1-6 and R1-10 Districts within the proposed Oyster Bay Hamlet Residence Design District be reduced from two stories/28 feet to two stories/25 feet. Such a reduction would, in conjunction with our other recommendations, also help to reduce the visual impact of new homes. At the same time, however, it would still allow the construction of a full two-story house with a reasonably sloped roof. It is important to

keep in mind the fact that the maximum permitted building height is measured to the “mean level of the highest...section” of a sloped roof.

Subject to further study, it is recommended that this change be implemented in the near future on a Townwide basis for all R1-6, R1-7 and R1-10 Districts.

Height:Setback Ratio (Inclined Plane)

Irrespective of the above proposed limits on gross floor area and building height, a two-story home built to the maximum permitted height could still be located at the minimum front, side and/or rear yard setback. This would, therefore, still allow the previously described “alleyway” effect to occur as well as situations where one house appears to tower over a smaller neighboring one. Also, where a maximum height house is proposed to be built on an uphill lot, its visual appearance from the street can give the appearance of a far larger and more imposing home than if it was built on a flat lot or on one which is downsloping from the street.

For this reason, a regulation known as the “height:setback ratio” or “inclined plane” has been implemented in many communities. Such a regulation requires that homes which are built to the maximum permitted height have to be set back further from the street and from neighboring properties than the minimum required setback. Alternatively, if constructed at the minimum required setback, at least that portion of the building would have to be built to a lesser height.

Table 2 presents our recommendations for height:setback ratios in the Oyster Bay Hamlet’s R1-6 and R1-10 One-Family Residence Districts:

Table 2

| ZONING DISTRICT | MAXIMUM PERMITTED HEIGHT:SETBACK RATIO | | |
|-----------------|--|-----------|-----------|
| | Front Yard | Side Yard | Rear Yard |
| R1-6 | 0.8:1 | 3:1 | 0.7:1 |
| R1-10 | 0.7:1 | 2:1 | 0.6:1 |

Figures 11 and 12 on the following pages illustrate how the height:setback ratio would work on a typical 60 x 100 foot lot in the R1-6 District and on an 80 x 125 foot lot in the R1-10 District. Figure 13, on the page after that, also illustrates how the height:setback ratio would work on a sloping lot in the R1-6 District.

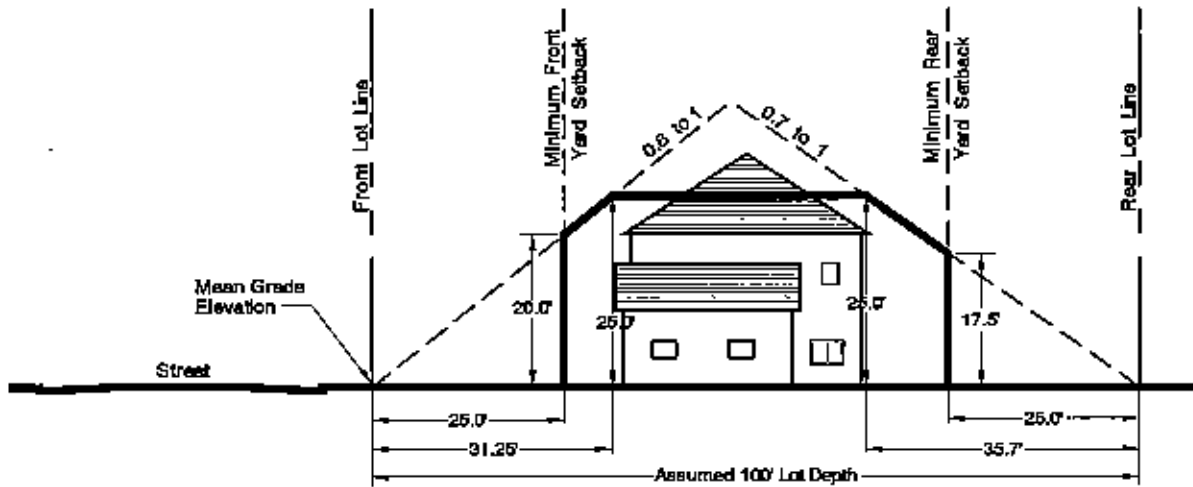
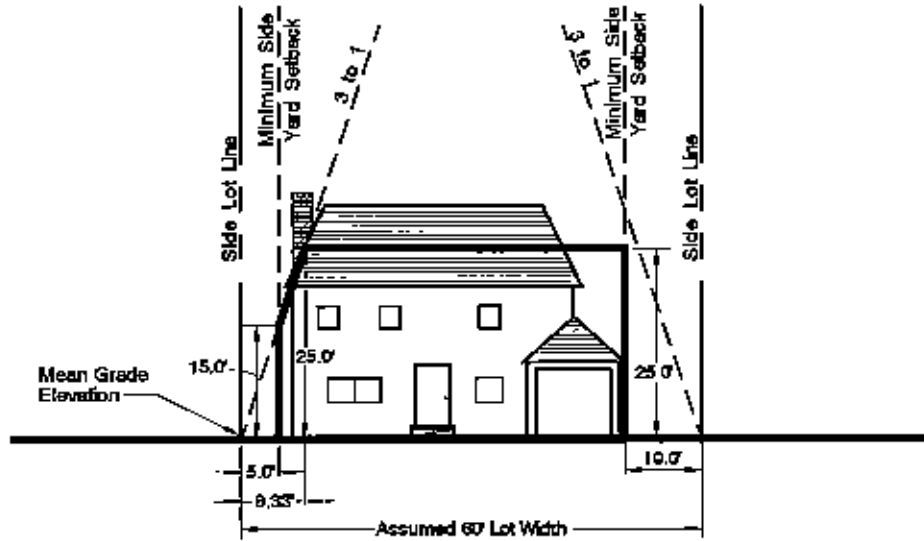
In summary, the proposed height:setback ratio regulations in and of themselves would not reduce the maximum permitted height of buildings in the R1-6 and R1-10 Districts but would simply require that any portion of those houses which are built to the maximum height be placed more toward the center of the lot and farther away from streets and neighboring properties.

Height:setback ratio is another concept which could have Townwide benefit in the future, subject to further study.

Demolition Permits

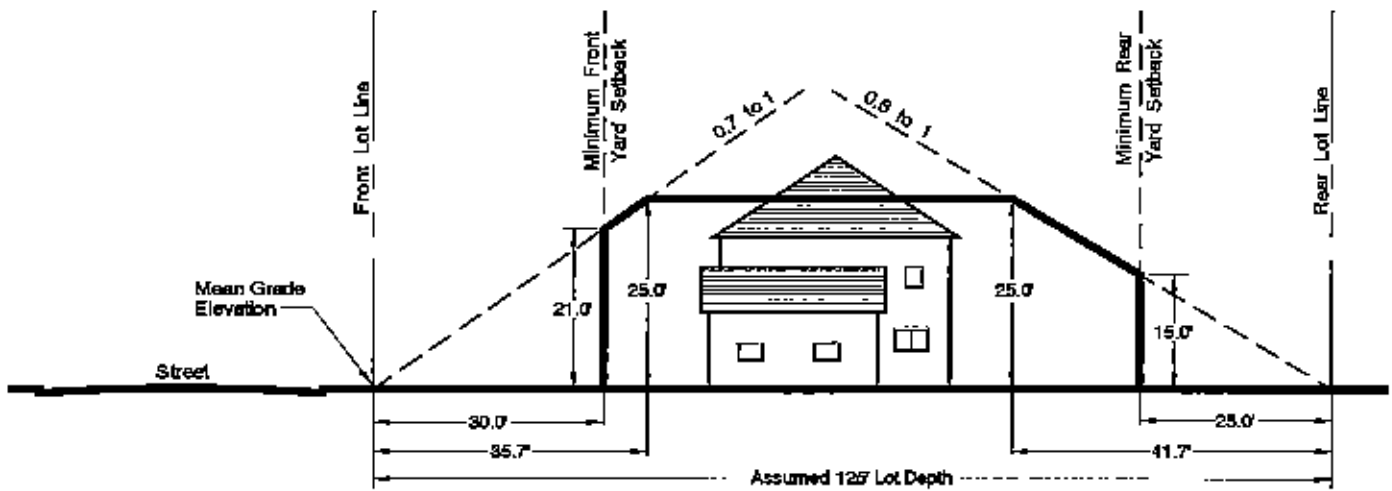
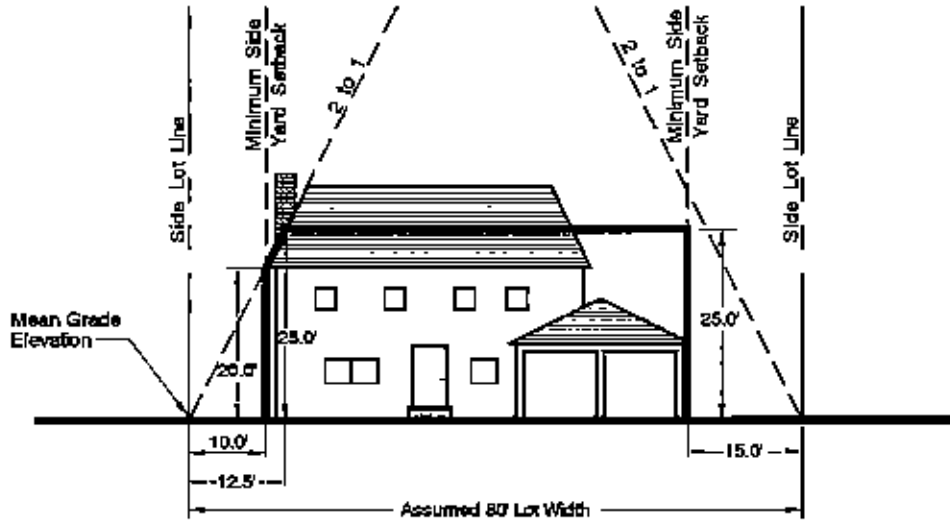
At the present time, an application to demolish an existing residence, other than a designated landmark site, is a pro forma matter handled by staff of the Department of Planning and Development. As noted earlier in this report, the application form and permit requirements deal primarily with safety considerations and the restoration of the property after the demolition has occurred. There is no other review or notification process currently required.

ILLUSTRATION OF HEIGHT:SETBACK RATIO **LEVEL LOT** (R1-6 DISTRICT)



| | |
|--|---------|
| HEIGHT:SETBACK RATIO - R1-6 DISTRICT Town of Oyster Bay, New York | |
| FREDERICK P. CLARK ASSOCIATES, INC. Planning/Development/Environment/Transportation | |
| Scale in Feet 25 0 25 | |
| Figure 11 | 9/18/06 |

ILLUSTRATION OF HEIGHT:SETBACK RATIO **LEVEL LOT** (R1-10 DISTRICT)



HEIGHT:SETBACK RATIO - R1-10 DISTRICT

Town of Oyster Bay, New York

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environmental/Transportation

Scale In Feet



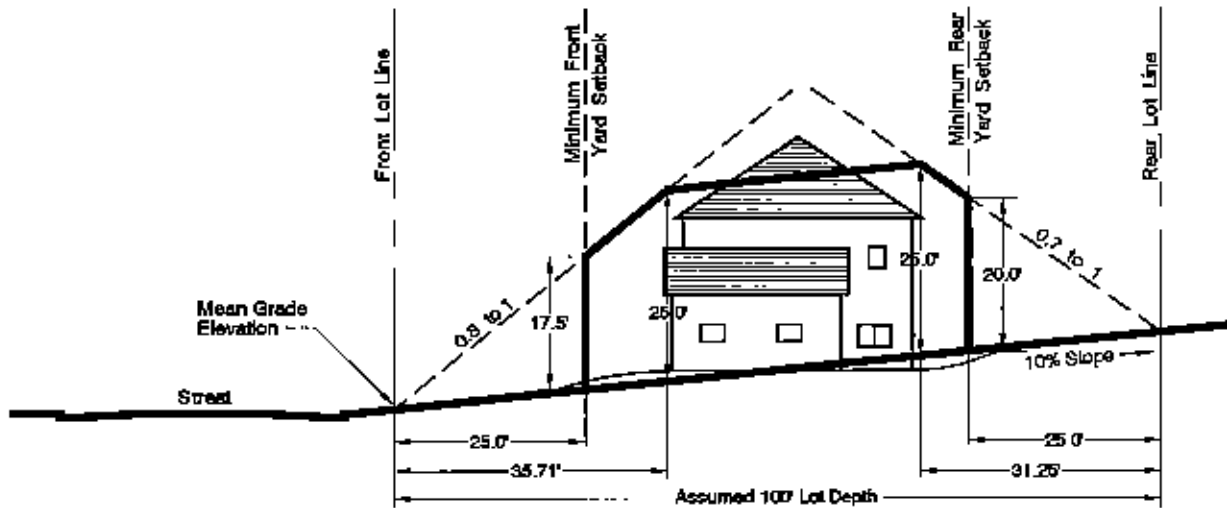
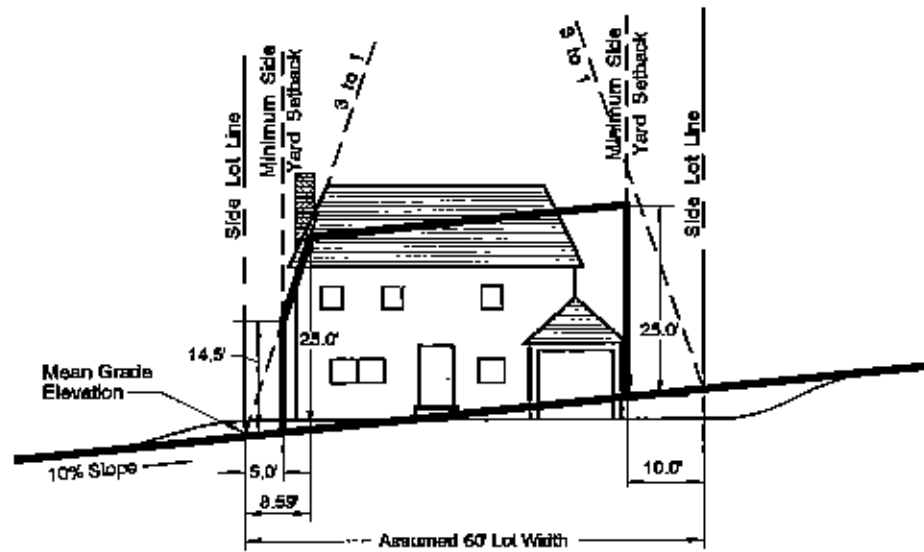
Figure
12

9/18/06

ILLUSTRATION OF HEIGHT:SETBACK RATIO

SLOPING LOT

(R1-6 DISTRICT)



HEIGHT:SETBACK RATIO - R1-6 DISTRICT
SLOPING LOT
 Town of Oyster Bay, New York

FREDERICK P. CLARK ASSOCIATES, INC.
 Planning/Development/Environment/Transportation

Scale in Feet

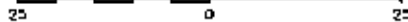


Figure
13

9/18/06

Inasmuch as there are a substantial number of older and potentially historic homes located within the Oyster Bay Hamlet Study Area, most of which have not yet been designated either as landmark sites or as a part of landmark districts, it is important to assure that there will be some type of formal review process prior to granting a demolition permit for homes which are more than 50 years old (the National minimum standard for historic eligibility). A related concern exists with respect to the impact which often results from the demolition of a home and its replacement with a home of a size and/or architectural character which may be inconsistent with the design fabric of an existing neighborhood. It is recommended that this review process be conducted by the Planning Advisory Board in the form of a "site plan review," similar to those reviews currently conducted by them pursuant to Section 246-6 of the Town Code.

Such a site plan review process would require an Applicant for a demolition permit to prepare a plan for the future reuse of the property, assuming the demolition permit is granted. As a site plan review, it would require the posting of a notification sign on the premises and would allow public comment at the Planning Advisory Board meeting. Such public comment could include testimony from the Landmarks Preservation Commission where issues of historic significance are involved. Such a process would give the Planning Advisory Board the opportunity to consider all comments received, the potential impact of the removal of the subject structure upon the neighborhood and upon the Town, and possible alternatives to such removal.

Due to the unique nature of this proposed zoning amendment, and of the Oyster Bay Hamlet, it is recommended that this procedure be adopted on a trial basis for a period of approximately one year. Following this trial period, it could then be considered for application to other neighborhoods in the Town which may also have a unique historic and/or architectural character.

Historic Preservation Plan

It is recommended that a comprehensive, up-to-date inventory of all historic resources in the Oyster Bay Hamlet be undertaken. A comprehensive inventory would serve as a basis for preservation planning efforts within the Hamlet, regardless of whether individual historic districts are designated under the Town's Landmarks Preservation Ordinance. There is a wealth of information on the history and architecture of Oyster Bay in such local publications as A Walking Tour of Oyster Bay (1996), and The Freeholder magazine, both published by the Oyster Bay Historical Society, as well as in the many primary and secondary source materials contained in the archives of the Oyster Bay Historical Society headquarters. This historical background should be distilled in such a historic preservation document, providing historic contexts for the existing historic resources identified.

The completion of such a survey will enable the Landmarks Preservation Commission to be more proactive regarding the preservation of landmarks and districts in the Hamlet. It should also be ensured that the membership of the Landmarks Preservation Commission is in accordance with the requirements outlined in Section 143-3 of the Town Code.

Prior to consideration by the Landmarks Commission of any proposed districts, a complete inventory of all structures within the proposed historic district(s) should be made, and the justification for the boundary(ies) of such should be articulated in the nomination document. In addition, the historic context (i.e., the historical events that shaped the development) should be researched and documented as part of the district nomination. Much of this information has already been compiled in local histories available at the Oyster Bay Historical Society.

Within the Moratorium Study Area, it was observed that several areas contain concentrations of houses that date from the late 19th and early 20th centuries and have

retained enough of their original architectural features to evoke the historic period. The following specific areas merit further study as potential historic districts:

East Main Street/Florence Park. This area includes both sides of East Main Street within the Moratorium Study Area; the adjacent turn of the 20th century development identified as “Florence Park” on period maps, which includes houses on Florence Avenue up to Melbourne Street, Sidney Street and the south side of Melbourne Street; and Pearl Street. This area has the highest concentration of historic buildings retaining a high degree of integrity within the Moratorium Study Area.

East Main Street is one of the oldest roads in the Hamlet, and contains buildings dating from the Colonial era to the 1929 Oyster Bay High School, which is an excellent example of civic architecture executed in the Art Deco style. East Main Street within the Study Area contains several buildings that have been featured in local historic publications and/or designated individually as landmarks under the Town’s Landmark Preservation Ordinance. These include the Italianate Bayles House at 70 East Main Street and the Albertson-Meyer House at 153 E. Main St. (both designated landmarks), The Hawxhurst House at 97 E. Main, the Stoddart House at 107 E. Main, the Snouder House at 119 E. Main, the Bayer House at 135 E. Main, the McCoun House at 198 E. Main, and the Anstice House at 78 E. Main. Although not designated under the Town’s landmarks law, the 1873 First Presbyterian Church located on the south side of E. Main Street within the Moratorium Study Area is an excellent example of the 19th century “Stick” style and has been listed on the State and National Registers of Historic Places since 1976.

In considering the designation of historic districts, it is recommended that the East Main Street/Florence Park area be given first priority since (1) East Main Street is a highly visible area and preservation of the historic and architecturally distinguished buildings along this corridor is crucial to maintaining the character of the Hamlet, (2) the historic significance of many of the buildings in this area has already been documented by the

Oyster Bay Historical Society; and (3) the area is fairly compact and most buildings contain a high degree of integrity.

Residential neighborhood to the south of East Main within the Moratorium Study Area, including houses on the north/south running streets of Kellogg, School, Anstice and Ivy, and the east/west running streets of Summit, Weeks, Burtis and Berry Hill. This area contains a high concentration of houses from the late 19th and first half of the 20th century. The southernmost portion of this area, part of which is identified as “Burtis Heights” on a 1900 map, contains many well-preserved examples of later Colonial Revival architecture dating from the 1920s and 30s, as well as examples of the earlier turn of the century Queen Anne and Shingle styles. There are also some examples of earlier Victorian styles within this area, such as the ca. 1870 Second Empire style house at 64 Anstice Street, with a mansard roof characteristic of the style; and a brick Italianate house with a cupola at 29 School Street. Although there are a number of modern intrusions within this area, both in the form of houses constructed after 1960 and alterations that significantly obscure the original features of the house, there is sufficient continuity of historic fabric to merit examination of this area for an historic district.

Although the residential neighborhood south of Berry Hill Road contains several older homes, this area is for the most part characterized by houses built or remodeled in the late 20th century and, therefore, does not appear to have potential for an historic district.

Capitol Heights/Locust Lane. The early 20th century residential development along this loop contains a fairly high concentration of houses that have retained their defining historic features. The road, which winds up a hillside, is distinguished by its break with the grid pattern of the earlier residential developments.

Spring St./Orchard St./ Prospect St./ eastern end of Simcoe St. These streets contain some of the earliest residences in the Hamlet, built in the first half of the 19th century

prior to the burst of development resulting from the coming of the railroad. The intersection of Prospect and Simcoe was the site of a hill fortified by British troops during the Revolutionary War. While there are several modern intrusions in the form of additions and renovations that have obscured original features, this area merits a closer look due to its age.

Larrabee St./Bayside Avenue/Willow Place/Weldon Place. This development close to the harbor, bounded on the north by the Long Island Railroad tracks and on the south by West Main St., contains a high concentration of late 19th century houses, a good number of which retain original architectural details and fenestration. Early industries such as the Oyster Bay Steam Saw and Planing Mill (pictured in the 1873 Beers Atlas) and the John Titus steam engine manufactory (pictured in a 1900 map of the Hamlet) were located in this area. Some of these houses may have been the homes of workers in these early industries.

Tooker Avenue/Adams Street/ Lexington Ave. The area of Lexington Avenue south of Simcoe St., to Adams Street, and the houses along Adams St. and Tooker Avenue contain a concentration of late 19th century (Tooker Ave.) and early 20th century (Adams St.) homes. Although many have had modern alterations, this area merits a closer look.

For the purposes of this study, only areas within the Moratorium Study Area were examined, although historic resources within the commercial districts may also merit inclusion in a future historic district.

The designation of any historic district will need to comply with the process for designation outlined in Chapter 143 "Landmarks Preservation" of the Town of Oyster Bay Code, and as such, will be subject to Town Board public hearing and approval. Owners of properties within designated historic districts are eligible for the

reimbursement of certain taxes, as outlined in Section 143-9 of the Landmarks Ordinance.

Residence Design District

In addition to the specific recommendation for the possible establishment of historic districts as described above, it is also recommended that the Town consider retaining a special architectural design consultant to analyze the architectural styles and characteristics of existing residences within the Oyster Bay Hamlet Moratorium Study Area. The purpose of such a study would be to identify, describe and catalog the architectural design qualities of homes in this area, leading to recommendations for the establishment of specific design standards for the Oyster Bay Hamlet Residence Design District, which would be in the form of an "overlay" district. Administration of these requirements would be the responsibility of an appropriate Town agency or department, to be determined at the time of implementation.

Once again, "Save the Jewel By the Bay" has submitted an illustration of a similar type of study which was prepared for the City of Norfolk, Virginia. It is our recommendation that the Town retain a firm with the capabilities of performing such a study leading to the implementation of a Residence Design District for the Oyster Bay Hamlet. If successful, this study could serve as a model for future Residence Design Districts in other appropriate neighborhoods in Town which have a unique architectural and/or historic character. In the interim, as noted above, it is recommended that an overlay district be established for the Oyster Bay Hamlet now so that it can serve as a vehicle for the various zoning changes which are being proposed for immediate implementation.

Steep Slopes and Environmental Subtractions

Steep slope areas represent significant environmental features which are important for the Town to preserve and protect. They are the land areas most susceptible to erosion and sedimentation, but in their existing, natural condition they are normally stabilized by trees and other forms of vegetation. Disturbance changes that. There are numerous examples of landslides or mudslides caused by the disturbance of, including construction on, steep slope areas. Such areas are also highly visible elements of the landscape. It is for all of these reasons that many communities have adopted steep slope regulations.

Specifically, steep slope regulations are designed to prevent the disturbance of steep slopes in much the same way as wetland regulations are designed to prevent the disturbance of wetlands. In those situations where the disturbance of a steep slope is determined to be either necessary or appropriate by the responsible Town agency, a permit would be required.

It is our opinion that a Steep Slopes zoning amendment would not only be beneficial in the Oyster Bay Hamlet Moratorium Study Area but would also benefit many other areas of the Town. Therefore, even though a Steep Slopes zoning amendment could be specifically crafted to fit this Study Area only, its need is far broader than that and a greater benefit could be enjoyed by the Town if it were to be made applicable on a Townwide basis.

For that reason, we have analyzed the potential impact of its Townwide application based upon Geographic Information System (GIS) information provided by Nassau County. As with our analysis of the Moratorium Study Area itself, we have prepared this steep slope analysis with the same three slope categories: (1) 15 to 25%, (2) 25 to 35% and (3) over 35%. Table 3 on the following page presents a statistical summary of the extent of steep slopes in these three steep slope categories within the entire Town.

In summary, the majority of steep slope areas have been found to be located in the northerly and northwesterly portions of the Town of Oyster Bay. In total, there are approximately 2,100 acres of steep slope lands, including manmade steep slopes, e.g. recharge basins, former sand mines, etc. This is equal to approximately 5% of the total Town area. It should also be noted that more than half of the steep slope areas are within the 15 to 25% category. Finally, the One-Family Residence District with the greatest amount and highest percentage of steep slopes is the R1-1A One-Acre District with 555 acres of steep slope comprising almost 12% of the R1-1A District's total land area.

In our opinion, the following should be the basic elements of such a Steep Slopes zoning amendment:

1. Three steep slope categories, as described above, should be utilized.
2. All activities permitted on steep slopes, by category, should be specifically listed.
3. Any proposed disturbance of steep slope areas should require a permit from the Town of Oyster Bay Department of Planning and Development.
4. The permitted density on multi-family and non-residential properties should be reduced where steep slopes (and/or wetlands) are present. This is a process known as "environmental subtraction" and would lead to a "net lot area." To calculate net lot area, a 25% deduction is suggested for all slope areas between 15 and 25%, a 50% deduction for all slope areas between 25 and 35% and a 75% deduction for all slope areas in excess of 35%. A 75% deduction is also recommended for wetlands.

5. The above “environmental subtraction” formula should also be used in the calculation of minimum lot area (as well as maximum permitted gross floor area) for any new single-family lots created by subdivision after the effective date of the new regulations.

Due to the magnitude of this proposed Townwide change, further study and community outreach is recommended before preparing a final draft of such an amendment.

Minimum Contiguous Buildable Area

In connection with the Town’s concern for the preservation and protection of environmentally sensitive lands, including steep slopes as described above, it is also recommended that a “minimum contiguous buildable area” requirement be established. This is a relatively new type of requirement which has been put in use in several communities in recent years. Its purpose is to assure that there is an adequately sized and contiguous area of usable shape on any newly created lot within which can be built a reasonably sized house with the customary accessory uses that go along with it, i.e. driveway, parking area, deck, patio, terrace, pool, etc. Such area should be free of wetlands and steep slopes so that the Town’s goal of preserving such environmentally sensitive areas can be better achieved. In other words, even after applying the “net lot area” (“environmental subtraction” requirements as described above), it is important that each lot have an area which can actually be built upon without requiring variances or permits to disturb significant environmental features.

Minimum contiguous buildable area requirements would necessarily vary based upon the zoning district in which the proposed lot is located and the availability of public sewer service. Such an amendment requires further study to determine the correct size for these minimum required areas and then future implementation on a Townwide basis.

Revised Tree Ordinance

As a result of our review of the Town's present Tree Ordinance (Chapter 225 of the Code of the Town of Oyster Bay), it is recommended that the entire Ordinance be comprehensively updated and revised by the Parks Department. The new Ordinance should include a revised statement of legislative intent; new and better definitions; specify more clearly which tree related activities are permitted and when a permit is required; contain separate lists of recommended trees for streets and parking lots as compared to private properties; provide specific mitigation requirements for tree removal; and continue to retain the Department of Parks as the primary agency responsible for its administration.

If the removal of trees is proposed as a part of an application for site plan, special permit or subdivision approval, the Ordinance should make the agency which is responsible for the approval of those actions also responsible for the issuance of any necessary tree removal permit. In this way, it can be assured that any tree removal activities will be properly coordinated with the larger application of which it is a part. Otherwise, the Parks Department should remain responsible for the issuance of required tree removal permits.

SUMMARY

SUMMARY

It is clear from the preceding analysis that the character of existing residential neighborhoods in the Oyster Bay Hamlet is undergoing significant change. Some smaller and/or older homes are being torn down, oversized lots are being subdivided, homes are being expanded and new houses are being constructed. Much of this development is out of scale and character with the architectural fabric and historical character of the existing community. In addition, this new and expanded development has often resulted in the removal of many trees and the disturbance of steep slopes.

The following is a summary of the recommendations contained in this report (also see Summary of Recommendations – Table 4 which follows):

1. Four areas are recommended for rezoning: three from R1-6 to R1-10 and one from R1-6 to REC. These areas are located along the north side of east Main Street, the south side of West Main Street and in two places along Mill River Road.
2. Floor area ratio controls are recommended for immediate implementation within the Study Area, specifically a new Oyster Bay Hamlet Residence Design (OBHRD) Overlay District, and possible future implementation Townwide. The purpose of such regulations would be to limit the amount of gross floor area in relation to lot size and to the size of neighboring homes.
3. A reduction in the maximum permitted building height in R1-6 and R1-10 One-Family Residence Districts from two stories/28 feet to two stories/25 feet is recommended for immediate implementation within the Study Area's new Overlay District and possible future implementation on a Townwide basis. The latter would also include the R1-7 District.

4. The implementation of a “height: setback ratio” (inclined plane) ordinance is also recommended on an immediate basis for the Oyster Bay Hamlet Residence Design Overlay District and for possible Townwide application after further study. Such an ordinance is intended to prevent maximum height houses from being built at minimum required setbacks.
5. The initiation of a site plan review process by the Town’s Planning Advisory Board is recommended prior to the issuance of a demolition permit for any existing home which is more than 50 years old and which is located in the proposed Oyster Bay Hamlet Residence Design Overlay District.
6. A comprehensive inventory of all historic resources in the Oyster Bay Hamlet should be undertaken to serve as a basis for future preservation planning efforts. Areas which contain concentrations of historic buildings should be considered for designation as historic districts by the Town Board, in accordance with the Town of Oyster Bay’s existing Landmarks Preservation Ordinance.
7. An architectural design study of the Oyster Bay Hamlet should be conducted. Basically, this would provide architectural design guidelines for new and expanded homes within the Oyster Bay Hamlet Study Area.
8. Steep Slope controls, subject to further study and community outreach, are recommended for implementation, not in just the Oyster Bay Hamlet Study Area, but throughout the entire Town.
9. In conjunction with the adoption of steep slope controls, it is recommended that any proposed new residential lots be given reduced lot area credit for steep slopes,

as well as for wetlands. If adopted, these “environmental subtractions” could also apply to multi-family and nonresidential development Townwide.

10. It is also recommended that a “minimum contiguous buildable area” requirement be studied for future Townwide application. It should apply to all new single family lots. The purpose of this would be to assure that there is adequate space available for a reasonable amount of development which is normally associated with the construction of a new home and its customary accessory uses, without the need to impact sensitive environmental features.
11. A revised Tree Ordinance is recommended for future Townwide implementation.

Table 4
SUMMARY OF RECOMMENDATIONS
Oyster Bay Hamlet Moratorium Study

| RECOMMENDED ACTION | OYSTER BAY HAMLET STUDY AREA | TOWNWIDE |
|--|---|---------------------|
| Zoning Map Changes | Now | -- |
| Floor Area Ratio (FAR) Controls | Now | Future |
| Reduced Maximum Building Height | Now | Future |
| Height:Setback Ratio (Inclined Plane) | Now | Future |
| Demolition Permit Requirements | Now | Future ² |
| Historic Survey and District Designations | Future | -- |
| Architectural Design Controls | Future | -- |
| Steep Slope Regulations | -- | Future |
| Minimum Contiguous Buildable Area Requirements | -- | Future |
| Revised Tree Ordinance | -- | Future ³ |

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² It is recommended that this Ordinance be implemented on a trial basis only in the Hamlet of Oyster Bay. It may, if successful, have future applicability to other neighborhoods of unique historic or architectural character in the Town.

³ By Department of Parks.

APPENDIX A

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.

XXXXXX

XXXX

of Oyster Bay

Town

XXXXXXXX

Local Law No. 7 of the year 2005

A local law to impose a six (6) month moratorium on the issuance of building permits for the construction of new or expanded buildings, demolition permits for buildings, subdivision approvals, and variances related to lot area, lot dimensions or setbacks for new buildings within the Oyster Bay Hamlet Moratorium Study Area.

(Insert Title)

Be it enacted by the Town Board of the

(Name of Legislative Body)

XXXXXX

XXXX

of Oyster Bay

as follows:

Town

XXXXXXXX

SECTION 1. Short Title.

This Local Law shall be known and may be cited as the Oyster Bay Hamlet Moratorium Law of the Town of Oyster Bay, New York.

SECTION 2. Legislative Intent.

The Town Board of the Town of Oyster Bay, Nassau County, New York is concerned with respect to the potential impact of development and redevelopment of residential properties located in the Oyster Bay Hamlet on the density and character of existing residential neighborhoods. It is, therefore, the Town Board's intent to have a study prepared of potential future development and/or redevelopment in this area based upon

current zoning standards and other applicable controls. This moratorium is determined to be necessary in order to prevent the granting of building permits, subdivision approvals, variances and/or demolition permits which could change the character of this area prior to the completion of the aforesaid study and to give the Town Board ample opportunity to carefully consider it and any recommendations resulting from it, and, if determined appropriate, to put such recommendations into effect.

SECTION 3. Regulatory Controls.

For a period of six (6) months from the effective date of this Local Law, no building permit shall be issued for the construction of any new or expanded buildings, no preliminary or final approval shall be granted for any subdivision plat or partitioning map, no building demolition permit shall be issued unless required for emergency purposes as determined by the Department of Planning and Development, and no variance shall be granted related to lot area, lot dimensions or building setbacks, if said permit or approval affects properties within the Oyster Bay Hamlet Moratorium Study Area as shown on the map on the following page.

SECTION 4. Exempted Properties.

Notwithstanding the foregoing, the following properties shall be exempted from the moratorium provisions of this Local Law:

1. Section 27, Block K, Lot 670 on Singworth Street.
2. Section 27, Block 4, Lots 48-52 on Park Avenue; south of Berry Hill Road.
3. Section 27, Block 59, Lots 29 and 30 on Summers Street.

SECTION 5. Validity.

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

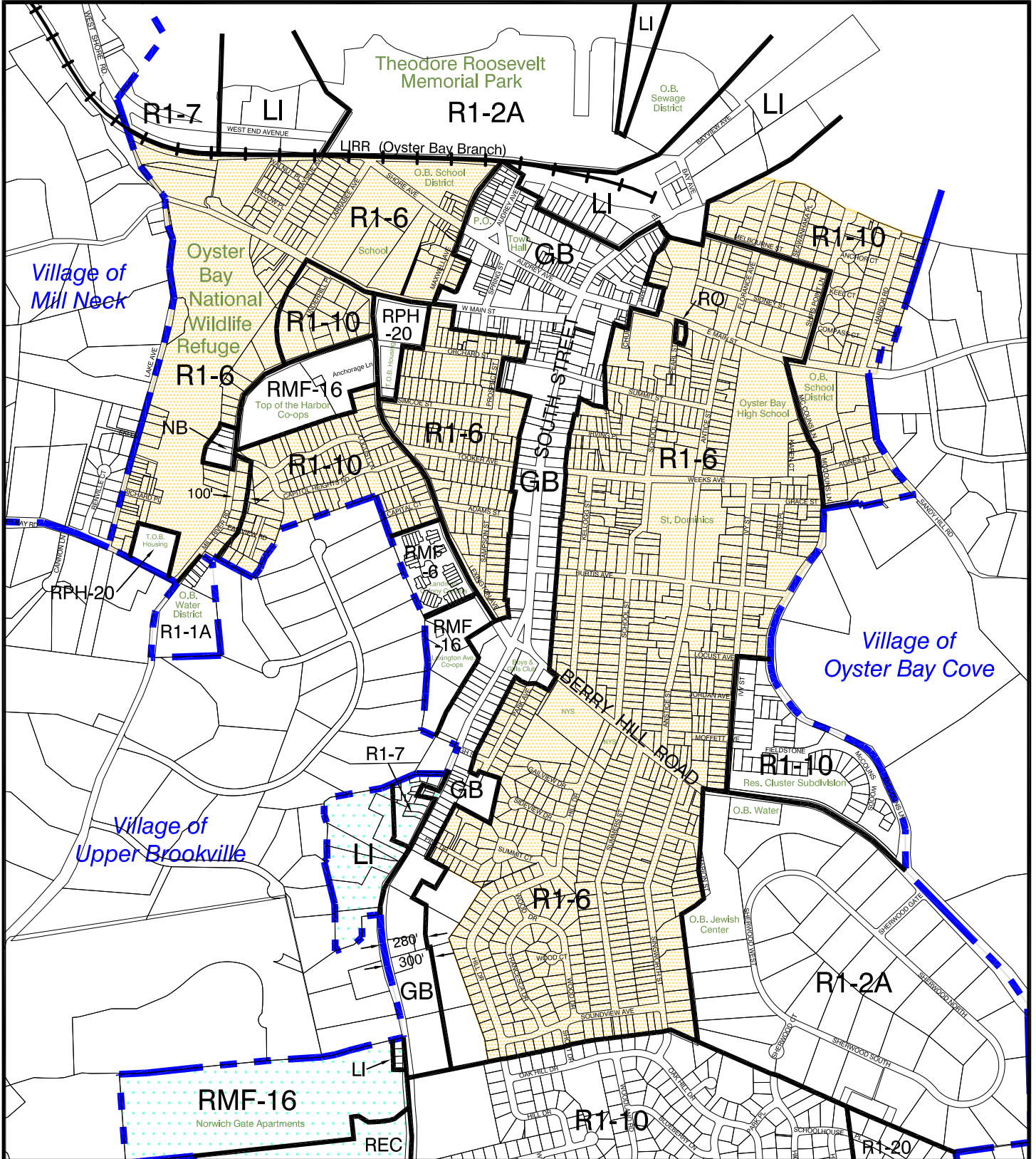
SECTION 6. Interim Suspension of Other Laws.

All ordinances, local laws or provisions of the Code of the Town of Oyster Bay and any and all parts thereof which may be in conflict with the provisions of this Local Law are hereby suspended to the extent necessary to give this Local Law full force and effect during its effective period. This Local Law is intended to invoke the super session provisions of Section 10 (1)(ii)(d)(3) of the Municipal Home Rule Law and to supersede, during the effective period of this Local Law, any inconsistent provisions of

the Town Law, including Article 16 thereof and Sections 276(5), 274-a(8), 267-a(4), (5), (6), (7), (8), (9) and 274-b(6), and 278 thereof.

SECTION 7. Effective Date.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State and shall remain in full force and effect for a period of six (6) months from its effective date.



 Moratorium Study Area

OYSTER BAY HAMLET
MORATORIUM STUDY AREA
Town of Oyster Bay, New York

FREDERICK P. CLARK ASSOCIATES, INC.
Planning/Development/Environment/Transportation

Scale in Feet
1000 500 0 1000



Figure
1
9/18/06

(Complete the certification in the paragraph that applies to the filing of this local law and strikeout 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. 7 of 2005 of the ~~XXXXXXXXXX XXXXXXXX~~ (Town) ~~XXXXXXXXXX~~ of Oyster Bay was duly passed by the Town Board on October 18, 2005, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2005, and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 2005,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2005, and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 2005. Such local law was submitted
(Elective Chief Executive Officer*)
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 _____ 2005, 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 2005 of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 2005, and was (approved) (not approved) (repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 2005. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 2005, 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).

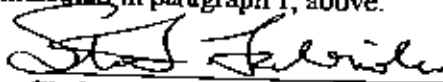
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2005 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2005, 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 2005 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2005, 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.



Clerk of the Town of Oyster Bay


(Seal)

Date: OCT 18, 2005

(Certification to be executed by XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX Town AttorneyXXXXXXXXXXXXXXXXXXXX or other authorized attorney of locality).

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 _____

XXXXXX

XXXX of Oyster Bay

Town

XXXXXXXX

Date: OCT 18 2005

j:\docs2\100\oyster bay\oys5-099.djp.doc:ev
10/7/05

Meeting of October 18, 2005

Resolution No. 749-2005

WHEREAS, the Town Board of the Town of Oyster Bay has reviewed a proposed amendment to the Code of the Town of Oyster Bay, Chapter 246, Zoning, by Local Law, entitled, "A LOCAL LAW TO IMPOSE A SIX (6) MONTH MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF NEW OR EXPANDED BUILDINGS, DEMOLITION PERMITS FOR BUILDINGS, SUBDIVISION APPROVALS, AND VARIANCES RELATED TO LOT AREA, LOT DIMENSIONS OR SETBACKS FOR NEW BUILDINGS WITHIN THE OYSTER BAY HAMLET MORATORIUM STUDY AREA"; and

WHEREAS, a duly advertised Public Hearing on said legislation was held by the Town Board of the Town of Oyster Bay on September 27, 2005, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 9028-05, adopted on September 15, 2005, recommended local determination of the subject legislation; and

WHEREAS, the Town Environmental Quality Review Commission, by memorandum dated August 11, 2005, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 30, "The adoption of a moratorium on land development or construction", and as such does not require completion of an Environmental Impact Statement or other environmental consideration,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay hereby finds that the proposed amendment to the Code of the Town of Oyster Bay will not have a significant effect on the environment, and that the Town Board does hereby find, based upon the memorandum dated August 11, 2005, submitted by the Town of Oyster Bay Environmental Quality Review Commission, that said proposed action falls under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 30, "The adoption of a moratorium on land development or construction", and as such does not require the completion of an Environmental Impact Statement or other environmental consideration; and be it further

RESOLVED, By the Town Board of the Town of Oyster Bay as follows: That said Local Law No. 7 -05, to amend the Code of the Town of Oyster Bay, Chapter 246, Zoning, by Local Law, entitled, "A LOCAL LAW TO IMPOSE A SIX (6) MONTH MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR THE CONSTRUCTION OF NEW OR EXPANDED BUILDINGS, DEMOLITION PERMITS FOR BUILDINGS, SUBDIVISION APPROVALS, AND VARIANCES RELATED TO LOT AREA, LOT DIMENSIONS OR SETBACKS FOR NEW BUILDINGS WITHIN THE OYSTER BAY HAMLET MORATORIUM STUDY AREA", is hereby adopted, as amended, to add certain exempt properties, and shall take effect immediately upon filing with the Secretary of State; and be it further

RESOLVED, That the Town Attorney is hereby authorized and directed to file this Local Law with the Secretary of State.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

| | |
|------------------------|-----|
| Supervisor Venditto | Aye |
| Councilman Delligatti | Aye |
| Councilman Muscarella | Aye |
| Councilman Macagnone | Aye |
| Councilman Coschignano | Aye |
| Councilwoman McCaffery | Aye |
| Councilwoman Walker | Aye |

cc: Supervisor
Town Attorney
Comptroller (2)
PLanning & Development
DER

Reviewed By
Office of Town Attorney
David J. Underwood

APPENDIX B

PHOTOGRAPHS
EXISTING ARCHITECTURAL CHARACTER

157 Anstice Street • Built 1911

Lot Size : 11,180 SF

GFA : 2,608 SF / 3,465 SF



159 Anstice Street • Built 1911

Lot Size : 16,287 SF

GFA : 2,345 SF / 4,180 SF



164 Anstice Street • Built 1923 – Remodeled 1981

Lot Size : 12,772 SF

GFA : 2,345 SF / 3,688 SF



175 Anstice Street • Built 1954

Lot Size : 10,300 SF

GFA : 2,336 SF / 3,342 SF



176 Anstice Street • Built 1918 – Remodeled 1963

Lot Size : 10,000 SF

GFA : 2,636 SF / 3,300 SF



218 Anstice Street • Built 1910

Lot Size : 7,500 SF

GFA : 1,816 SF / 2,800 SF



47 Anstice Street • Built 1878
Lot Size : 7,600 SF
GFA : 1,225 SF / 2,820 SF



81 Anstice Street • Built 1900
Lot Size : 8,321 SF
GFA : 1,476 SF / 2,964 SF



71 Anstice Street • Built 1900
Lot Size : 7,500 SF
GFA : 1,082 SF / 2,800 SF



219 Anstice Street • Built 1929
Lot Size : 7,150 SF
GFA : 2,076 SF / 2,730 SF



220 Anstice Street • Built 1930
Lot Size : 15,000 SF
GFA : 2,492 SF / 4,000 SF



230 Anstice Street • Built 1923
Lot Size : 7,500 SF
GFA : 1,728 SF / 2,800 SF



30 Bayside Street • Built 1878
Lot Size : 6,750 SF
GFA : **1,681 SF** / 2,625 SF



15 Bayside Street • Built 1890
Lot Size : 6,250 SF
GFA : **2,238 SF** / 2,475 SF



37 Bayside Street • Built 1888
Lot Size : 5,000 SF
GFA : **1,335 SF** / 2,000 SF



144 Berry Hill Road • Built 1920
Lot Size : 9,320 SF
GFA : **2,414 SF** / 3,164 SF



35 Capital Heights Road • Built 1928
Lot Size : 12,300 SF
GFA : **2,552 SF** / 3,622 SF



62 Capital Heights Road • Built 1928
Lot Size : 4,700 SF
GFA : **1,264 SF** / 1,880 SF



49 Burtis Avenue ▪ Built 1910

Lot Size : 15,525 SF
GFA : 3,394 SF / 4,074 SF



50 Burtis Avenue ▪ Built 1908

Lot Size : 11,250 SF
GFA : 2,752 SF / 3,475 SF



63 Burtis Avenue ▪ Built 1913

Lot Size : 9,000 SF
GFA : 2,408 SF / 3,100 SF



71 Burtis Avenue ▪ Built 1918

Lot Size : 9,450 SF
GFA : 2,944 SF / 3,190 SF



115 Burtis Avenue ▪ Built 1938

Lot Size : 9,000 SF
GFA : 2,092 SF / 3,100 SF



128 Burtis Avenue ▪ Built 1898

Lot Size : 12,600 SF
GFA : 3,508 SF / 3,664 SF



72 Burtis Avenue • Built 1918
Lot Size : 9,000 SF
GFA : **3,258 SF** / 3,100 SF



15 Grace Street • Built 1931
Lot Size : 8,625 SF
GFA : **2,200 SF** / 3,025 SF



24 Florence Avenue • Built 1952
Lot Size : 8,500 SF
GFA : **2,830 SF** / 3,000 SF



78 Harbor Road • Built 1924 – Remodeled 1981
(Landmark)
Lot Size : 16,500 SF
GFA : **2,900 SF** / 4,210 SF



18 Harbor Road (Red) • Built 1926
Lot Size : 10,575 SF
GFA : **1,936 SF** / 3,381 SF



12 Harbor Road (White) • Built 1951
Lot Size : 7,902 SF
GFA : **2,538 SF** / 2,880 SF



11 Ivy Street • Built 1900
Lot Size : 6,250 SF
GFA : 2,032 SF / 2,475 SF



15 Ivy Street • Built 1900
Lot Size : 6,250 SF
GFA : 1,445 SF / 2,475 SF



25 Ivy Street • Built 1900
Lot Size : 6,250 SF
GFA : 2,538 SF / 2,475 SF



193 Ivy Street • Built 1904
Lot Size : 12,192 SF
GFA : 4,319 SF / 3,607 SF



214 Ivy Street • Built 1937
Lot Size : 6,250 SF
GFA : 1,276 SF / 2,475 SF



12 Prospect Street • Built 1838 (Historic Landmark)
Lot Size : 5,512 SF
GFA : 1,284 SF / 2,205 SF



132 Ivy Street • Built 1930
Lot Size : 7,800 SF
GFA : 2,401 SF / 2,860 SF



118 Ivy Street • Built 1939
Lot Size : 6,000 SF
GFA : 1,729 SF / 2,400 SF



159 Ivy Street • Built 1900
Lot Size : 7,500 SF
GFA : 1,917 SF / 2,800 SF



134 Ivy Street • Built 1900
Lot Size : 16,500 SF
GFA : 3,362 SF / 4,210SF



175 Ivy Street • Built 1910
Lot Size : 14,080 SF
GFA : 2,095 SF / 3,871SF



156 Sidney Street • Built 1900
Lot Size : 15,000 SF
GFA : 3,046 SF / 4,000 SF



139 Kellogg Street • Built 1898

Lot Size : 11,700 SF
GFA : 2,608 SF / 3,538 SF



13 Jordan Avenue • Built 1926

Lot Size : 6,250 SF
GFA : 1,703 SF / 2,475 SF



103 Kellogg Street • Built 1913

Lot Size : 8,550 SF
GFA : 2,636 SF / 3,010 SF



104 Kellogg Street • Built 1908

Lot Size : 8,100 SF
GFA : 2,336 SF / 2,920 SF



76 Melbourne Street • Built 1923

Lot Size : 15,000 SF
GFA : 3,408 SF / 4,000 SF



66 Melbourne Street • Built 1903

Lot Size : 14,250 SF
GFA : 3,285 SF / 3,895 SF



23 Larabee Street ▪ Built 1898
Lot Size : 14,985 SF
GFA : 2,158 SF / 3,998 SF



27 Larabee Street ▪ Built 1901
Lot Size : 5,670 SF
GFA : 1,400 SF / 2,268 SF



31 Larabee Street (Center) ▪ Built 1901
Lot Size : 5,535 SF
GFA : 1,504 SF / 2,214 SF



45 Larabee Street ▪ Built 1898
Lot Size : 6,480 SF
GFA : 1,560 SF / 2,544 SF



96 Lexington Avenue (Left) ▪ Built 1910
Lot Size : 7,872 SF
GFA : 2,032 SF / 2,874 SF



92 Lexington Avenue (Right) ▪ Built 1910
Lot Size : 10,988 SF
GFA : 3,030 SF / 3,438 SF



32 Orchard Street • Built 1878

Lot Size : 8,760 SF
GFA : 2,020 SF / 3,052 SF



34 and 36 Orchard Street • Built 1868

Lot Size : 7,367 SF
GFA : 1,519 SF / 2,773 SF



43 Orchard Street • Built 1863

Lot Size : 5,936 SF
GFA : 1,891 SF / 2,374 SF



51 Orchard Street • Built 1868

Lot Size : 10,962 SF
GFA : 2,106 SF / 3,435 SF



57 Orchard Street • Built 1738

Lot Size : 12,000 SF
GFA : 2,285 SF / 3,580 SF



36 School Street • Built 1888 – Remodeled 1990

Lot Size : 7,878 SF
GFA : 1,445 SF / 2,876 SF



22 School Street • Built 1903
Lot Size : 5,600 SF
GFA : **1,888 SF** / 2,240 SF



29 School Street • Built 1888
Lot Size : 7,830 SF
GFA : **2,072 SF** / 2,866 SF



27 Summers Street • Built 1923
Lot Size : 7,500 SF
GFA : **1,348 SF** / 2,800 SF



116 Summers Street • Built 1947
Lot Size : 7,500 SF
GFA : **1,365 SF** / 2,800 SF



84 Singworth Street • Built 1958
Lot Size : 9,750 SF
GFA : **1,837 SF** / 3,250 SF



100 Singworth Street • Built 1956 – Remodeled 1965
Lot Size : 7,500 SF
GFA : **1,526 SF** / 2,800 SF



85 Summit Street • Built 1850

Lot Size : 8,211 SF

GFA : 1,729 SF / 2,942 SF



88 Summit Street • Built 1878

Lot Size : 5,400 SF

GFA : 2,392 SF / 2,160 SF



89 Summit Street • Built 1813 - Remodeled 1965

Lot Size : 6,030 SF

GFA : 1,936 SF / 2,409 SF



102 Summit Street • Built 1900

Lot Size : 7,500 SF

GFA : 2,202 SF / 2,800 SF



106 Summit Street • Built 1900

Lot Size : 7,500 SF

GFA : 1,469 SF / 2,800 SF



18 Willow Street • Built 1888

Lot Size : 5,000 SF

GFA : 1,246 SF / 2,000 SF



APPENDIX C

PHOTOGRAPHS
NEW AND/OR LARGE HOMES

Singworth Street • Built 2001

(Section: 27 Block: 007 Lot: 3)

Lot Size : 3,952 SF

GFA: 2,216 SF / 1,581 SF



17 Singworth Street • Built 1996

Lot Size : 6,427 SF

GFA: 2,414 SF / 2,528 SF



91 Singworth Street • Under Construction

(Demolition/Subdivision)

Lot Size : 13,591 SF

GFA : 3,149 SF / 3,803 SF



21 Locust Street • Under Construction

Lot Size : 9,551 SF

GFA : 3,047 SF / 3,210 SF



136 Berry Hill Road • Built 2001

Lot Size : 4,406 SF

GFA : 2,216 SF / 1,762 SF



161 Berry Hill Road • Built 2006

Lot Size : 6,044 SF

GFA : 2,652 SF / 2,413 SF



Burtis Avenue & Kellogg Street ▪ Fall 2004

Prior to demolition, subdivision, and
new construction of three homes.

Photo by *Oyster Bay Historical Society*.



Burtis Avenue & Kellogg Street ▪ May 2006
40 and 30 Burtis Avenue



Burtis Avenue & Kellogg Street ▪ May 2006
85 and 89 Kellogg Street



85 Kellogg Street ▪ Under Construction

Lot Size : 9,040 SF

GFA : **3,262 SF** / 3,108 SF



89 Kellogg Street ▪ Built 1903

Lot Size : 9,204 SF

GFA : **1,286 SF** / 3,141 SF



89 Kellogg Street ▪ Under Construction

(Demolition)

Lot Size : 10,404 SF

GFA : **4,829 SF** / 3,357 SF



40 Burtis Avenue ▪ Under Construction

Lot Size : 6,462 SF
GFA : **3,262 SF** / 2,539 SF



30 Burtis Avenue ▪ Under Construction

Lot Size : 7,455 SF
GFA : **2,965 SF** / 2,791 SF



124 Burtis Avenue ▪ Built 1997

Lot Size : 9,298 SF
GFA : **4,075 SF** / 3,160 SF



12 Marion Street ▪ Built 1995

Lot Size : 5,202 SF
GFA : **2,202 SF** / 2,081 SF



99 Orchard Street (Left) ▪ Built 2005

(Demolition and Subdivision)
Lot Size : 8,140 SF
GFA : **2,265 SF** / 2,928 SF



101 Orchard Street (Right) ▪ Built 2005

(Demolition and Subdivision)
Lot Size : 8,143 SF
GFA : **2,265 SF** / 2,929 SF



156 Summers Street (Left) ▪ Built 2004
(Demolition/Subdivision)
Lot Size : 7,575 SF
GFA : **3,728 SF** / 2,815 SF



154 Summers Street (Right) ▪ Built 2004
(Demolition/Subdivision)
Lot Size : 7,564 SF
GFA : **3,288 SF** / 2,813 SF



124 Summers Street ▪ Under Construction
(Demolition/Subdivision)
Lot Size : 7,867 SF
GFA : **3.230 SF** / 2.873 SF



146 Summers Street ▪ Built 2002
Lot Size : 7,319 SF
GFA : **3,246 SF** / 2,764 SF



77 Simcoe Street ▪ Built 2004
Lot Size : 7,092 SF
GFA : **3,227 SF** / 2,718 SF



McCouns Lane ▪ Under Construction
Lot Size : 4,356 SF
GFA : **2,650 SF** / 1,742 SF



12 Moffett Avenue • Built 1949

Lot Size : 4,806 SF
GFA : **2,148 SF** / 1,922 SF



90 and 90B Moffett Avenue • Built 1917

Lot Size : 5,986 SF
GFA : **2,499 SF** / 2,394 SF



100 Mill River Road • Built 2003

Lot Size : 14,258 SF
GFA : **4,180 SF** / 3,896 SF



**106 Mill River Road • Built 1863
Remodeled 1995**

Lot Size : 14,801 SF
GFA : **2,147 SF** / 3,972 SF



108 Mill River Road (Center) • Built 2003

Lot Size : 7,889 SF
GFA : **2,800 SF** / 2,878 SF



110 Mill River Road • Built 2003

Lot Size : 7,073 SF
GFA : **2,722 SF** / 2,715 SF



159 School Street - Under Construction
(Demolition)

Lot Size : 9,193 SF
GFA : 2,960 SF / 3,139 SF



159 School Street - Under Construction
(Demolition)

Lot Size : 9,193 SF
GFA : 2,960 SF / 3,139 SF



11 School Street - Built 1910

Lot Size : 3,572 SF
GFA : 2,252 SF / 1,429 SF



52 Shore Avenue (Left) - Built n/a

Lot Size : 3,137 SF
GFA : 1,406 SF / 1,255 SF



45 Shore Avenue (Center) - Built 1995

Lot Size : 4,145 SF
GFA : 1,406 SF / 1,658 SF



47 Shore Avenue (Right) - Built 1995

Lot Size : 1,997 SF
GFA : 2,000 SF / 799 SF



71 Summit Street ▪ Built 1923

Lot Size : 5,055 SF
GFA : **2,428 SF** / 2,022 SF



73 Ivy Street ▪ Built 1993

Lot Size : 6,428 SF
GFA : **2,484 SF** / 2,528 SF



78 Hill Drive ▪ Built 1958 - Remodeled 1997

Lot Size : 7,000 SF
GFA : **2,878 SF** / 2,700 SF



23 Florence Avenue ▪ Built 1910

Remodeled 1997
Lot Size : 8,334 SF
GFA : **3,228 SF** / 2,967 SF

